



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 8 FEBRUARY 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 11 January 2016 (previously circulated).

3 Items of Urgent Business authorised by the Chairman

4 Declarations of Interest

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

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

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

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

Planning Applications for Decision

Community Safety Implications

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

Category A Applications

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

5	A5 15/01454/VCN	Tregothnan Retirement Home , 112 Balmoral Road, Morecambe	Harbour Ward	(Pages 1 - 11)
		Change of use from hotel into home for the elderly (pursuant to variation of condition 2 and 3 on planning permission 01/86/1048 to allow the premises to be used as a rehabilitation facility for substance misuse and to allow a maximum of 21 persons being accommodated on site) for Mr Matthew Wheeldon		
6	A6 15/01156/FUL	Land Opposite 26 To 48, Lancaster Road, Overton	Overton Ward	(Pages 12 - 18)
		Erection of 32 dwelling houses and associated access for Messrs Hancock & Grantham		
7	A7 15/00972/FUL	Land Adjacent To 2 Rosegarth, Slyne, Lancaster	Bolton and Slyne	(Pages 19 - 24)
		Erection of two dwellings with associated access and landscaping for Mr Russell Sanderson		
8	A8 15/01444/RCN	Site Of Former Pontins Holiday Camp, Carr Lane, Middleton	Overton Ward	(Pages 25 - 31)
		Outline application for the erection of a retirement village comprising dwellinghouses and other residential accommodation, retail, leisure, recreation and ancillary administration, and creation of a new access and circulation road (pursuant to the removal of parts xix and xxi of condition 21 on outline planning permission 00/00156/OUT relating to the use of the site as a retirement village and car free design) for The Glory Hole Ltd		

9	A9 15/01568/VLA	Site Of Former Pontins Holiday Camp, Carr Lane, Middleton	Overton Ward	(Pages 32 - 37)
<p>Variation of legal agreement on planning permission 00/00156/OUT to remove the age restriction on occupants and the requirements for car-free design, a bus service and use of on-site facilities by on-site residents only, and to vary the requirements for affordable housing provision and its phasing, and the requirements for a Travel Plan for The Glory Hole Ltd</p>				
10	A10 15/01438/VCN	Tesco, Lancaster Road, Carnforth	Carnforth and Millhead Ward	(Pages 38 - 41)
<p>Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access (pursuant to the variation of condition 20 on planning permission 14/01079/VCN in relation to hours of deliveries) for Tesco Stores Ltd</p>				
11	A11 15/01439/VCN	Tesco, Lancaster Road, Carnforth	Carnforth and Millhead Ward	(Pages 42 - 45)
<p>Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access (pursuant to the variation of condition 19 on planning permission 14/01079/VCN in relation to hours of trading) for Tesco Stores Ltd</p>				

12	A12 15/01398/CU	Sidegarth, Sidegarth Lane, Halton	Halton-with-Aughton Ward	(Pages 46 - 51)
		Change of use of existing barn to two holiday units, demolition of side extensions and erection of a 2 storey side extension for Mr & Mrs M Swindlehurst		
13	A13 15/01399/FUL	Sidegarth, Sidegarth Lane, Halton	Halton-with-Aughton Ward	(Pages 52 - 56)
		Demolition of various extensions and erection of a single storey rear extension and two storey side extension for Mr & Mrs M Swindlehurst		

Category D Applications

Applications for development by the City Council

14	A14 15/01557/LB	17 - 19 Euston Road, Morecambe, Lancashire	Poulton Ward	(Pages 57 - 59)
		Listed building application for the installation of an external street light for Mr Julian Inman		

15 Quarterly Reporting - October to December 2015 (Pages 60 - 65)

16 Delegated Planning Decisions (Pages 66 - 75)

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.

(iv) Changes to Membership, substitutions or apologies

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

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

Published on Wednesday 27th January 2016.

Agenda Item A5	Committee Date 8 February 2016	Application Number 15/01454/VCN
Application Site Tregothnan Retirement Home 112 Balmoral Road Morecambe Lancashire		Proposal Change of use from hotel into home for the elderly (pursuant to variation of condition 2 and 3 on planning permission 01/86/1048 to allow the premises to be used as a rehabilitation facility for substance misuse and to allow a maximum of 21 persons being accommodated on site)
Name of Applicant Mr Matthew Wheeldon		Name of Agent Mr Simon Wallis
Decision Target Date 25 January 2016		Reason For Delay Request for committee determination and awaiting receipt of additional information
Case Officer		Mr Andrew Holden
Departure		No
Summary of Recommendation		Refusal

(i) Procedural Matter

This form of application would normally be deal with under the Scheme of Delegation, however given the concerns expressed by local residents to a Ward Councillor particularly with regard to consultation by the applicant with local residents, and a need to understand the management of the use, Councillor Whittaker has requested a Committee determination.

1.0 The Site and its Surroundings

- 1.1 The application site is located at the junction of Balmoral Road with Devonshire Road with its principal frontage facing Balmoral Road. The property is a double-fronted building of stone construction to the main elevations. The building has been changed significantly over the years with the additional of a third floor and flat roof. A two-storey extension runs along the Devonshire Road frontage, and lift shaft extension and third floor flat roof addition to the rear. A small open courtyard is enclosed by the building. The Devonshire Road frontage includes ground floor garaging and a shallow private forecourt.
- 1.2 Balmoral Road is characterised by large substantial stone built residential properties built over 2/3 storeys, most of which are in single household occupation. Devonshire Street is also predominantly occupied as single households in more modest two-storey properties facing the application site. The road width on Balmoral Road is generous, allowing for on-street parking and two-way flow. Many of the properties in the immediate area rely wholly on on-street parking to service the dwellings.
- 1.3 The Galloway Society for the Blind currently occupies and operates from a substantial plot comprises a large imposing two storey building with later single storey flat roof additions to the rear. The building lies directly opposite the application site fronting Balmoral Road. The property is used as a drop-in centre providing assistance and advice to people with visual problems. The property is currently advertised for sale.

- 1.4 Adjoining the property on Balmoral Road is a single private dwelling built over two floors with stone elevations and slate roof. The side wall of the property abuts the application site for its full depth. The property has no rear space with the private amenity area running down the side of the property for its full depth. A single private dwelling also abuts the Devonshire Street frontage of the application site. The property is a two storey house which abuts the two storey flat roof section of the application. The dwelling has a deep footprint running alongside the built form of the application site. This property enjoys a private rear garden and off street parking.

2.0 The Proposal

- 2.1 This is a Variation of Condition application. As such, in accordance with national advice, the range of literature and plans required to support the application is considerably reduced. However the applicant has submitted further information at the request of Officers, to allow for a full consideration of the proposal. The application is seeking to remove the restrictive occupancy/scale conditions (Conditions 2 and 3) which were attached to planning consent 01/86/1048. For clarity, the conditions imposed read as follows:

Condition 2. The development hereby permitted shall be used for a home for the elderly and for no other purpose, including any use falling within Class XIV of the Town and Country planning (Use Classes) Order 1972.

Reason: To ensure that inappropriate uses do not take place in the locality.

Condition 3. This permission relates only to a maximum of 15 residents being accommodated at the premises.

Reason: To satisfy the requirements of the Social Services Department of the Lancashire County Council.

It is the applicant's intention that the removal of these two conditions would enable the property to be used as a rehabilitation facility for substance misuse for up to a maximum of 21 residents.

- 2.2 The operators Oasis Recovery Communities are a private company specialising in providing support services for people with substance abuse issues. The company operates nationally with the applicant operating in the Midlands, North, Wales and Scotland. The company operates both a detox unit and a follow-up rehabilitation unit.
- 2.3 The centre is staffed 24 hours a day every day of the year including waking overnight staff. Residents stay at the property for a six-month period where they attend structured therapy sessions through each day. Clients can be aged between 18 and 65 and are both male and female. The building is currently registered for 15 beds (5 twin and 5 single).
- 2.4 All occupants stay on-site unless they are accompanied by a member of staff. Evenings at the centre are based inside the building attending mutual aid group sessions. Accompanied residents can attend local mutual aid groups outside the centre, and these are always in the company of a member of staff. The programme of rehabilitation is split into two stages typically of 12 weeks per stage.
- 2.5 The applicant has indicated that residents are referred from public health regions across Lancashire and the north of England. Following completion of the six-month residency, the applicant advises that occupants usually return home (the applicant indicates that approximately 90% of residents return home) but others choose to access voluntary work and college courses in Lancaster. Those that want to relocate were placed in Inward House, a supported housing development in Lancaster (now understood to only be available to local or Lancashire County residents) or in other supported schemes in Accrington, Liverpool and Warrington. None of the residents are discharged without a robust aftercare package of support. For residents who do not return home or relocate to supported housing, they are escorted to the train station and observed leaving the area.

3.0 Site History

- 3.1 The site has limited planning history all relating to the use of the property as a Retirement Home. The conditions referred to in paragraph 2.1 above were included on the February 1987 planning permission for the change of use of a hotel to a home for the elderly.

3.2 The current operation has already occupied the property since late last year. The operation as a rehabilitation facility for substance misuse is in direct breach of these restrictive planning conditions. The operators, Oasis Recovery Communities are now seeking retrospective consent to vary the conditions to allow occupancy as a rehabilitation facility for substance misuse accommodating a maximum of 21 residents.

4.0 Consultation Responses

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

Consultee	Response										
County Highways	No comments to make. Following provision of further information over the operation of the facility no objections raised to the development.										
Environmental Health	No adverse comments in respect of the proposed development. It is considered that there is unlikely to be any significant noise or anti-social behaviour issues associated with this use.										
Strategic Housing	<p>Objection to the development. The City Council works in partnership with Lancashire County Council, to deliver the Supporting People Programme across Lancashire. These have all been services provided to meet a local need in Lancaster district. The partnership’s intention has always been that the services funded through the Supporting People programme should be prioritised for people with a local need, to assist district councils in meeting their own statutory duties. It is also important for each local authority to ensure that there is sufficient move-on accommodation facilitated when people are ready to move on from supported housing.</p> <p>It is a concern of Lancaster City Council’s Housing Options Service that a number of people leaving Tier 4 Rehab Services (of which this proposal falls into) and other substance misuse projects provided locally, have been presenting to the Council for assistance with rehousing. To this end, these concerns have been raised directly with the Commissioning Manager for Tier 4 Rehab Services employed by Lancashire County Council, as well as the Head of Supporting People (<i>in the context of the allocation policy that exists for the supported housing scheme at Aldcliffe Road – a supported housing project for people with a history or at risk of substance misuse</i>). More specifically, Lancaster City Council has not been able to successfully refer local residents into the project at Aldcliffe Road because all vacant places were previously being allocated to those leaving residential rehab facilities who had no local connection to the Lancaster District.</p> <p>Council Officers have engaged with the operators of another facility in Lancaster District to try and understand what housing pathways plans are in place when people successfully leave residential rehabilitation, especially if they are not from the Lancaster District. It appears that it was quite common for people to have a desire not to return to the district they were from, and in many instances were supported and encouraged to stay in this area. This is contrary to the County’s commissioning vision around rehabilitation which is centred around celebrating recovery from drug and alcohol addiction by returning to their own communities. It should be noted that the facility at Balmoral Road is not on the LCC rehabilitation framework and so is not held by the requirements of LCC commissioners.</p> <p>The following data from Lancashire County Council sets out the level of bed-spaces in Tier 4 (T4) Residential Rehabilitation establishments across Lancashire:-</p> <table data-bbox="389 1872 1267 2040"> <tr> <td>Fylde</td> <td>36</td> </tr> <tr> <td>Ribble Valley</td> <td>22</td> </tr> <tr> <td>Preston</td> <td>16</td> </tr> <tr> <td>Chorley</td> <td>28</td> </tr> <tr> <td>Lancaster District (including 112 Balmoral Road)</td> <td>67 (46 without)</td> </tr> </table> <p>Lancaster District includes Littledale Hall and Walter Lyon House.</p>	Fylde	36	Ribble Valley	22	Preston	16	Chorley	28	Lancaster District (including 112 Balmoral Road)	67 (46 without)
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	<p>Statistical information from the Council's Housing Options Team on the number of people that have approached the Council after leaving one of the substance misuse services operating in Lancaster District revealed that there have been 84 applications for rehousing in total since 2011; of these 82 individuals did not have a local connection to Lancaster District, which in line with the existing allocation policy, deems them ineligible. Furthermore the Council has received a total of 75 statutory homeless applications and has had to respond to issues of people rough-sleeping after leaving T4 Residential Rehab both after fully completing the programme, or in an unplanned way. Not only does this significantly impact upon officer time/resources, it can have an extremely detrimental effect on the individual concerned.</p> <p>In terms of the location of 112 Balmoral Road, Morecambe, the premises sits just outside the defined Masterplan area for the West End of Morecambe. One of the primary aims of the Masterplan has been to reduce the number of vulnerable and marginalised single people in that area. The chosen location of the premises conflicts with the wider principles of the masterplan, and given the pattern that has previously emerging, those leaving the facility could well move into over-supplied poor quality poorly-managed private rented accommodation in that area, and will again potentially require further interventions from a range of services once they are no longer the responsibility of the operator at 112 Balmoral Road. This would be an extremely poor outcome for all parties.</p> <p>Whilst noting that Lancashire Constabulary have not objected to this proposal, and considering the relatively short period of time the service has been operating to date, it is difficult to gauge what the impact could and will be. However, concerns relate to the wider implications for the City Council and other organisations once people leave the facility. As recently as last week, a presentation was made by an individual from Grimsby who left 112 Balmoral Road after 1 night and was rough sleeping. The male turned up as an emergency homeless appointment and was seen by a Statutory Homeless Officer and 2 Homeless Prevention staff who subsequently made a number of enquiries regarding his status. The Drug and Alcohol Services Commissioner for Grimsby was, at the time contacted by Lancaster City Council, unaware that he had left 112 Balmoral Road, the male had to be escorted to the train station by 2 x staff and the council paid for a train ticket in order to reconnect him back to Grimsby. The provider took no responsibility for the male once he had left the service for the 10 day period until the Council managed to reconnect him.</p> <p>The Aldcliffe Road supported housing project was re-tendered in 2015, and at that time, the service specification which the new provider must comply with sets out that priority for vacancies will be given to those with a connection to Lancaster District, then to individuals with a Lancashire connection before any other individual would be considered. As a result of this, the existing referral agencies such as Tier 4 Rehab Services will not enjoy the same success rate in the future and they should not be relying on future availability of this service as part of pathway plans for those leaving this facility.</p> <p>Overall, had the provider consulted the Strategic Housing Officer or the Commissioning Manager directly about this proposal at an earlier stage, then the above concerns would have been raised then. In particular, the level of provision that now exists in Lancaster district, and the lack of provision in other parts of the county, which may well have been a more appropriate location for this type of service to avoid a disproportionate number operating in this area which has longer term implications for the local authority in terms of its officer, housing and financial resources.</p>
<p>Lancashire Police</p>	<p>No objections. The site has 3 reported incidents logged against it over the last few months none of which directly relate to any detrimental running of the rehabilitation facility. The three incidents are (i) a suspected theft from the garage attached to the property when it was unoccupied; (ii) information provided to the police by the current occupiers of an open afternoon with local residents regarding the new rehabilitation centre on 29/10/15; and (iii) concern for the safety of a vulnerable resident that left the home. This was resolved as the resident returned safe and well.</p>
<p>Community Safety</p>	<p>The planning application was sent to the members of the Lancaster District</p>

<p>Partnership (comprising reps from) City and County Councils; Lancashire Constabulary Lancashire Fire & Rescue Lancashire County Council Lancashire Youth Offending Team Office of the Police & Crime Commissioner Cumbria and Lancashire CRC (Probation) North Lancashire NHS CCG</p>	<p>Community Safety Partnership (CSP) for comment. They have responded indicating that they have no comment to make.</p>
<p>Morecambe Town Council</p>	<p>No comments received within the consultation period</p>

5.0 Neighbour Representations

5.1 An objection has been raised to the operation of the facility by Councillor Whittaker as a local Ward Councillor on behalf of a number of local residents. The main grounds for concerns were: -

- Breach of planning regulations (operating without consent) – *NB: this is not a valid reason for refusing permission;*
- The operations are considered to directly conflict with the City Council’s objectives for Regenerating the West End;
- This Drug Rehab Facility is not needed in the format that is being applied for. The applicant is seeking to provide a service with 21 rooms and this is out of proportion to any local need;
- Concerns as to whether this will provide a service for local people living with challenges in regard to drug addiction; he believes that this is not the case;
- The change of use will exasperate the parking problem that residents experience at the weekend;
- The use is operating in an area where there are ongoing issues with people living with challenges in regard to addiction as well as other various other social problems;
- Local Services are already stretched, the introduction of a further service of this form is not appropriate;
- Concern over where will these people move onto once their programme of recovery has been completed - Will they return to their previous address or remain in The West End where there is the possibility of them moving back into addiction and further exacerbating existing problems in the local area;

In addition three letters have been received from local residents, raising objection to the development. The main grounds for objections include:-

- Inappropriate location within the West End, an area where much focus has been made and monies spent on addressing current drug, alcohol and housing problems;
- Inappropriate location immediately alongside residential properties and close to schools;
- The operation of this facility results in the importation of drug and alcohol dependent people into the area;
- The property has windows which directly overlook the neighbouring dwelling and alongside is a smoking area used by staff and patients with attended noise disturbance;
- The operation has resulted in late night/early morning noise/disturbance from the property to the detriment of the neighbouring occupiers;
- Highway concerns - the facility operates a large minibus for transporting patients; poor parking by the minibus and staff cars has resulted in restriction of Devonshire Road and blocking visibility of the road junction; and,
- Devaluation of local housing (*NB: not a valid planning consideration*) and undermining of improvement policies for the area.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraph 7 – setting out the three strands and sustainable development – economic, social and environmental roles.

Paragraph 14 decision taking in accordance with the development plan.

Paragraph 17 – Core Principles

Paragraph 50 – Delivering a wide choice of high quality homes reflecting local demand

Paragraph 69 and 70 Promoting healthy communities which addresses the community needs

6.2 Lancaster Core Strategy

Councils Vision - Spatial development

SC1 - Sustainable Development

SC2 – Urban Concentration

SC4 – Meeting Housing Needs

ER2 – Regeneration Priority Areas

SC6 – Crime and Community Safety

CS1 – Improving Customer Services

6.3 Development Management DPD

DM45 Accommodation for Vulnerable Communities

DM49 Local Services

6.4 Other Material Considerations

West End Master Plan Regeneration Area

7.0 Comment and Analysis

The main issues in respect of the development are considered to be:-

- Principle of development;
- Operational Management of the Premises;
- Impact on residential amenity (including fear and perception of fear of crime) and Locational Considerations;
- Accommodation for vulnerable groups – including any procedures for follow-on facilities; and
- Impacts on local services.

7.1 Principle of Development

7.1.1. In seeking to achieve sustainable development the NPPF includes three dimensions to achieve sustainable communities, economic, social and environment. The social roles seeks to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations with accessible local services that reflect the community's needs, supporting its health, social and cultural well-being. In developing a sustainable and healthy community, the housing needs of the community should to be addressed. Housing needs include those of vulnerable members of the community and can include older people, young people leaving care, people suffering domestic abuse people with a history of offending, and people with a history of substance abuse. Paragraph 50 of the NPPF sets out the need to deliver an inclusive mixed community planning for the needs of different groups in the community.

7.1.2 Lancaster Core Strategy Policy SC4 whilst pre-dating the NPPF has those core principles set within it, seeking to ensure that housing will deliver a strong, stable and sustainable community with homes for everyone. In recognising the needs of those communities with special needs the policy states that Lancaster District will address the needs of groups with legitimate special requirement where these are “...clearly evidenced and locally generated”.

7.1.3 Development Management DPD Policy DM45 reflects guidance in the NPPF, recognising the need to provide a range of housing including accommodation for vulnerable communities. Again, the development should be a genuine housing need to meet the needs of the community.

7.1.4 Proposals for the provision of additional specialist housing will need to have regard to the policy

position laid out in the NPPF and the Development Plan. But the use, in planning terms, is an acceptable one in principle providing that the criteria contained within the Development Plan is adhered to.

7.2 Operational Management

7.2.1 The operation of the unit has been outlined in Paragraphs 2.2 to 2.5. The service is intensely managed 24 hours a day with clients being provided with full board and accommodation as well as working sessions with qualified professionals on a day to day including evenings. Residents are only allowed to leave the property if accompanied by a member of staff.

7.2.2 The day to day parking operations at the site have clearly raised some issue with local residents. The operation includes access and use of a large minibus to move clients and will also have a parking demand for staff. In practice, the operation of the site and its servicing differs little from the operation of the property as a retirement home which has a relatively high staff demand, 24 hour care and often private transport for residents. These similarities are acknowledged in the Use Class Order 1987 (as amended), with both uses falling in Class C2 (Residential Institutions). Only the restrictive condition attached to the 1986 consent demands a need for a planning application to remove the conditions. It is considered that there are no justifiable highway-related reasons to oppose the development, and County Highways concur.

7.2.3 The use has not raised issue with Lancashire Constabulary or the Lancaster District Community Safety Partnership (CSP), although concerns have been raised by local residents and they focus primarily on the principle of development and its location. However given the responses from the statutory organisations, and the information provided by the applicant, the premises appear to be being managed on a day-to-day basis appropriately.

7.3 Impact on Residential Amenity (including crime and the perception of fear of crime) and Locational Considerations

7.3.1 As set out above, the day to day operation of the facility is not considered to raise a sustainable objection. The property sits immediately alongside two independently-occupied single family houses. Concerns have been raised over the close relationship of the properties to existing housing and a local junior school. Whilst not explicit in the wording of the concerns, there is clearly a fear of crime and anti-social behaviour linked to such a development within the immediate locality. Whilst fear of crime is recognised as a material planning consideration, it is well established in planning case-law that the fear must have foundation in order to be considered as a reason for refusal. The absence of any reports of anti-social behaviour (to the police) or increases in instances of crime since the use was established (albeit without planning permission) indicate that such fears are presently unfounded.

7.3.2 Similar public observations occurred some years ago at Bellfield House on Euston Road (albeit for a different use). A planning application sought to change the use of the property for the administration of a drop-in centre/needle exchange. The application was recommended for approval by Officers but following numerous objections and strong representation by the public, the recommendation was overturned at Committee by Members. The applicant appealed against the refusal, and in allowing the appeal (and awarding costs against the Council for an unreasonable decision), the Planning Inspector reached the following conclusions on crime and amenity:

“...Lancashire Constabulary’s Architectural Liaison Officer raises no objection to the proposal on the basis that that a review of crime statistics unearthed no reported incidences of crime or anti-social behaviour at existing drug treatment centres in Morecambe, contrary to the suggestion of some third parties. In the absence of any substantive conflicting evidence, these factors lead me to conclude that there is no reason why the proposal would directly result in increased levels of crime and anti-social behaviour within the local area, to the detriment of local residents”.

7.3.3 Given the absence of any substantive evidence in the current case from the consultees responsible for community safety, it is considered that there are no planning grounds for an objection based upon residential or public amenity, including crime.

7.3.4 The site fronts the southern side of Balmoral Road and lying on the periphery of the West End

Masterplan (WEM) Area (2005) which follows Balmoral Road on its northern side. The WEM recognises the specific issues affecting the area including, high unemployment rates, poor housing, poor public realm, unstable populations, social deprivation including vulnerable adults, drug and alcohol abuse. The WEM has adopted a number of approaches and strategic objectives to seek improvement of the area: -

- Increase the attractiveness of the West End as an area to live for existing residents and to attract new people to move into the area as long-term residents, having a knock on impact to improve the overall image of the resort;
- Increase the proportion of owner-occupiers and reduce the private rented sector as a means of improving stability;
- Diversify the types of housing available;
- Increase the amount of useable quality of open space;
- Improve the quality of the built environment; and,
- Assure the sustainability of local shops through consolidation and establishing a niche market identity.

7.3.5 Significant work has been taking place over the last 10 years to address many of these strategic objectives. Works include environmental and public realm improvements, significant re-modelling of existing housing, and creation of new areas of public open space. A mid-term report in 2009 recognised the works already undertaken in the area, noting its successes, and sought to develop mid and long-term aims. These works are still on-going, and evidence of this is close by in the form of the latest housing based regeneration project which involves the current remodelling of housing in the Balmoral Road/Chatsworth Road (West End One, by Place First).

7.3.6 The Strategy seeks a more stable balanced community in the West End. Development will reduce the impact of traffic, improve housing and be of a quality which will raise standards and help deliver a step change in environmental quality and a sense of place.

7.3.7 It is considered that the chosen location of the premises conflicts with the wider principles and the quantified improvements brought about by the sustained implementation of the strategic objectives of the WEM, and given the pattern that has previously emerged, those leaving such a facility, particularly as recently experienced not having completed the two stage rehabilitation could well move into over-supplied poor quality poorly managed private rented accommodation in that area.

7.3.8 This will again potentially require further interventions from a range of services once they are no longer the responsibility of the operator at 112 Balmoral Road, which will be an extremely poor outcome for all parties. The inward migration of individuals with known substance abuse issues would also undermine the significant improvements made to the nature and stability of the resident population and public perception of the West End. The use – and the inward migration of those with drug and substance dependency issues in such close proximity to the regeneration area - would undermine the strategic direction of the WEM and is considered to be contrary to the NPPF and Development Plan, particularly conflicting with the aims to build a stable sustainable local community.

7.4 Accommodation for vulnerable groups

7.4.1 The applicant is a private company running a substance misuse detoxification and rehabilitation service. The applicant have a single northern detoxification facility in Bradford which provides for 17 beds. They also operate two rehabilitation units with 62 beds in total, one in Runcorn and the other in Morecambe, the subject of this retrospective application. The Bradford and Runcorn facilities are located in quiet urban areas on the edge of other residential properties. The applicant has indicated that residents are not local with referrals from public health regions across Lancashire and north of England. It is understood from the Commissioning Manager for Tier 4 Rehab Services - employed by Lancashire County Council - that the Balmoral Road facility is not on the LCC rehabilitation framework and would not gain direct referrals from Lancashire County Council commissioners.

7.4.2 Lancaster district already has significant provision of rehabilitation facilities (Tier 4) with Littledale Hall (31 spaces) and Walter Lyon House, (15 spaces). These facilities already provide for 46 No. Tier 4 rehabilitation bed spaces, well in excess of other districts across Lancashire. With the addition of the current proposal bed spaces in the district would be 67 spaces.

7.4.3 As discussed, the provision of housing for vulnerable groups is an important component of housing need and provision in any district. National Planning Practice Guidance identifies need as: -

Need for housing in the context of the guidance refers to the scale and mix of housing and the range of tenures that is likely to be needed in the housing market area over the plan period – and should cater for the housing demand of the area and identify the scale of housing supply necessary to meet that demand.

7.4.4 Policy SC4 of the Lancaster Core Strategy seeks to ensure that Lancaster District meets the needs of communities with special needs with provision based on a clearly evidenced submission that meets a locally generated need. These constraints are again reflected in Development Management DPD Policy DM45 which seek to ensure that such development meets a genuine need and has support of the relevant Commissioning Manager.

7.4.5 The current planning application fails to provide any evidence of a locally-generated need, and as a consequence it fails to satisfy Development Plan policy. This is concerning, particularly as the District already provides a comparatively large number of Tier 4 bedspaces. Further supporting information from the applicant confirms that the business seeks to attract clients from a large geographical area well outside both the district and the County. In responding to a specific query over how clients are referred and where they are referred from, the applicant indicates that the residents are referred from public health regions across Lancashire and north of England. An examination of the company website confirms this approach and encourages potential clients from any location in the north. As the facility is not on the LCC rehabilitation framework it would not gain direct referrals from Lancashire County Council commissioners.

7.4.6 This approach to housing provision is considered to contradict the approach to the generation of sustainable communities, the framework to which is laid out in the NPPF and the detailed policy position set down within the district's Development Plan. The proposal does not evidence or seek to address locally generated need and provides a supply of housing which encourages inward migration of vulnerable groups into the district. Given the absence of clear evidence from the applicant to prove a genuine locally-generated need for the use, in the particular location in which it is provided, a policy objection can be sustained.

7.5 Impact upon Local Services

7.5.1 Based upon the model of accommodation and service that has been set out by the applicant, at least 10% of residents seek to relocate to the Lancaster District following completion of the two stage rehabilitation with a need to find follow-on housing and support. This figure of 10% is not evidenced by robust data in the planning application; and appears to contradict the comments of the Strategic Housing Officer, which are based upon dialogue with the Commissioning Manager (County Council).

7.5.2 In addition to residents who complete the programme and go on to reside in the area, there is additional pressure brought by residents who choose to leave the rehabilitation programme before its completion. The Strategic Housing Officer has cited a recent case (in January 2016) where a resident from well outside the district chose to leave the programme after only a single day, rough slept for a number of days and presented as an emergency homeless appointment. Whilst it is acknowledged that this is a single example, it does emphasise the impact upon local services that this single example caused. The resulting care and reconnection with his home town (on the east coast) resulted in the time of at least three local staff, the Drug and Alcohol Commissioner for the resident's home town and funding by this local authority for transportation of the person back to their town of origin. There are implications for already-stretched local services, and in this particular case the issue focussed on an individual with no connection to the district, imported by the applicant.

7.5.3 Follow-on supported housing for individuals leaving Tier 4 rehabilitation can be provided for a limited number of residents at a property in Aldcliffe Road. This property has been severely stretched over recent years to the extent that, on occasions, accommodation for locally based people was not available. A re-tender process in 2015 has, in part, sought to address this issue and ensure that accommodation is made available for locals within the district. A sequential approach to housing individuals has been adopted, priority is given to Lancaster district, then to individuals with a Lancashire connection before any other individual is considered. The net result in the future will be that referrals from agencies such as Tier 4 rehab services for individuals without a non-local

connection will not enjoy the same success rate for individual leaving such facilities.

- 7.5.4 The model of the business clearly has potential for the continued inward migration of vulnerable people and there are subsequent impacts for local service provision (particularly follow-on support or accommodation). The approach to referrals adopted by the business is considered to undermine existing local support services, and is considered to be contrary to the aims of Development Management DPD Policy DM45. An objection can be sustained to such a form of development.

8.0 Planning Obligations

- 8.1 Not applicable for this form of development.

9.0 Conclusions

- 9.1 The lack of pre-consultation by the provider with the local planning authority, the Strategic Housing Officer or the Commissioning Manager directly has resulted in a development which is unauthorised in planning terms. However, this by itself is not a justifiable reason for withholding permission. The planning merits of the case must be considered regardless of whether the proposal is retrospective or not.
- 9.2 The use of the business raises a number of fundamental concerns over (i) local need; (ii) the specific location; and (ii) the resultant impact upon local service provision.
- 9.3 With regard to need, the proposal fails to provide clear evidence of locally-generated need for the use. The business model described by the applicant acknowledges the wide catchment area for users of this service – far beyond the Council's district boundary and also beyond the county boundary ("North West"). There has been no compelling data to prove that there is a local need, and so on that basis, the proposal currently fails Development Plan policy.
- 9.4 With regard to the specific location, this report explains that Balmoral Road is close to existing regeneration initiatives that have been aimed at Morecambe, including housing renewal, public realm improvements and selective site clearance. In the absence of an evidenced local need, the use would lead to inward migration of those with drug and substance dependency issues into this socially-sensitive geographical location. Therefore, the proposal fails to comply with Development Plan policy and the objectives of the West End Masterplan.
- 9.5 With regard to the resultant impact upon local service provision - and again in the absence of an evidenced local need - the potential implications for local services, particularly support and accommodation once a person has left 112 Balmoral Road may be considerable, and the applicant's submission has failed to convince that the inward migration of those with drug and substance dependency issues can be satisfactorily accommodated within the existing support networks. As a consequence the proposal currently fails Development Plan policy.
- 9.6 In reaching the recommendation of refusal, Officers acknowledge that the principle of this type of use would be acceptable if there was a clearly evidenced local need, particularly demonstrating the need for a location within the town. The application also fails to alleviate concerns that have arisen during the consultation process (particularly from the Council's Strategic Housing Officer, in liaison with the County's Commissioning Manager) regarding the integration of the use with the district's existing local strategies and networks, which are aimed at improving the health and social well-being of residents of the district. This integration is critical; without it the proposal would be failing to accord with the Core Planning Principles set out in the NPPF. As such, the application is recommended for refusal.

Recommendation

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

1. The application fails to provide clear evidence of a locally-generated need for the facility. The business model indicates that residents are referred from a wide catchment area throughout the North West of England, with little consideration as to whether the proposal meets the housing needs of the Lancaster District. As a consequence the proposal fails to accord with Lancaster District Core Strategy SC4, Development Management DPD Policy DM45, and the Core Planning Principles

enshrined by Paragraph 17 of the National Planning Policy Framework.

2. As a consequence of the inward migration of those with drug and substance dependency problems, and in the absence of the necessary evidence referred to in (1) above, the proposal is considered to undermine the spatial regeneration aims and objectives contained in the West End Masterplan, and the geographically-broader regeneration ambitions expressed by Lancaster District Core Strategy Policy ER2, which identifies Central Morecambe as a Regeneration Priority Area of sub-regional importance.
3. The proposal would, as a consequence of the inward migration of those with drug and substance dependency problems, and in the absence of the necessary evidence referred to in (1), the proposal is considered to add to the burdens of pressure on existing local support services, most particularly support strategies to improve health and social wellbeing. As a consequence the proposal fails to accord with Lancaster District Core Strategy SC4, Development Management DPD Policy DM45, and the Core Planning Principles enshrined by Paragraph 17 of the National Planning Policy Framework.

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

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

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

Human Rights Act

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

Background Papers

None

<p>Agenda Item</p> <p>A6</p>	<p>Committee Date</p> <p>8 February 2016</p>	<p>Application Number</p> <p>15/01156/FUL</p>
<p>Application Site</p> <p>Land Opposite 26 To 48 Lancaster Road Overton Lancashire</p>	<p>Proposal</p> <p>Erection of 32 dwelling houses and associated access</p>	
<p>Name of Applicant</p> <p>Messrs Hancock & Grantham</p>	<p>Name of Agent</p> <p>Building Plan Services</p>	
<p>Decision Target Date</p> <p>1 March 2016</p>	<p>Reason For Delay</p> <p>Not applicable</p>	
<p>Case Officer</p>	<p>Mr Philip Megson</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Refusal</p>	

1.0 The Site and its Surroundings

- 1.1 The site comprises two fields of semi-improved grassland with a hedgerow running between the fields. The site to the north, west and south is bounded by hedgerows, and to the east by hedgerows punctuated by elder and willow trees. There is a mature oak tree in the hedge on the southern boundary. There is a gate to each field giving egress from and access to Lancaster Road.
- 1.2 Existing residential development is adjacent to the site to the north and to the west of Lancaster Road. There is a mix of styles (bungalows, dormer bungalows and two storey dwellings) predominantly constructed of brick, stone and render with slate or grey tile roofs. The Overton St Helen's Church of England Primary School and playing fields are located to the south. To the east is agricultural land. The north east edge of the site falls within Flood Zones 2 and 3, but benefits from flood defences. The site is susceptible to ground water flooding (25-50%).
- 1.3 There are no records of protected or notable species within the site. The application site is approximately 660m from the Morecambe Bay Special Protection Area (SPA) and Special Area of Conservation (SAC) which is a European Site. The site is also listed as Morecambe Bay Ramsar Site and also notified at the national level as the Lune Estuary Site of Special Scientific Interest. The nearest non-statutory designation is the Middleton Marsh BHS which is 1000m to the north west.

2.0 The Proposal

- 2.1 The proposal comprises 32 new dwellings with gardens and parking, arranged around a cul-de-sac. Access would be taken opposite 30–34 Lancaster Road. The existing accesses to the site will not be retained. The development comprises two 2-bed detached bungalows, twenty-two 2-bed semi-detached bungalows and eight 3-bed semi-detached houses. Proposed materials are stone, stone quoins and render with slate-grey tiles. The finished floor levels of the houses would be 5.575m above datum to mitigate against flood risk. Detached garages set back into each plot are proposed.
- 2.2 Twelve dwellings (plots 19–30 inclusive) are proposed as affordable dwellings. These comprise two 2-bed detached bungalows, two 2-bed semi-detached bungalows and eight 3-bed semi-detached houses.

2.3 A grassed and landscaped area would be provided to the rear of Plots 7 and 8. This area would include an attenuation pond to store surface water. Smaller areas of landscaping and planting are also proposed within the scheme around the cul-de-sac head and at the point of access to the site. It is proposed to provide stone walls to all properties fronting Lancaster Road and to all properties to demarcate co-located driveways.

2.4 The proposal would result in the removal of the hedgerow between the fields. It is unclear from the submitted application whether a section of the hedgerow, or the whole hedgerow to the Lancaster Road frontage would be removed to facilitate the access: the applicant has been requested to provide clarification but, at the time of writing, has not done so.

3.0 Site History

3.1 An outline application for 30 dwellings (Ref: 14/00634/OUT) was withdrawn during the application validation stage. A separate Screening Opinion (14/00718/EIR) and formal pre-application advice (15/00312/PRETWO) have been historically provided.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No comments within statutory timescale.
County Strategic Planning	Obligation Request - A request for financial contribution to fund 3 primary school places
Local Lead Flood Authority	Object - The submitted Flood Risk Assessment (FRA) does not comply with the requirements set out in Paragraph 30 of the Planning Practice Guidance, and therefore paragraph 103 of the NPPF cannot be satisfied. The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. Recommend refusal.
Environment Agency	No objection in principle.
United Utilities Water	No objection - subject to conditions relating to: foul and surface water being drained on separate systems; and prior to the commencement of development, submission and approval of a surface water drainage scheme based on the hierarchy of drainage options in NPPG with evidence of an assessment of site conditions (including details of post-completion management of the scheme).
Environmental Health Officer	Standard land contamination conditions requested - Unrecorded uses of the site and agricultural uses may have resulted in soil contamination. The likelihood of potentially significant contamination is low; however, the sensitivity of the proposed land use to any contamination is very high and consequently an environmental site investigation will be required.
Strategic Housing Policy Officer	No comments within statutory timescale.
Planning Policy	Comments - The site is located in a settlement where the council would look to promote residential development. Whilst supporting in principle development you will need to be satisfied that the proposals meet the wider requirements of Policy DM42 of the Development Management DPD.
Natural England	Inadequate information submitted to determine whether the likelihood of significant effects on the nearby Morecambe Bay SPA and SAC European designated site and the Lune Estuary SSSI. Morecambe Bay is also a RAMSAR site.
Parish Council	No objections in principle. Comments that houses on Lancaster Road frontage will be at a higher level than the houses opposite – need to avoid overlooking; the pond could be a hazard and should be omitted; and proposed houses with a common boundary with existing properties in Kevin Grove should be single storey to match the Kevin Grove dwellings. A second letter discusses drainage implications and requests that arrangements for dealing with surface water in the proposed development should ensure that there is no additional load on the current system. They also request a

	developer contribution towards the expansion of the play park.
Tree Protection Officer	No comments within statutory timescale.
Public Realm Manager	No comments within statutory timescale.
Lancashire Constabulary	Recommend that this development should be built in accordance with Secured by Design Standards.

5.0 Neighbour Representations

5.1 At the time of writing, 16 neighbour representations have been received: 1 representation in “broad support” and 15 representations objecting to the proposed development.

5.2 Representation in support:

- Request that the fence between the shared boundary between the School and the proposed development is treated sensitively; and
- Request a new class room.

5.3 Objections are on the following grounds:

- Proposed mix of house types is unclear; alleged contradictions in the submission;
- Precedent: refusal of 14/00634/OUT for 30 houses [*NB: This is incorrect - the application was withdrawn*].
- Loss of greenfield site, brownfield sites should be used first;
- Highways and traffic: increased traffic on Lancaster Road; safety issues (construction traffic, narrow roadways, school children at drop-off and pick-up, 20mph speed limit not adhered to); development contains no sustainable transport measures; detrimental impact on cyclists, walkers and horse riders; limited bus services;
- Impact on drainage of surface water; proposed attenuation pond inadequate; increased potential for flooding; Impact on capacity of sewers;
- Impact on the character and appearance of the surrounding area;
- Noise impacts;
- Impacts on existing properties: overshadowing; overlooking; loss of privacy; light pollution; reduction in light to existing properties to the North by building on plots 13, 14, 15, 16, 17 and 18, and proposed planting in the North East corner of the site; house values in village (*the latter is not a valid planning consideration*);
- Development not needed: 31 houses for sale in locality and a number of extant permissions for housing and submitted planning applications for housing;
- Lack of amenities in the village (one pub, primary school, church and village hall);
- Precedent for similar developments;
- Maintenance of established hedging; and,
- No beneficial impact on local employment in the long term

6.0 Principal National and Development Plan Policies

6.1 Development Management DPD

Policies DM20-22 (Transport, Accessibility and Parking)
 DM25 (Green Infrastructure)
 DM27 (Biodiversity)
 DM28 (Development & Landscape Impact)
 DM29 (Protection of Trees, Hedgerows and Other Woodland)
 DM35 (Design and Amenity Standards)
 DM36 (Sustainable Design)
 DM38 (Flood Risk)
 DM39 (Drainage)
 DM41 (New Residential Development)
 DM 42 (Managing Rural Housing Growth)

Lancaster District Core Strategy

Policy SC1 (Sustainable Development)
 Policy SC4 (Housing Requirements/Supply)

7.0 Comment and Analysis

7.1 Principle of Development

Policy DM42 identifies Overton as a sustainable settlement where new housing could be supported in principle provided it meets a local housing need. Whilst the site is greenfield, and preference is for developing brownfield sites, the fields identified would constitute a natural rounding-off of the village and would not represent extension of the village boundaries. As the Council does not have a five-year supply of deliverable housing sites, there is a presumption in favour of development unless there are other material considerations that are of sufficient importance to outweigh the presumption. Based upon this presumption and development Plan policy, the principle of locating housing within Overton is considered acceptable, subject to all other material considerations being appropriate at this particular site. The report shall now consider each in turn.

7.2 Design, Scale, Layout and Residential Amenity

In terms of the layout, the applicant has broadly followed the pre-application advice provided in April 2015. The scheme is logical, providing a strong frontage to Lancaster Road, with sufficient garden areas and relationship between the new dwellings. This part of the village sits outside the Conservation Area and there are a mix of house types and materials within the locality. The proposed use of local stone, with quoins to match, and an appropriate render details are appropriate to the locality. The proposed use of slate grey roof tiles is acceptable although, in the interest of visual amenity, the tiles should have a shallow leading edge. In terms of boundary treatments, the applicant has again followed advice by providing a stone wall to the front of all roadside properties, which will

7.3 Representations have been received on the potential adverse impacts on the residential amenity of neighbouring properties, particularly on the rear of properties on Kevin Grove to the north of the application site. There is however a minimum separation distance of 25m between the rear of the proposed semi-detached bungalows on Plots 13–18 and the rear of properties on Kevin Grove, which is greater than the minimum 21m separation distance considered necessary for facing windows serving a habitable room. The rear walls of the proposed garages on Plots 13–18 would be in excess of minimum separation distance of 12m from the rear windows of the properties on Kevin Grove. The separation distance of the proposed properties fronting Lancaster Road also exceeds the minimum separation distance from the existing properties on the opposite side of Lancaster Road. It is considered that the proposal can be accommodated without detriment to existing or proposed residential amenity.

7.4 Highway Implications

There are currently no comments to report from the County Council's Highways Authority. Any comments will be verbally reported. In the absence of observations, Members are advised that Lancaster Road is heavily-trafficked during the drop-off and pick-up peak times associated with the nearby primary school. Whilst there may be concern that additional properties would add to the congestion in and around the site during those peak times, the fact that the development will considerably reduce the opportunities for parking on one side of the road (due to the proposed location of new residential driveways) should mean that parental parking during school times is dispersed elsewhere in the village. Outside of these peak hours, Lancaster Road does not appear to suffer from traffic impacts. It is considered that the scheme is appropriate, assisted by the location of detached garages set back into each plot. This will enable occupant and visitor vehicles to park on their individual driveways, thereby discouraging parking along the cul-de-sac and on Lancaster Road.

7.5 Drainage and Flood Risk

During pre-application discussions the developer was advised to obtain flood levels from the Environment Agency. They were also advised to indicate how they would deal with surface water. The scheme includes an attenuation pond, and there is limited detail contained in a very basic Flood Risk Assessment (FRA), less than a page in length, which has been submitted as part of the

planning application literature. This FRA refers to Planning Policy Statement 25, *Development and Flood Risk*, which was cancelled by the Government in 2012 when the National Planning Policy Framework was introduced, and is no longer in force. Therefore, there is little confidence that the submitted FRA is fit-for-purpose as it presently stands.

7.6 Whilst the Environment Agency have not objected to the proposal, the Local Lead Flood Authority (LLFA) have objected, saying that the FRA contains certain deficiencies and does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The LLFA conclude that the FRA does not comply with the requirements set out in paragraph 30 of National Planning Practice Guidance and, consequently Paragraph 103 of the National Planning Policy Framework.

7.7 The advice of the LLFA regarding the deficiencies in the FRA (and how these can be overcome) has been forwarded to the applicant, but at the time of writing, the local planning authority has not received a response. Any response will be verbally reported.

7.8 Affordable Housing

As the site is a greenfield site in a rural area there is a requirement for the provision of up to 40% affordable housing. It is proposed to provide twelve dwellings, which would satisfy this requirement. 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.

7.9 Ecology and Trees

The applicant has submitted an Ecological Appraisal and Tree Report to accompany the application. The Ecological Appraisal considers species and local habitats across the site and immediate surrounding area. There was no conclusive evidence of bat species, although they do occur in the general locality. The vegetation is of low ecological significance and any works to hedges would need to occur outside breeding season. The Appraisal also concluded that the distance to European designated sites - the Morecambe Bay Special Protection Area (SPA) and Special Area of Conservation (SAC), and the Lune Estuary Site of Special Scientific Interest (SSSI) should mean that there would be no direct or indirect impacts upon those sites. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations').

7.10 However Natural England take a different view. They advise that there is currently not enough information to determine whether the likelihood of significant effects of the proposed development can be ruled out. Natural England has provided advice on what information is required to undertake a Habitat Regulations Assessment. The applicant has been provided with this advice but, at the time of writing, no response has been received.

7.11 The birds for which sites are designated may also rely on areas outside of the designated site boundary. Where essential ecological functions, such as foraging, occurs beyond a designated site boundary, then the area within this is termed functionally linked land, or known as functional habitat. As the presence of this land is essential in meeting a species' needs, damage or deterioration of this habitat could impact upon the designated population. Natural England advise that the potential for impacts beyond the designated site boundary needs to be considered in assessing what, if any, potential impacts the proposal may have on designated sites.

7.12 Similarly, in respect of the Lune Estuary Site of Special Scientific Interest (SSSI), Natural England advises that there is insufficient information to determine whether the likelihood of significant effects of the proposed development can be ruled out. The applicant's comments in response to this are awaited.

7.13 The Tree Report notes that there is only one tree on the site itself, a mature oak, and this is to be retained. Hawthorn hedges to the north and south and east boundaries are identified for retention. The hedge on the roadside (west) boundary will be removed to facilitate the development. Whilst this is regrettable, the introduction of new landscape features (to be maintained by a management company) will contribute to the biodiversity across the site, including the provision of the attenuation

pond. Care will need to be taken with the eventual design and management of the new planting, particularly at the end of the cul-de-sac and the land adjoining Plot 19.

7.14 Education Provision

The Chair of the Buildings and Finance Committee at Overton St Helens C of E Primary School has submitted a representation that includes a request for funding (not quantified) to assist in the provision of an additional classroom at the School.

7.15 The County Council, as Education Authority, has requested a financial contribution of £36,628.20 to fund 3 primary school places to mitigate the direct impacts arising from the proposed development on education provision. No secondary school places contribution is requested. A request for a financial contribution would be based on the Education Authority's advice.

8.0 Planning Obligations

8.1 A Section 106 Agreement is necessary to make the development acceptable in planning terms. The following details are required:

- Twelve affordable dwellings (plots 19 – 30 inclusive) as affordable dwellings. These comprise two 2-bed detached bungalows, two 2-bed semi-detached bungalows and eight 3-bed semi-detached houses. 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.
- Financial contribution of £36,628.20 to fund 3 primary school places.

8.2 Any request for off-site highway works/contributions to be controlled via a Section 278 Agreement under the Highways Act will be reported verbally, should County Highways make representations to the planning application.

9.0 Conclusions

9.1 The principle of locating housing in Overton, and on this particular site, is considered acceptable in locational terms. The proposal would also contribute to the shortfall in housing supply across the district, and the increase in housing provision in a village identified for growth in Policy DM42 may enhance the vitality of the local community and help sustain local services in the future.

9.2 Where the proposal currently fails is in respect of:

- The Flood Risk Assessment, which refers to an incorrect national policy document and is considered by the LLFA, to be inadequate and thus not comply with the requirements of Paragraph 103 of the NPPF; and,
- Inadequate information to determine whether the likelihood of significant effects on the European designated sites (Morecambe Bay Special Protection Area and the Special Area of Conservation) can be ruled out; and whether the likelihood of significant effects of the proposed development on the Lune Estuary Site of Special Scientific Interest can be ruled out.

9.3 The applicant has been advised of the shortfalls in the content of the current submission, but at the time of compiling this report, a response has not been forthcoming. Therefore, the local planning authority has no alternative but to recommend refusal for the reasons expressed below and overleaf.

Recommendation

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

1. The Flood Risk Assessment (FRA) submitted with this application does not comply with the requirements set out in paragraph 30 of National Planning Practice Guidance, and therefore paragraph 103 of the National Planning Policy Framework cannot be satisfied. The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

- a. Take the impacts of climate change into account;
 - b. Consider how people will be kept safe from flood hazards identified;
 - c. Consider the effect of a range of flooding events including extreme events on people and property; and,
 - d. Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.
2. The information submitted with this application is insufficient to demonstrate that the requirements of Regulations 61 and 62 of the Conservation of Habitats and Species Regulations 2010 (as amended) have been complied with. In the absence of such information, the proposal is considered to be contrary to Section 11 of the National Planning Policy Framework, particularly Paragraph 118, and Development Management DPD Policy DM27.

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

Agenda Item A7	Committee Date 8 February 2016	Application Number 15/00972/FUL
Application Site Land Adjacent To 2 Rosegarth Slyne Lancaster Lancashire	Proposal Erection of two dwellings with associated access and landscaping	
Name of Applicant Mr Russell Sanderson	Name of Agent Mr Michael Harrison	
Decision Target Date 3 December 2015	Reason For Delay Committee determination following formal advertisement as a Departure	
Case Officer	Mr Andrew Holden	
Departure	Yes	
Summary of Recommendation	Approval subject to conditions	

1.0 The Site and its Surroundings

- 1.1 The application site is within a cluster of approximately 50 houses forming a broad triangle of development bounded by A6 Lancaster Road and Hest Bank Lane. The area including the properties lie within the North Lancashire Green Belt and whilst detached from the main developed area of Slyne-with-Hest which lies approximately 300m to the north, the cluster of housing is considered to part of the village.
- 1.2 The application site relates to the 'L-shaped' garden area to the west of the dwelling known as 2 Rosegarth. The land currently forms part of the domestic garden area to the property but has been used as part of the market garden run by the previous owners of the plot. The site is bounded by mature native hedgerows along the north, west and southern boundaries. The east of the application abuts the remaining garden area to the original dwelling. A large mature beech lies outside the plot on its south-eastern edge but has an extended canopy which spans into the application site.

2.0 The Proposal

- 2.1 The application is seeking consent for two detached 'true' four-bedded bungalows and attached garages complete with associated access and landscaping. The proposal will provide for three plots, including the original dwelling, all with good sized gardens. Access to the original dwelling remains unchanged with a new shared access serving the proposed dwelling being developed off the western end of the private access road. The mature boundary hedgerows forming the overall boundary of the larger plot are to be retained with new boundaries in the form of 1.8m fencing and new planting creating the boundaries between the three plots.
- 2.2 The bungalows are truly single storey with a low overall roof height under single storey walls. The external materials are to be natural stone to the bulk of the main elevation with render to the remaining under a natural slate roof. An attached garage will provide for a generous single parking space and additional storage with driveways to both properties providing additional parking for a further two cars. The private drive is laid out to ensure car turning can be provided within the site.

2.3 Internally, the layout for each dwelling provides for four bedrooms, one en-suite along with a separate bathroom and a large combined living/dining/kitchen area all over one floor.

3.0 Site History

3.1 The site has a limited planning history all relating to the redevelopment of the existing dwelling, 2 Rosegarth with a large single storey rear extension under planning consent 14/00846/FUL. These works are currently on-going.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No highway objections to development.
Environmental Health	No objections in principle, suggest conditions in relation to contaminated land, hours of construction
Tree Protection Officer	Objections to the initial submission as the proposal lack significant details including Tree Constraints Plan, Tree Protection Plan method Statement and landscaping scheme. Additional information is generally considered to be acceptable but is not supported by a tree protection plan.
Natural England	No objections in relation to Statutory nature conservation sites. Suggests addressing standing advice in respect on protected species.
United Utilities	No objections to the development which should be drained on a separate system. Suggested conditions re separated systems and need for a detailed surface water drainage design to be agreed.
Environment Agency	Any comments will be reported verbally.
Local Lead Flood Authority	Any comments will be reported verbally.
Parish Council	Objections to the proposal, it is located within the Green Belt and should be resisted as an exception, particularly given the current climate of the Green Belt review. Concerns over the use of a narrow private access and possible highway safety. Trees and hedgerows should be given protection along with a landscaping scheme to preserve natural habitat should the application be supported.

5.0 Neighbour Representations

5.1 To date 8 letters have been received in response to the consultation and site notice. All seek to object to the development of the site, the main grounds for objection include: -

- Within Green Belt – no further development should occur; Inappropriate to the open rural character; will lead to suburbanisation and erode separation of settlements;
- Development will consolidate the built frontage of Rosegarth, appearing unsympathetic an inappropriate when viewed from the private drive;
- Highway and traffic concerns, including access onto busy A6; narrow nature of the private access road and the additional two-way movements created; insufficient parking leading to parking conflict with neighbours; users of A6 and emergency services;
- Drainage is problematical and is currently subject to improvements as part of the M6 Link. Additional flows may undermine these works;
- The scheme involved the loss of old orchard trees which previously covered the part of the site area and have been removed ahead of the application submission;
- Reduction of view, overbearingness, undue massing, overlooking and loss of light;
- No need for the provision of additional new housing – there is no housing crisis;
- Loss of habitat.
- Construction of two dwellings will exacerbate the noise and disturbance associated with the existing extension development.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles
Paragraph 32 – Access and Transport
Paragraphs 49 and 50 - Delivering Housing
Paragraph 53 – Delivering a choice of homes
Paragraphs 56, 58 and 60 – Requiring Good Design
Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

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

6.3 Development Management DPD

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

6.4 Lancaster District Local Plan (Saved Policies)

E4 – The Countryside Area

7.0 Comment and Analysis

7.1 Principle of Development

7.1.1 Development Plan policies require development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport between the site and homes, workplaces, shops, schools, health centres, recreation, leisure and community facilities. District Core Strategy Policy SC3 seeks to focus rural development in settlements which have five basic services (GP, Primary School, Food Shop, Post Office and Bus Stop). Slyne with Hest fulfil this criteria and has been identified within the policy as a sustainable rural village. The more-up-to-date and recently adopted Development Management DPD Policy DM42 accords with the more-flexible NPPF by identifying a greater number of settlements which contain some services sufficient for them to be considered to be sustainable. Slyne with Hest is again identified as a sustainable village.

7.1.2 The application site is located within a cluster of approximately 50 houses forming an area of development broadly bound by the A6 Lancaster Road and Hest Bank Lane. The land and surrounding properties lie within the North Lancashire Green Belt and, whilst detached from the main developed area of Slyne-with-Hest which lies approximately 300m to the north, the cluster of housing is part of the parish and is considered to be part of the village.

7.1.3 The partial isolation of the application site and surrounding housing from the main urban area limits the sustainability of the location. However, the site is well served by public transport, with a number of services running along the adjacent A6 linking the site south to Lancaster and north to towns and villages. Public houses and a restaurant lie to the north of the site, both within relatively easy walking distance. Slyne with Hest also has a local convenience store, church and village hall and recreational facilities.

7.1.4 In addition NPPF Paragraph 53 provides local planning authorities with guidance resisting inappropriate development of existing residential gardens. However, these constraints must be balanced against the location of the application site within a cluster of existing dwellings. Notwithstanding the matters pertaining to the Green Belt (discussed separately below), given the nature of the proposal and the identified need for houses within the District, including the rural area, the development of housing in this location is considered to be acceptable in principle.

7.2 Impact upon the North Lancashire Green Belt

7.2.1 National Green Belt policy is well established and its purpose and intentions are clearly defined in the NPPF. NPPF Paragraph 87 notes that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It also suggests that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate. There are, however, a number of exceptions which are set out in NPPF Paragraph 89, amongst these exceptions are “*limited infilling in villages, and limited affordable housing for local community needs under policies set out in the local plan*”. There is no statutory definition of “infilling” but in planning terms it is generally accepted as a gap site within an otherwise built up frontage.

7.2.2 The development site is currently part of the large garden of No 2 Rosegarth and as outlined earlier in the report is considered to fall within the existing village developed “envelope” of Slyne with Hest. In this regard it is considered the proposal represents “infill”, located between the frontage development on the A6, the development currently comprising Rosegarth and the three dwellings immediately to the west with access from Hest Bank Lane. It is therefore considered to be an allowable exception under current Green Belt policies.

7.2.3 Having established that the development in principle is an “appropriate exception” in the Green Belt it is also necessary to consider the impact of the development in relation to the purpose of the Green Belt which is considered to have five aims. Three of these are considered relevant to the proposal:-

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another; and,
- To assist in safeguarding the countryside from encroachment.

(Note: the other two aims that are not especially relevant to the current proposal relate to assisting urban regeneration and the preservation of setting and special character of historic towns).

7.2.4 The application site sits within an a well-defined area of existing built development constrained on all but its northern edge by existing development and domestic gardens area. The northern edge of the site abuts open pasture and is defined by a mature 2m-high hedgerow. Views of the site can be gained across open fields from Throstle Grove/Hest Bank Lane. The new dwellings will be unobtrusive and read against a background of existing properties, particularly those within Rosegarth which are all bungalows of similar height and massing. The development is considered to sit comfortably with the surrounding development and have no impact on the immediately adjoining open agricultural land to the north. The development of the site will not add to the “sprawl” or merging of settlements and is considered to respect the character of the surrounding countryside. There will, therefore, be no detrimental impact on the openness of the Green Belt or its aims.

7.3 Design/residential amenity

7.3.1 The proposal will provide two additional properties within generous plots, provide large private rear gardens and off-street parking areas. The internal spatial standards are more than adequate and fully comply with residential standards. The plot positions are designed to maintain privacy to the existing dwellings within Rosegarth including the original dwelling. The closest property, Dean Court lies to the east of plot 3 and is separated by 8m at its closest point. The relationship is gable to gable with no windows proposed for the new dwelling and only minor windows to the upper gable of Dean Court. A 2.5m high mature hedgerow forms the boundary between the two plots. Subject to retention of the mature hedgerow, the relationship is considered acceptable.

7.4 Other Matters

- 7.4.1 Affordable Housing Contribution - The Meeting Housing Needs Supplementary Planning Document sets out that off-site affordable housing in the form of a financial contribution is required from developments that result in a net increase of up to 4 units. The agent has acknowledged this demand and a willingness to provide a contribution. The application has been supported by an Affordable Housing Statement (including an independent valuation by a local estate agent) identifying a projected open market value of the dwellings of £350,000 per dwelling. Based upon the methodology contained within the Meeting Housing Needs SPD a financial contribution of £14,892 has been identified.
- 7.4.2 Contamination - The City Council's Contaminated Land Officer has requested that a Preliminary Risk Assessment is provided along with standard contamination conditions applied to a consent. However, the submission sets out that the site has been historically used as part of nursery and latterly as garden area to the main dwelling. It is considered unlikely that the site has been subjected to any levels of contamination and as such it is unreasonable to request a contaminated land survey and burden a developer with further unnecessary expenditure. There is unlikely to be risk to future occupants from contaminated land. As a precautionary approach, it is considered that an unforeseen contamination condition be attached to a consent to develop.
- 7.4.3 Drainage and Flooding – Concern has been raised by a number of local residents over the on-going surface water drainage problems in the area and the extension works currently being undertaken as part of the link road works to address the local flooding issues. Concern has been raised that the development of housing will add to the current surface water issues and undermine remedial works developed as part of the link road construction.
- 7.4.4 The scheme has acknowledge current Building Regulation requirements and is seeking to drain the scheme on a separated system. Foul flows are to be directed to the public sewer which terminates at the western end of Rosegarth. Surface water is to be directed to soakaways. United Utilities have recognised the need to drain the site on a separate system further requiring a detailed surface water scheme to be agreed ahead of any construction works.
- 7.4.5 For clarity, and in view of the recent flood events, the local planning authority has sought the views of the Environment Agency and the Local Lead Flood Authority. Their views will be reported verbally to the Committee.
- 7.4.6 The separation of the drainage system to foul and surface water will remove significant flows from the public sewer and subject to condition to control the precise design of the surface water system including the provision of permeable surfacing, run-off from the site should be restricted to 'green field' rates and are not considered to add to surface water flooding issues.
- 7.4.7 Impact on trees – There are no trees located directly within the application site (it is understood that the orchard trees within the site have been removed ahead of the application submission) but there are a number of trees within the boundary of the site along with mature hedgerows. There are four trees specifically identified trees within the site boundary, the most significant of these is a mature beech tree located on the eastern site boundary alongside 3 Rosegarth. The application has been supported with arboricultural information which considers the potential impact of development on all the identified trees and construction methodology to be adopted to limit any impact. This includes the identification of root protection areas, provision of protective fencing and most importantly, location of the proposed dwellings clear of these protected areas. Subject to compliance with the supporting arboricultural information, the development is not considered to have an undue impact of the existing trees or boundary hedgerow. Suitable conditions should be applied to ensure adoptions of the agreed aboricultural measures.
- 7.4.8 In addition to protecting the existing hedgerows and trees along the boundary of the site, add planting in the form of internal boundary hedgerows and specimen trees are also proposed. No specific details have been provided and it is considered that this should be addressed by condition to ensure that the visual impacts of the development are limited.

8.0 Planning Obligations

- 8.1 The applicant has acknowledged the need to provide a financial contribution in line with the

methodology contained within the Meeting Housing Needs SPD and will provide a contribution via an undertaking towards the provision of affordable housing. This will need to be secured via appropriate agreement.

9.0 Conclusions

- 9.1 Overall, it is considered that the development of this garden site for two dwellings represents a sustainable form of development which accords with the NPPF and Development Plan policies. The proposal represents “village infill” development within the Green Belt and is considered to be an allowable exception to Green Belt policy. Moreover, it has been shown that the proposal would not undermine the fundamental principles of Green Belt policy which is aimed at preventing the coalescence of settlements and protecting openness. The development will also make a contribution to meeting the Council’s housing targets in respect of an identified local need and addressing the current shortfall in housing supply.
- 9.2 It is considered that the development can be supported without undermining of policies in the Local Plan or the setting of any unwanted precedent, and as such planning permission can be granted.

Recommendation

That subject to the provision of a Unilateral Undertaking to secure provision of a financial contribution towards affordable housing, Planning Permission **BE GRANTED** with to the following conditions:-

1. Standard 3 year time limit
2. Development to be undertaken in accordance with approved plans
3. Amended plans – tree survey, Arboricultural Impact Assessment, Arboricultural Method Statement dated 5 November 2015
4. Tree protection areas as defined on Site Plan 404/101 Rev A received 28 September 2015
5. Scheme of surface water drainage to be submitted and agreed
6. Hardstanding areas, including the driveway and patio areas to be undertaken in a permeable surfacing.
7. Stone detailing to be agreed
8. Additional tree planting to be agreed
9. Unforeseen contamination
10. Boundary hedgerows to be retained (height to be specified as a minimum)
11. Parking provision as plan and its retention
12. Separate system of drainage
13. Hours of Construction

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 A8	Committee Date 8 February 2016	Application Number 15/01444/RCN
Application Site Site Of Former Pontins Holiday Camp Carr Lane Middleton Lancashire		Proposal Outline application for the erection of a retirement village comprising dwelling houses and other residential accommodation, retail, leisure, recreation and ancillary administration, and creation of a new access and circulation road (pursuant to the removal of parts xix and xxi of condition 21 on outline planning permission 00/00156/OUT relating to the use of the site as a retirement village and car free design)
Name of Applicant The Glory Hole Ltd		Name of Agent Rachel Wilbraham
Decision Target Date 23 February 2016		Reason For Delay Not applicable
Case Officer		Mr Philip Megson
Departure		No
Summary of Recommendation		Approve

1.0 The Site and its Surroundings

- 1.1 Middleton Towers is a 23 hectare site of the former Pontins Camp that closed in 1994. It is located to the west side of Carr Lane, 1km west of the village of Middleton. Heysham lies approximately 3km to the north and Morecambe Town Centre is located approximately 3.5 km along the coast line.
- 1.2 It is a previously developed site located within the countryside area surrounded by other tourism and leisure uses, such as Ocean Edge Leisure Park and Greendales Leisure Park. Heysham Power Station is located north of the site beyond which lies Morecambe Bay and Middleton Sands Special Area of Conservation (SAC), Special Protected Area (SPA), Site of Special Scientific Interest (SSSI) and a Ramsar Site.
- 1.3 The only vehicular access to the site is via Middleton village along Carr Lane, which is a narrow country road with substandard alignment and no footways. There are no public bus services which run along Carr Lane towards the application site. The entrance to the site is gated.
- 1.4 The site benefits from planning consent for the construction of a self-contained retirement village. Part of the site of the retirement village has been built on (Parcel 1). Whilst the quality of the buildings constructed and landscaped areas are good and represent high quality design, the environmental condition of the site for the existing residents is not particularly appealing. This is a consequence of the site running into commercial difficulties and the development stalling, leaving areas of undeveloped land and large hoardings around the remaining parcels of land.

2.0 The Proposal

- 2.1 The applicant is seeking the removal of parts xix and xxi of condition 21 on outline planning permission 00/00156/OUT from their land only (Parcel 2):

- Part xix: 20% of dwellings shall be car free to be achieved through design at the reserved matters stage.
- Part xxi: The development hereby permitted relates to a continuing care village and no other form of residential development.

2.2 The applicant has submitted a separate application (15/01568/VLA) to remove the relevant obligations on the associated S106 Agreement.

3.0 Site History

3.1 Pontins occupied the site from the late-1930s but the site closed in 1994, and it remained unused from that date, until an outline planning application (00/00156/OUT) proposed a retirement village. This application was recommended for refusal by Officers, but that recommendation was overturned by Members of the Planning Committee at that time. The Secretary of State called the decision in, and resolved to grant outline consent for the 650-unit scheme with ancillary facilities, subject to planning conditions and a legal agreement.

3.2 The legal agreement sought to limit the number of units to 650, with 20% to be ‘car-free’ units; deliver affordable housing; restrict the occupation to a head of the household no younger than 60 years of age; secure the phasing of the development; provide a free bus service; control the use of the leisure facilities; provide a Green Travel Plan; and control the use of the site as a retirement village. The Inspector and Secretary of State considered these measures essential to secure an acceptable form of development. The legal agreement was later varied to reduce the age restriction to 55 years (not 60) for the head of household.

3.3 Subsequent to the granting of planning permission and signing the S106 agreement part of the site was sold. The development of the retirement village would be in two parcels: Parcel 1 (Moorfields Corporate Recovery LLP for Coast Development NW) and Parcel 2 (The Glory Hole Ltd - the original owner).

3.4 Moorfields Corporate Recovery LLP applied to have the effect of the S106 Agreement removed from Parcel 1 of the site in 2013 (13/00805/VLA). The application was not determined and an appeal was held. The appellant succeeded in securing nine amendments to the S106 agreement, including amendment 1, which removed the clause that “*not less than 20% of the total number of units shall be car free*”. Moorfields Corporate Recovery LLP also applied to have condition xxi removed from Parcel 1 of the site in 2014 (14/00787/VCN) and also applied to remove condition 3 relating to restricted age occupancy from an extant planning permission for 33 dwellings (13/00265/RENU). Both applications were approved.

3.5 A summary of the relevant planning history is listed below:

Application Number	Proposal	Decision
00/00156/OUT	Outline Application for the erection of retirement village comprising dwelling houses and other residential accommodation, retail, leisure, recreation and ancillary administration. Creation of new access and circulation road.	Approved following call-in by the Secretary of State subject to conditions and S106 agreement.
05/00740/REM	Reserved matters application for retirement village	Approved.
07/00799/FUL	Application for amended details of layout, road and parking layout, landscaping and indicative elevation details as approved by 00/00156/OUT and 05/00740/REM.	Approved subject to conditions.
13/00805/VLA	Variation of legal agreement on 00/00156/OUT to remove obligations relating to affordable dwellings and age restriction occupancy on the site only and to remove the restrictions on the on-site leisure facilities to allow use by the wider public (S106A application).	Allowed on appeal.
14/00787/VCN	Erection of a retirement village comprising dwelling houses and other residential accommodation, retail, leisure and recreation pursuant to the removal of condition xxi on previously approved application 00/00156/OUT.	Approved.

14/00789/RCN	Erection of 33 dwellings (pursuant to the removal of Condition no.3 on previously approved application 13/00265/RENU relating to age restricted occupancy). 13/00265/RENU is a renewal of 09/01188/FUL.	Approved.
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4.0 Consultation Responses

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

Consultee	Response
County Highways Authority	No comments received within statutory timescale.
County Strategic Planning	No comments received within statutory timescale.
County Education	Seeking a contribution of £3,015,721.80 to fund 247 primary places; no contribution to secondary places; and a 1 form entry site primary school site of 1.122 ha.
Parish Council	No comments received within statutory timescale.
United Utilities	No objections subject to conditions relating to foul and surface water drainage.
Office of Nuclear Regulation	No comments.
Fire Safety Officer	The Fire Authority will make a detailed report on fire precautions at building regulation application stage.
Strategic Housing Policy Officer	No comments received within statutory timescale.
Forward Planning Team	No comments received within statutory timescale.
Chief Environmental Health Officer	No comments received within statutory timescale.
Conservation Section	No objections.
Legal Services	No comments received within statutory timescale.

5.0 Neighbour Representations

5.1 At the time of writing one neighbourhood representation has been received in support of the proposed removal of conditions for the following reasons:

- These conditions have been removed from Parcel 1 of the site. Fairness dictates that permission should therefore be given for this adjacent site;
- Removal of these conditions from Parcel 2 of the site will also help to support the existing village and its residents;
- Removal of these conditions will encourage earlier development of brownfield land, which should take precedence over development of greenfield land elsewhere in the City.

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, 6164 – Requiring Good Design
 Paragraphs 109, 115117,118 – Conserving the Natural Environment
 Paragraphs 131-133 - Historic Environment
 Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

TO2 – Tourism Opportunity Area

Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC3 – Rural Communities
SC4 – Meeting District's Housing Requirements
E2 – Transportation Measures

Development Management DPD (adopted November 2014)

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM35 – Key Design Principles
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth

Emerging Land Allocations DPD

- 6.2 Policies in the emerging DPD are a material consideration, although only limited weight can be attributed to it. Specific to this application is Policy HEY4. This policy encourages the implementation of the existing planning consent for the delivery of a specialist retirement village in the first instance. Only where this is shown not to be a viable proposal will the Council consider alternative proposals for the site. Such proposals should include measures to improve the quality and frequency of public transport provision, and improved opportunities for pedestrian and cycle accessibility to the site due to the sites remote location to make the site more sustainable. This policy only received slight attention at the Draft Preferred Options Stage with no significant objections received.

Other Material Considerations

- 6.3 National Planning Practice Guidance
Meeting Housing Needs SPD

7.0 Comment and Analysis

- 7.1 The main issues are the principle of development and the purpose of the conditions.

Principle of Development

- 7.2 The applicant, The Glory Hole Ltd, seeks to remove parts xix and xxi of Condition 21 in relation to their land only (Parcel 2).
- 7.3 At the original call-in Public Inquiry (00/00156/OUT), the Inspector recommended that the proposal for a retirement village be supported on the grounds that the development proposed would involve the redevelopment of a large brownfield site that would deliver a specialist and unique form of development which would effectively be self-sustaining. The Inspector acknowledged the limitations of Carr Lane, but concluded that the proposal would result in the redevelopment of a brownfield site, bring derelict listed buildings into use and would enable an enhancement of landscape quality. The Inspector contended that a Section 106 Agreement (S106) to control the occupation of the units (along with other terms) and conditions to control the use of the site as a retirement village were necessary and appropriate to achieve a greater degree of sustainability that would make the development acceptable in its rural location. The Secretary of State agreed with the Inspector and granted the planning permission in line with the S106 and conditions set out in the Inspector's report.
- 7.4 The site remains remote from local services and public transport and is not regarded as being particularly sustainable for new housing on the scale originally proposed. However, there remains an extant planning permission for residential development, albeit with an occupancy restriction, which is a material consideration that affords significant weight. It is apparent that the site has not developed as envisaged by the Inspector and the Secretary of State as a 'unique', self-sustaining settlement. The site now lies partly-developed and in a state of flux and uncertainty with insufficient local services/amenities to be self-sustaining.

7.5 The Secretary of State contended that the terms of the legal agreement and part xxi would ensure that the proposed dwellings will continue to be occupied for the lifetime of the development. This is not the case for the following reasons:

- The terms of the legal agreement only restricted the head of household to be, originally 60+ years of age, but later reduced to 55+ years of age through a deed of variation in September 2005. The legal agreement did not indicate that all occupants would be over 55 years of age, meaning families could live on the site under the terms of this agreement;
- The terms of the legal agreement did not restrict the head of household or any other occupant to be retired (i.e. not working); and
- Part xxi of Condition 21 has been removed from Parcel 1 only (14/00787/VCN). This is a material consideration that carries significant weight.

On this basis, the legal agreement does not truly secure a 'retirement' settlement as originally envisaged despite its intended purpose. The fact that the Inspector (September 2014) concluded that the legal agreement served no useful purpose is testimony to this. Subsequently, the age restriction has now been removed from the legal agreement in respect of Parcel 1.

7.6 Only where this is shown not to be a viable proposal will the Council consider alternative proposals for the site. Such proposals should include measures to improve the quality and frequency of public transport provision, and improved opportunities for pedestrian and cycle accessibility to the site due to the sites remote location to make the site more sustainable.

7.7 Notwithstanding the above, there remains a legal agreement and condition controlling development on Parcel 2, which seeks to control the development as a continuing care retirement village.

7.8 The clause "*not less than 20% of the total number of units shall be car free*" was removed from Parcel 1 of the site by amendment 1 to the S106 agreement under 13/00805/VLA. In arriving at that decision, the Inspector noted that "*Unfortunately the S106 agreement does not prevent any residents owning vehicles and leaving them parked on the internal private roads (they are not adopted) as such the clause is unsuccessful in achieving its objective...but nothing in the present S106 agreement limits car ownership on the site anyway...This existing element of the S106 serves no useful planning purpose in its current form...*" The clause "*not less than 20% of the total number of units shall be car free*" remains as part of the legal agreement on Parcel 2. A separate application has been made to remove the relevant obligations on the associated S106 Agreement (15/01568/VLA).

7.9 Notwithstanding the above no application was submitted under Section 73 of the Town and Country Planning Act to remove part xix of Condition 21 from Parcel 1. Part xix continues to relate to the whole site.

The Purpose of the Conditions

7.10 An application can be made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Where an application under Section 73 is granted, the effect is the issue of a new planning permission.

7.11 Paragraph 206 of the National Planning Policy Framework states "Planning conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning and to the development to be permitted;
3. Enforceable;
4. Precise; and,
5. Reasonable in all other respects."

7.12 There is no doubt that the Inspector (through his recommendations) and the Secretary of State (in approving the original 00/00156/OUT development) felt that the separate controls (the S106 and the condition) served a useful and proper planning purpose and that purpose was to secure the unique self-sustaining retirement village. In terms of having the two separate controls, it should be noted that neither the condition nor the obligation has any precedence over the other – they are two legally

distinct means of control that both require to be complied with.

- 7.13 In this instance the obligation did not provide any definition of what a ‘*continuing retirement village*’ meant and therefore did not assist in interpreting the condition. Consequently, the ostensible purpose of part xxi of Condition 21 appears to have been to clarify what development was permitted. However, it set out no clear restriction on the age or status of all the occupants (e.g. spouse) and did not exclude family (school-age, for example) occupancy. Accordingly, as drafted, part xxi of Condition 21 is not sufficiently precise to provide any effective or enforceable method of controlling either the age or status of occupants. On this basis, it is considered that part xxi of Condition 21 does not meet all the tests prescribed by the NPPF and should be removed from Parcel 2.
- 7.14 Part xix of Condition 21 is not precise because it does not define what is meant by “car free” and is considered to be not enforceable because of the lack of precision of the wording of the condition and that there is nothing to prevent any residents owning vehicles and leaving them parked on the internal private roads. It is concluded that part xix of Condition 21 does not meet all the tests prescribed by NPPF and should be removed from Parcel 2.
- 7.15 Notwithstanding the above, part xix of Condition 21 would still apply to Parcel 1 of the development. While this would create an anomaly, it is considered that part xix of Condition 21 is not enforceable.
- 7.16 The removal of parts xix and xxi of Condition 21 in relation to Parcel 2 is consistent with the Council’s approach set out in Policy HEY4 of the emerging Land Allocations DPD. The delivery of a specialist retirement village as originally envisaged will not happen due to changes secured in relation to Parcel 1 (i.e. removal of age restriction from legal agreement and part xix of Condition 21).

Other considerations

- 7.17 The request for a financial contribution to provide enhanced education provision on the site is not justified in terms of what has been applied for by the applicant, i.e. the removal of two parts of planning condition 21 relating to 00/00156/OUT. The Planning Inspector’s recent appeal decision for the other portion of the wider site explains the unusual circumstances here, and on that basis a contribution is not warranted as part of this particular application. We would however advocate that the applicant engages in formal pre-application submission should they be considering any future reserved matter or full applications.

8.0 Planning Obligations

- 8.1 There is an existing S106 agreement planning permission on 00/00156/OUT. The applicant has submitted a separate application (15/01568/VLA) to remove the relevant obligations.

9.0 Conclusions

- 9.1 Emerging Policy HEY4 in the draft Land Allocations DPD, while supporting the implementation of the existing planning consent, will permit alternative proposals where a retirement village is shown not to be a viable proposal. The recommendation accords with the conclusions of the recent appeal decision.

Recommendation

That parts xix and xxi of Condition 21 attached to planning permission 00/00156/OUT be **REMOVED** and all other conditions remain in force.

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

Human Rights Act

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

Background Papers

None.

<p align="center">Agenda Item</p> <p align="center">A9</p>	<p align="center">Committee Date</p> <p align="center">8 February 2016</p>	<p align="center">Application Number</p> <p align="center">15/01568/VLA</p>
<p align="center">Application Site</p> <p align="center">Site Of Former Pontins Holiday Camp Carr Lane Middleton Lancashire</p>		<p align="center">Proposal</p> <p align="center">Variation of legal agreement on planning permission 00/00156/OUT to remove the age restriction on occupants and the requirements for car-free design, a bus service and use of on-site facilities by on-site residents only, and to vary the requirements for affordable housing provision and its phasing, and the requirements for a Travel Plan</p>
<p align="center">Name of Applicant</p> <p align="center">The Glory Hole Ltd</p>		<p align="center">Name of Agent</p> <p align="center">Mrs Rachel Wilbraham</p>
<p align="center">Decision Target Date</p> <p align="center">8 February 2016</p>		<p align="center">Reason For Delay</p> <p align="center">Not applicable</p>
<p>Case Officer</p>		<p>Mr Philip Megson</p>
<p>Departure</p>		<p>No</p>
<p>Summary of Recommendation</p>		<p>Approve</p>

1.0 The Site and its Surroundings

- 1.1 Middleton Towers is a 23 hectare site of the former Pontins Camp that closed in 1994. It is located to the west side of Carr Lane, 1km west of the village of Middleton. Heysham lies approximately 3km to the north and Morecambe Town Centre is located approximately 3.5 km along the coast line.
- 1.2 It is a previously developed site located within the countryside area surrounded by other tourism and leisure uses, such as Ocean Edge Leisure Park and Greendales Leisure Park. Heysham Power Station is located north of the site beyond which lies Morecambe Bay and Middleton Sands Special Area of Conservation (SAC), Special Protected Area (SPA), Site of Special Scientific Interest (SSSI) and a Ramsar Site.
- 1.3 The only vehicular access to the site is via Middleton village along Carr Lane, which is a narrow country road with substandard alignment and no footways. There are no public bus services which run along Carr Lane towards the appeal site. The entrance to the site is gated.
- 1.4 The site benefits from planning consent for the construction of a self-contained retirement village. Construction has occurred on Parcel 1 (land administered by Moorfields Corporate Recovery LLP): whilst the quality of the buildings constructed and landscaped areas are good and represent high quality design, the environmental condition of the site for the existing residents is not particularly appealing. This is a consequence of the site running into commercial difficulties and the development stalling, leaving areas of undeveloped land and large hoardings around the remaining parcels of land.

2.0 The Proposal

- 2.1 An application under Section 106A of the Town and Country Planning Act to vary the legal agreement (as amended in September 2005) on planning permission 00/00156/OUT in relation to Parcel 1 only was approved on appeal in October 2014 (13/00805/VLA). The legal agreement (as

amended in September 2005) remains in force on Parcel 2 (land within the ownership of The Glory Hole Ltd). The Glory Hole Ltd has submitted an application to secure amendments to the legal agreement as those secured for Parcel 1, namely:

- Sch.1, para 1: **delete**. Paragraph 1 relates to construction of a maximum of 650 dwellings on the Site (including the residential care home) of which not less than 20% of the total number shall be of ‘car free’ design.”
 - Sch.1, para 2: **insert** new paragraph: “2.8 10% of dwellings must be affordable units”.
 - Sch.1, para 3: **delete**. Paragraph 3.1 requires the head of household to a minimum of 55 years old; and paragraph 3.2 imposes an age restriction on the occupation of the residential care home.
 - Sch.1, para 5: **delete**. Paragraph 5 restricts use of the facilities on the site to residents on the site and residents in the Parish of Middleton via a membership scheme
 - Sch.1, para 6: **delete**. Paragraph 6 relates to the operation of a bus service for 5 years from the occupation of the first dwelling unit.
- 2.2
- Sch.1, para 7: **amend** clauses 7.1 and 7.3 relating to Green Transport Plan to read:
“7.1 Within three months of the occupation of any dwelling units to be constructed on Phase 2/3 the Developer shall submit a Green Transport Plan to the Council for the Council’s approval in writing (such approval not be unreasonably withheld or delayed) setting out how it intends to encourage the use of sustainable modes of transport to and from the Development”; and
“7.3 Unless otherwise agreed in advance and in writing by the Council, the owner shall implement all aspects of the Green Transport Plan as approved”.

2.3 The application as submitted also sought amendments to Sch.1 para.4. The effect of the amendment to Sch.1 para 4 achieved by 13/00805/VLA was to secure a 10% affordable housing contribution from any further housing development on Parcel 1. A 10% affordable housing contribution already applies to Parcel 2. No change is required.

2.4 The applicant has submitted a separate application (15/01444/RCN) to seek the removal of conditions xix and xxi on outline planning permission 00/00156/OUT from Parcel 1.

3.0 Site History

3.1 The legal agreement on planning permission 00/00156/OUT was amended by a Deed of Variation in respect of lowering the age of the Head of the Household from 60 years old to 55 years old in September 2005. References in this report to “the agreement“ in this report refer to the legal agreement as amended in September 2005.

3.2 Relevant site history is set out below:

Application Number	Proposal	Decision
00/00156/OUT	Outline Application for the erection of retirement village comprising dwelling houses and other residential accommodation, retail, leisure, recreation and ancillary administration. Creation of new access and circulation road.	Approved following call-in by the Secretary of State subject to conditions and S106 agreement.
05/00740/REM	Reserved matters application for retirement village.	Approved.
07/00799/FUL	Application for amended details of layout, road and parking layout, landscaping and indicative elevation details as approved by 00/00156/OUT and 05/00740/REM.	Approved subject to conditions
13/00805/VLA	Variation of legal agreement on 00/00156/OUT to remove obligations relating to affordable dwellings and age restriction occupancy on the site only and to remove the restrictions on the on-site leisure facilities to allow use by the wider public (S106A application).	Allowed on appeal (ref APP/A2335/Q/14/2211913).
14/00787/VCN	Erection of a retirement village comprising dwelling houses and other residential accommodation, retail, leisure and recreation pursuant to the removal of	Approved.

	condition xxi on previously approved application 00/00156/OUT.	
14/00789/RCN	Erection of 33 dwellings (pursuant to the removal of Condition no.3 on previously approved application 13/00265/RENU relating to age restricted occupancy). 13/00265/RENU is a renewal of 09/01188/FUL.	Approved.

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No response within statutory timescale.
Legal Services	No comments
Office of Nuclear Regulation	No comments: the site does not lie within a consultation zone around a GB nuclear site.
Planning Policy	No response within statutory timescale.
Strategic Housing Policy Officer	No response within statutory timescale.
County Highways	No response within statutory timescale.
EDF Energy	No response within statutory timescale.

5.0 Neighbour Representations

5.1 At the time of writing, no neighbour representations have been received.

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, 6164 – Requiring Good Design
 Paragraphs 109, 115117,118 – Conserving the Natural Environment
 Paragraphs 131-133 - Historic Environment
 Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area
 TO2 – Tourism Opportunity Area

Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
 SC3 – Rural Communities
 SC4 – Meeting District’s Housing Requirements
 E2 – Transportation Measures

Development Management DPD (adopted November 2014)

DM20 – Enhancing Accessibility and Transport Linkages
 DM21 – Walking and Cycling
 DM22 – Vehicle Parking Provision
 DM35 – Key Design Principles
 DM41 – New Residential dwellings
 DM42 – Managing Rural Housing Growth

Emerging Land Allocations DPD

Policies in the emerging DPD are a material consideration. Specific to this application is Policy HEY4. This policy encourages the implementation of the existing planning consent for the delivery of a specialist retirement village in the first instance. Only where this is shown not to be a viable proposal will the Council consider alternative proposals for the site. Such proposals should include measures to improve the quality and frequency of public transport provision, and improved opportunities for pedestrian and cycle accessibility to the site due to the sites remote location to make the site more sustainable. This policy only received slight attention at the Draft Preferred Options Stage with no significant objections received. Whilst limited weight can be afforded to this policy it is a material consideration.

Other Material Considerations

National Planning Practice Guidance
Meeting Housing Needs SPD

7.0 Comment and Analysis

- 7.1 The primary consideration of this application is whether or not the existing obligation serves a useful planning purpose. To determine this, consideration is paid to the nature of the approved development and the implication of the applicant's proposal on each of the obligations set out in the original Agreement.
- 7.2 S106A of the Town and County Planning Act 1990 states:-
(1) A planning obligation may not be modified or discharged except –
a. by agreement between the appropriate authority and the person or persons against whom the obligation is enforceable; or
b. in accordance with this section and section 106B.
- 7.3 Sub-paragraph 3 of S106A, states that a person whom a planning obligation is enforceable may, at any time after the expiry of the relevant period, apply to the appropriate authority for the obligation-
a. to have the effect subject to such modifications as may be specified in the application; or
b. to be discharged.
- 7.4 Sub-paragraph 6 of S106A, states that where an application is made to modify the Agreement, the authority may determine:-
a. that the planning obligation shall continue to have effect without modification;
b. if the obligation no longer serves a useful purpose, that it shall be discharged; or
c. if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it ad effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.
- 7.5 The applicant, The Glory Hole Ltd, seeks a Variation of Legal Agreement relating to “the agreement” in relation to land within their ownership (Parcel 2) to amend or remove clauses as described in Section 2 of this report. These changes already apply to Parcel 1 by virtue of the approval of 13/00805/VLA following an appeal. The approval of 13/00805/VLA is a material consideration carrying significant weight in dealing with the current application.
- 7.6 Change sought: Schedule 1, paragraph 1: delete. This paragraph of “the agreement” relates to the scale of development. It required no more than 650 units to be constructed on site, of which not less than 20% should be car free. The original planning permission states the total number of dwellings and paragraph 4 of the agreement also provides sub-totals of dwellings for each phase. The number of dwellings remains subject to control. “The agreement” does not prohibit any residents owning vehicles and leaving them parked on the internal private roads (they are not adopted). As such the Inspector concluded that the clause is unsuccessful in achieving its objective. Schedule 1, paragraph 1 has been deleted from Parcel 1. It is considered that this element of “the agreement” should also be removed from Parcel 2.
- 7.7 Change sought: Schedule 1, paragraph 2: insertion of additional clause: “2.8. 10% of dwellings must be affordable units.” Paragraph 2 of “the agreement” includes seven clauses in relation to affordable housing, but none of the clauses includes a trigger for the delivery of affordable houses. As such,

90% of the site as a whole (Parcels 1 and 2) could be developed for market housing. This clause was added by the Inspector to ensure that 10% of the housing delivered in Parcel 1 would be affordable housing would be delivered in Parcel 1 (13/00805/VLA). Notwithstanding that Policy 41 of the Development Management DPD would normally seek a 30% affordable housing contribution, a 10% affordable housing contribution is justified on the basis that a precedent has been set through the approval of a variation in the legal agreement on Parcel 1). It is considered that the additional clause “2.8. 10% of dwellings must be affordable units” should be added to “the agreement.”

- 7.8 Change sought: Schedule 1, paragraph 3: delete 3.1 and 3.2. Clauses 3.1 and 3.2 of the agreement imposed restrictions by age on the occupancy of the dwellings and the care home respectively. These “shall not be occupied by households whose head of household is less than 60 years old”. This was changed by a Deed of Variation to 55 years old in September 2005. The Inspector noted that only one person in a household would have to be 55 or older to meet the age restriction clause and that all members of the household could be travelling to work, school or college from the site. The Inspector concluded that “The S106 does not appear to ... restrict occupants of the scheme to retired households competently”. Poor drafting of the agreement has resulted in the age restrictions serving no useful purpose and have been removed from Parcel 1. It is considered that this element of “the agreement” should be removed from Parcel 2.
- 7.9 Change sought: Schedule 1, paragraph 5: delete. This paragraph restricts the use of onsite leisure facilities to residents of the site and the parish of Middleton. The Inspector accepted that the onsite leisure facilities were not viable with the restricted membership and concluded that “there is no realistic alternative but to permit a wider user base in order for the facilities to remain open”. As the leisure facilities are situated in Parcel 1, it is considered that this element of “the agreement” is not relevant to Parcel 2 and should be deleted.
- 7.10 Change sought: Schedule 1, paragraph 6: delete. This clause required a minibus service, subject to various criteria such as times, routes and destinations, but only for a period of 5 years from the occupation of the first dwelling unit, rather than the lifetime of the scheme as might be expected. The 5 years period from the occupation of the first dwelling has elapsed. This element of “the agreement” has been removed from Parcel 1. It is considered that this element of “the agreement” serves no useful purpose and should be deleted from Parcel 2.
- 7.11 Changes are sought to paragraphs 7.1 and 7.3 of Schedule 1. The existing clause in “the agreement” required the submission of a Green Transport Plan prior to occupation of the first dwelling. In respect of Parcel 1, a Green Transport Plan was not submitted and the Council did not pursue enforcement action. The Inspector recommended an amended clause which requires the submission of a Green Transport Plan and the owner to implement all aspects of the Green Transport Plan. The changes already have effect in Parcel 1. In respect of Parcel 2 it is proposed to delete the existing wording in paragraphs 7.1 and 7.3 and substitute with the new wording in Section 2 of the report. It is considered that the changes to the wording are acceptable.

8.0 Planning Obligations

- 8.1 The above section of the report sets out the applicant’s proposed amendments to the existing agreement. For the reasons stated in the report the following amendments are accepted:
- Sch.1, para 1: delete;
 - Sch.1, para 2: insert new paragraph “2.8. 10% of dwellings must be affordable units”;
 - Sch.1, para 3: delete 3.1 and 3.2;
 - Sch.1, para 5: delete;
 - Sch.1, para 6: delete; and
 - Sch.1, para 7: amend clauses 7.1 and 7.3 relating to Green Transport Plan.

9.0 Conclusions

- 9.1 The former Pontins site is divided into two land ownerships. The owner of part of the site (Parcel 1) secured amendments to the S106 agreement in 2014 (13/00805/VLA). The purpose of the current application is to secure the same changes to the S106 agreement in respect of Parcel 2 that have been achieved on Parcel 1. The approval of 13/00805/VLA is a material consideration carrying significant weight in dealing with the current application. It is concluded that, for the reasons set out in the report, the elements of the planning obligation referred to serve no useful purpose. It follows

that the relevant clauses should be amended or deleted as stated in the report.

Recommendation

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

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

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

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

Human Rights Act

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

Background Papers

None

<p>Agenda Item</p> <p>A10</p>	<p>Committee Date</p> <p>8th February 2016</p>	<p>Application Number</p> <p>15/01438/VCN</p>
<p>Application Site</p> <p>Tesco Lancaster Road Carnforth Lancashire</p>		<p>Proposal</p> <p>Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access (pursuant to the variation of condition 20 on planning permission 14/01079/VCN in relation to hours of deliveries)</p>
<p>Name of Applicant</p> <p>Tesco Stores Ltd</p>		<p>Name of Agent</p> <p>Sharpes Redmore Partnership</p>
<p>Decision Target Date</p> <p>12 February 2016</p>		<p>Reason For Delay</p> <p>Awaiting Environmental Health comments</p>
<p>Case Officer</p>		<p>Mr Mark Potts</p>
<p>Departure</p>		<p>No</p>
<p>Summary of Recommendation</p>		<p>Approval</p>

1.0 The Site and its Surroundings

- 1.1 The site subject to this planning application is currently a supermarket on the north west side of Scotland Road on the southern fringes of Carnforth. The supermarket is close to the north west boundary with a large car park to the front and north. The predominant land use surrounding the site is residential in nature with dwellings along Grosvenor Place backing onto the supermarket site along the north western boundary with further properties along Victoria Street, Albert Street and Fern Bank to the south and on Alexander Road on the opposite side of Scotland Road.
- 1.2 The site is relatively unconstrained however the site is located within the Carnforth Conservation Area.

2.0 The Proposal

- 2.1 The proposed development is to allow deliveries and servicing between 0630 and 2130 hours Monday to Sunday and one delivery between midnight and 0200 on any one night. Planning permission was granted in 2015 under a Section 73 application (permission 14/01079/VCN) which allowed for the temporary consent of the above arrangements – i.e. one delivery to the supermarket between midnight and 0200 on any night of the week and deliveries between 0630 to 2130 Monday to Sunday. This was on a temporary basis for 6 months, and this expired on 15th November 2015. It was granted temporary permission due to the Local Planning Authority's concerns that noise could be detrimental to the residential amenity of those properties in close proximity to the site. In essence therefore this application seeks permanent consent for the scheme permitted under application 14/01079/VCN.

3.0 Site History

- 3.1 The site has been subject to a number of planning applications as detailed below.

Application Number	Proposal	Decision
98/01043/FUL	Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access	Approved
99/00530/FUL	Erection of a company offices building and retention of former bakery premises as workshop/stores in place of previously approved parking	Approved
02/00251/FUL	Modification of condition no. 19 on 98/01043/FUL to change opening hours on Sundays from 10:00-16:00 to 11:00-17:00	Approved
05/01044/FUL	Erection of new cage marshalling and insulated area with loading bays with canopy over for home delivery service	Approved
07/00075/FUL	Removal of existing vegetation, realignment of existing footway, installation of HGV waiting area in front of service yard access gates and re-design of the service yard gates to allow HGV access from waiting area – Approved	Approved
12/00641/VCN	Temporary variation of condition 3 of 02/00251/FUL to allow for the relaxation of store opening hours to 9:00-20:00 on Sundays	Approved
14/01079/VCN	Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access (pursuant to the temporary variation of condition 20 on application 98/01043/FUL to allow night time deliveries on a daily basis and Sunday evening deliveries to the food retail store)	Approved
15/01312/VCN	Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access (pursuant to the variation of condition 19 on planning permission 98/01043/FUL in relation to hours of trading)	Withdrawn
15/01313/VCN	Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access (pursuant to the variation of condition 20 on planning permission 98/01043/FUL in relation to hours of deliveries)	Withdrawn
15/01439/VCN	Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access (pursuant to the variation of condition 19 on planning permission 14/01079/VCN in relation to hours of trading)	Pending Consideration

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	No objections to the scheme and the continuation of the current arrangement is unlikely to adversely affect residential amenity.
County Highways	No objection
Carnforth Town Council	Concerns about disturbance to residents caused by deliveries made between 22:30 and 0700 and that the timing and description of the deliveries is unclear.
Conservation Section	No objection

5.0 Neighbour Representations

5.1 The application has been advertised in the press, site notice and adjacent businesses consulted. To date there has been no letters of representation received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 8, 9, 10 and 14 – Achieving Sustainable Development
Paragraphs 17 – Core Planning Principles
Paragraphs 18, 19, 20 and 21 – Building a strong, competitive economy
Paragraph 123 – Noise
Paragraph 206 – Use of Planning Conditions

6.2 Lancaster District Local Plan

Saved Policy EC5 – Employment Allocations

6.3 Development Management DPD

Policy DM35 – Sustainable Development

6.4 Lancaster Core Strategy

Policy SC1 – Sustainable Development

7.0 Comment and Analysis

7.0.1 The application raises the principle concerns

- Impact on neighbouring properties;
- Other Material Considerations.

7.1 Impact on neighbouring properties

7.1.1 The scheme proposes the continuation of the night time/early morning operating regime that was permitted under application 14/01079/VCN, albeit this was approved for a temporary period of time of 6 months (which lapsed on the 15th November 2015, notwithstanding this, the application was submitted and validated before this date).

7.1.2 The site has been operating on the basis of the revised hours since May 2015 without adversely affecting the amenity of adjoining users, and it is interesting to note that no objections have been received to the application from local residents despite a relatively wide spread consultation exercise. The accompanying noise assessment has been reviewed by Environmental Health who offer no objection to the scheme as the noise survey demonstrates that the continuation of deliveries between the hours of 0630 – 2130 Monday to Sunday and one delivery between midnight and 0200 is unlikely to affect residential amenity, especially coupled with no responses in relation to the publicity surrounding this application or complaints on delivery noise. With that they offer no objection to the scheme.

7.1.3 With this in mind it is considered that continuation of the proposal that was found acceptable under application 14/01079/VCN can be supported permanently, subject to the continuation of the deliveries to the store being undertaken in accordance with the Service Yard Noise Management Plan and a written log to be undertaken to record deliveries.

7.2 Other Material Considerations

7.2.1 In line with current guidance when an application under Section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission. The guidance suggests that to assist with clarity, decision notices for the grant of planning permission under Section 73 should also repeat relevant conditions from the original planning permission, unless they have been

discharged. A separate application to control the hours of trading is being considered under a separate application for determination at this committee (15/01439/VCN); it is therefore considered whilst it is unusual to apply for two variations to the same consent as two separate applications the applicant is within their right to apply to vary these conditions under two separate applications.

7.2.2 In essence two planning permissions will therefore be issued (assuming both schemes are approved). In the event both are approved to assist with clarify both decision notices will replicate the conditions.

8.0 Planning Obligations

8.1 Not Applicable.

9.0 Conclusions

9.1 The proposal was considered acceptable, albeit on a temporary basis under application 14/01079/VCN. The applicant's noise assessment has demonstrated to the satisfaction to the Local Planning Authority that the site can continue to operate within the amended hours without posing a detrimental impact to the amenity of adjoining residents, it is therefore considered that the permanent arrangement can be supported by the Local Planning Authority subject to the scheme being undertaken in accordance with the Service Yard Management Plan and provision for recording of HGVS undertaking the deliveries between midnight and 2am.

Recommendation

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

20 Servicing and delivery of goods shall take place between the following hours:
0630 and 2130 hours Monday to Sunday and one delivery vehicle between midnight and 0200 hours on any one night.

All the other conditions (including a delivery log condition) attached to planning permission 14/01079/VCN will be applied to the new planning permission but varied to account for details approved under conditions or those which are no longer applicable.

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

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

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

Human Rights Act

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

Background Papers

None.

Agenda Item A11	Committee Date 8 th February 2016	Application Number 15/01439/VCN
Application Site Tesco Lancaster Road Carnforth Lancashire	Proposal Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access (pursuant to the variation of condition 19 on planning permission 14/01079/VCN in relation to hours of trading)	
Name of Applicant Tesco Stores Ltd	Name of Agent Sharpes Redmore Partnership	
Decision Target Date 12 February 2016	Reason For Delay Awaiting Environmental Health comments	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The site subject to this planning application is currently a supermarket on the north west side of Scotland Road on the southern fringes of Carnforth. The supermarket is close to the north west boundary with a large car park to the front and north. The predominant land use surrounding the site is residential in nature with dwellings along Grosvenor Place backing onto the supermarket site along the north western boundary with further properties along Victoria Street, Albert Street and Fern Bank to the south and on Alexander Road on the opposite side of Scotland Road.
- 1.2 The site is relatively unconstrained however the site is located within the Carnforth Conservation Area.

2.0 The Proposal

- 2.1 The proposed development is to amend the hours of trading condition to allow Tesco to trade between the hours of 0800 hours to 2200 hours. The extant planning permissions already allow Tesco to trade until 2200 hours on a Thursday and Friday and therefore this application seeks consent to trade an addition four evenings a week; Monday, Tuesday, Wednesday and Saturday. Sunday Hours would remain unchanged.

3.0 Site History

- 3.1 The site has been subject of a number of planning permissions which can be seen below.

Application Number	Proposal	Decision
98/01043/FUL	Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access	Approved

99/00530/FUL	Erection of a company offices building and retention of former bakery premises as workshop/stores in place of previously approved parking	Approved
02/00251/FUL	Modification of condition no. 19 on 98/01043/FUL to change opening hours on Sundays from 10:00-16:00 to 11:00-17:00	Approved
05/01044/FUL	Erection of new cage marshalling and insulated area with loading bays with canopy over for home delivery service	Approved
07/00075/FUL	Removal of existing vegetation, realignment of existing footway, installation of HGV waiting area in front of service yard access gates and re-design of the service yard gates to allow HGV access from waiting area – Approved	Approved
12/00641/VCN	Temporary variation of condition 3 of 02/00251/FUL to allow for the relaxation of store opening hours to 9:00-20:00 on Sundays	Approved
14/01079/VCN	Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access (pursuant to the temporary variation of condition 20 on application 98/01043/FUL to allow night time deliveries on a daily basis and Sunday evening deliveries to the food retail store)	Approved
15/01312/VCN	Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access (pursuant to the variation of condition 19 on planning permission 98/01043/FUL in relation to hours of trading)	Withdrawn
15/01313/VCN	Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access (pursuant to the variation of condition 19 on planning permission 14/01079/VCN in relation to hours of trading)	Withdrawn
15/01438/VCN	Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access (pursuant to the variation of condition 20 on planning permission 14/01079/VCN in relation to hours of deliveries)	Pending Consideration

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	No Objections
County Highways	No Objections
Carnforth Town Council	No Objections
Conservation Section	No Objections

5.0 Neighbour Representations

5.1 The application has been advertised in the press, by site notice and adjoining residents/businesses consulted by letter. There have been no letters of representation received in relation to the application.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraphs 7, 8, 9, 10 and 14 – Achieving sustainable development
Paragraphs 17 – Core Planning Principles
Paragraphs 18, 19, 20 and 21 – Building a strong, competitive economy
Paragraph 123 – Noise
Paragraph 206 – Use of Planning Conditions

6.2 Development Management DPD

Policy DM35 – Sustainable Development

6.3 Lancaster Core Strategy

Policy SC1 – Sustainable Development

6.4 Lancaster District Local Plan

Saved Policy EC5 – Employment Allocations

7.0 Comment and Analysis

7.0.1 The application raises the following issues;

- The protection of amenity of adjoining local residents;
- Other Material Considerations.

7.1 The protection of amenity of adjoining local residents

7.1.1 The store is already operating until 22:00 on two days a week being a Thursday and Friday, and this application is proposing to extend the hours of trading on a Monday, Tuesday, Wednesday and Saturday until 2200. Sunday hours would remain unchanged. It is clear that the condition was imposed on the original grant of consent in the interest of protecting residential amenity. Whilst the principle of development is accepted at this site it needs to be considered whether additional hours of trading will negatively impact on the amenity of adjoining residents.

7.1.2 The application is accompanied by a Noise Impact Assessment, which has principally examined the noise associated with car park activity for the additional two hours per evening. The results indicate that the predicted ambient noise levels from car parking would be below the World Health Organisation noise values and also below the existing ambient noise climate between 2000 and 2200 hours. This assessment predicts that the store could operate between 2000 and 2200 hours without giving rise to significant adverse impacts at adjacent residential properties. The Council's Environmental Health Officer has reviewed the application and has no adverse comments to make in relation to this application.

7.1.3 It is therefore considered the amendment to the condition will not cause any loss of amenity for those residents that bound the site (no letters of objection have been received in respect of the application) and that the additional eight hours of trading will improve the efficiency of the store therefore benefitting those local residents that use Tesco's.

7.2 Other Material Considerations

7.2.1 In line with current guidance when an application under Section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission. The guidance suggests that to assist with clarity decision notices for the grant of planning permission under Section 73 should also repeat relevant conditions from the original planning permission, unless they have been discharged.

7.2.2 A separate application has been made to amend a further condition relating to hours of deliveries (15/01438/VCN), which is being considered by members at this planning committee. In essence two planning permissions will therefore be issued (assuming both schemes are approved). In the event both are approved to assist with clarify both decision notices will replicate the conditions.

8.0 Planning Obligations

8.1 There are no obligations as part of this application.

9.0 Conclusions

9.1 The applicant has demonstrated through the provision of a noise impact assessment that the approval of this application would not result in a loss of enjoyment to residents in close proximity to the site, and allow users of the store to benefit from the additional hours of use.

Recommendation

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

19. The supermarket shall not be open for trading except between the following hours:

0800 – 2200 Monday to Saturday
1000 – 1600 Sunday

Except where may be agreed in advance writing with the Local Planning Authority for the Christmas Holiday season and other exceptional periods.

All the other conditions attached to planning permission 14/01079/VCN will be applied to the new planning permission but varied to account for details approved under conditions or those which are no longer applicable.

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">Agenda Item A12</p>	<p align="center">Committee Date 8 February 2016</p>	<p align="center">Application Number 15/01398/CU</p>
<p align="center">Application Site</p> <p align="center">Sidegarth Sidegarth Lane Halton Lancaster</p>		<p align="center">Proposal</p> <p align="center">Change of use of existing barn to two holiday units, demolition of side extensions and erection of a 2 storey side extension</p>
<p align="center">Name of Applicant</p> <p align="center">Mr & Mrs M Swindlehurst</p>		<p align="center">Name of Agent</p> <p align="center">Mr Sam Edge</p>
<p align="center">Decision Target Date</p> <p align="center">21 January 2016</p>		<p align="center">Reason For Delay</p> <p align="center">Committee Cycle</p>
<p>Case Officer</p>		<p>Mrs Eleanor Fawcett</p>
<p>Departure</p>		<p>None</p>
<p>Summary of Recommendation</p>		<p>Approval</p>

1.0 The Site and its Surroundings

1.1 This application relates to a detached barn, sited adjacent to a residential property in a rural location between the settlements of Aughton, Over Kellet and Gressingham. It is accessed off Kirkby Lonsdale Road via a long privately maintained track, known as Sidegarth lane, which is also a public right of way. The line of the right of way appears to pass adjacent to the northeast elevation of the barn, between the building and the dwelling, and then splits beyond the residential boundary, with one path continuing in a south east direction and the other to the south west. The site is located within the Countryside Area and is close to the boundary (but within) the Forest of Bowland Area of Outstanding Natural Beauty. There is a high pressure gas pipeline located approximately 280 metres to the south east of the site.

1.2 The barn is constructed of stone with limited openings. It does however have some unsatisfactory modern influences, most notably a side (upvc) conservatory. The building also has a lean-to and non-traditional chimney. It appears to have been used in association with the adjacent dwelling to some extent historically, although there is no formal consent for this and the submission refers to the building as a barn. There is also a larger traditional barn to the northwest of the site which is outside the applicant's ownership. With the exception of the adjacent dwelling, which is under the same ownership as the barn, there are no nearby residential properties; the closest being located approximately 450 metres to the south west.

2.0 The Proposal

2.1 Planning permission is sought for the change of use of the barn to form two holiday cottages. The proposal includes the demolition of the existing conservatory and the lean-to, and replacement with a two-storey side extension. The existing chimney is also proposed to be removed. The extension would help facilitate the second of two holiday cottages – each benefitting from a ground floor lounge/diner/kitchen space, with 2 bedrooms and a bathroom above.

3.0 Site History

3.1 There is no recent planning history relating to this barn (although a separate planning application for

works to the nearby dwelling is also being presented to the February 8th 2016 Planning Committee (Ref: 15/01399/FUL).

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection but advised that the grant of planning permission does not entitle a developer to obstruct a right of way.
Conservation	No objections in relation to the reuse of the barn as holiday units but concerns regarding the design and materials.
Environmental Health	No objections – no conditions necessary.
Tree Protection Officer	No objection subject to conditions requiring: submission of an arboricultural method statement; implementation of tree/hedge protection; details of hard and soft landscaping.
Parish Council	No comments received within statutory timescale.
Public Rights of way Officer	No comments received within statutory timescale.
Ramblers Associations	They have commented on the separate application for works to the nearby property (15/01399/FUL).
National Grid	No comments received within statutory timescale.

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 (NPPF)
- Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles
 - Paragraph 28 – Supporting a prosperous rural economy
 - Paragraphs 56, 58 and 60 – Requiring Good Design
 - Paragraph 115 – Conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty
 - Paragraph 118 – Conserving and Enhancing Biodiversity
 - Paragraphs 135 – Non-Designated Heritage Assets
- 6.2 Lancaster District Core Strategy (adopted July 2008)
- SC1 – Sustainable Development
 - SC5 – Achieving Quality in Design
 - ER6 – Developing Tourism
- 6.3 Lancaster District Local Plan - saved policies (adopted 2004)
- E3 – Areas of Outstanding Natural Beauty (AONB)
 - E4 – Countryside Area
- 6.4 Development Management Development Plan Document (adopted December 2014)
- DM7 – Economic Development in Rural Areas
 - DM8 – The Re-use and Conversion of Rural Buildings
 - DM13 – Visitor Accommodation
 - DM20 – Enhancing Accessibility and Transport Linkages
 - DM27 – Protection and Enhancement of Biodiversity
 - DM28 – Development and Landscape Impact
 - DM29 – Protection of Trees, Hedgerows and Woodland
 - DM33 – Development Affecting Non-Designated Heritage Assets or their Settings
 - DM35 – Key Design Principles

7.0 Comment and Analysis

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

- Principle of holiday accommodation
- Design and impact on non-designated heritage asset
- Impact on residential amenity
- Impact on trees
- Ecological Impacts
- Public Right of Way

7.2 Principle of holiday accommodation

7.2.1 Aside from the principles of sustainability advocated by national and Development Plan policy (particularly Core Strategy Policy SC1 and Development Management (DM) DPD Policy DM20), the main policy consideration relates to the proposed tourism-related use of this building. Policy ER6 of the Core Strategy sets out that the Council will promote and enhance tourism development in the district's countryside by encouraging agricultural diversification to create quiet recreation and small scale sensitively designed visitor attractions and accommodation.

7.2.2 The proposal cannot be considered as agricultural diversification as it does not relate to an agricultural business. However, Policy DM DPD DM13 sets out that visitor accommodation will be acceptable where it involves the conversion or re-use of a suitable existing rural building and the proposal complies with other relevant policies, in particular the criteria set out in DM DPD Policy DM8. In this case the building is a traditional barn, which has some domestic additions. It appears to be structurally sound and capable of conversion. In terms of sustainability, the site is located within an isolated rural location, however there is a good network of public footpaths in the vicinity of the site which can be used by visitors staying in this location and it is within the Forest of Bowland AONB. The application includes a two storey extension which would not usually be encouraged. However the presence of the existing conservatory and lean-to, and the need to remove these unsatisfactory elements from the building – leads Officers to consider that a suitably-designed two-storey extension would be preferable to the current situation. Therefore, providing that the design, amenity, ecological and other impacts are acceptable, the principle of development can be accepted.

7.3 Design and Impact on non-designated heritage asset

7.3.1 The buildings at Sidegarth are located in a traditional U-shaped arrangement which is characteristic of an isolated former farmstead in a field of recent (as opposed to ancient) enclosure. The buildings at Sidegarth are not Listed, nor are they within a Conservation Area. However the barn is visible on the 1840s and 1890s Ordnance Survey maps in an unaltered plan form and therefore it is capable of being considered as a non-designated heritage asset, in accordance with the advice provided in DM DPD Policy DM33. This approach is supported by the Council's Conservation Officer, given that the barn has retained many of its vernacular details (e.g. rubble walling; ventilation holes).

7.3.2 The removal of the existing upvc conservatory and the lean-to extension will clearly benefit the setting of this non-designated asset. Similarly, the replacement of the concrete roof tiles with slate is a significant positive. Other pleasing features to arise from the submission include the exposure of the original barn door and the removal of the existing (modern) canopies.

7.3.3 Notwithstanding these improvements, the proposed plans as submitted were subsequently amended to address some outstanding concerns. A proposed roller-boarded barn door was removed from the scheme. A series of ridge-lights in the barn were also deleted, in favour of more traditional conservation-type rooflights. These amendments, coupled with the removal of the existing non-traditional extensions, lead Officers to consider that the two-storey extension is acceptable. In reaching this conclusion, Officers have taken into account the implications for the non-designated heritage asset. The opportunity to bring the barn back into beneficial reuse; the removal of non-traditional features; and the amendments to the design of the current proposal considerably outweigh any concern relating to the scale of the two-storey extension. The significance of the non-designated heritage asset is therefore enhanced by the current proposal.

7.4 Impact on residential amenity

7.4.1 The adjacent dwelling is in the ownership of the applicant. The barn is located approximately 5.8m from the nearest part of the dwelling, which comprises a long single storey addition at the front. This part of the dwelling is proposed to be demolished, and these works are subject to the separate planning application (15/01399/FUL) being considered on this Committee Agenda. The existing relationship feels uncomfortable given the close proximity, but it is accepted that the properties are offset slightly, and the residential impact would be alleviated if these outbuildings were removed, as is proposed. The two-storey extension is proposed to have side-facing windows at ground floor (facing south-east), but not at first floor. The site plan shows proposed intervening landscaping and a solid boundary treatment, which will be capable of improving the physical relationship between the two remodelled structures. These details will be conditioned.

7.5 Impact on Trees

7.5.1 A tree survey and protection plan has been submitted with the application. A total of 9 trees have been identified within the context of the proposed development, including within the setting of the nearby dwelling. The species include Apple, Douglas Fir, Scots Pine, Sycamore, Birch, Beech, and Cypress. Four trees, namely T5, Birch, T6, Beech, and T8 & T9, both Leyland Cypress are proposed for removal because of their poor overall condition. T6 is the most significant of the trees proposed to be felled and concerns have been identified with regard to the structural integrity of this mature tree. The removal of these trees is considered to be acceptable in the interest of good arboriculture practice. However, new replacement tree planting is anticipated and would be controlled by condition. A Sycamore (T7) is a mature tree that has been pollarded in the past. This tree must be maintained as a pollarded tree and proposals include a regular 5 year pollarding programme which is acceptable.

7.6 Ecological Impacts

7.6.1 As the application proposes the conversion of a traditional stone barn, a bat survey has been submitted. Surveys of the building and general activity have been carried out. The emergence survey confirmed the building as a bat roost for a single *myotis spp* bat and the re-entry survey confirmed the building as a bat roost for a 3 soprano pipistrelle bats. It is concluded that a Natural England licence is necessary in this instance as there will be a small impact upon two known bat roosts. The proposed development at the site will result in the loss of both existing bat roosts. As a license from Natural England is required, the three derogation tests that would applied when determining whether a licence can be issued must be considered. These are:

1. The proposed development must meet a purpose of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment” Regulation 53(2)(e).
2. The competent authority must be satisfied “that there is no satisfactory alternative” Regulation 53(9)(a), and:
3. “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range” Regulation 53(9)(b).

7.6.2 In terms of overriding public interest, the proposal will result in a viable use to a non-designated heritage asset. It will also result in the removal of more domestic additions, enhancing its character. For these reasons it is considered that the proposal complies with the first test. The second test relates to there being no satisfactory alternatives. In the guidance it sets out that there are always going to be alternatives to a proposal and, in terms of licensing decisions, it is for Natural England to determine that a reasonable level of effort has been expended in the search for alternative means of achieving the development whilst minimising the impact on the Protected Species. In this case, the works are required to allow the building to be converted. The main alternatives are leaving the building in its current state and use. As set out above, there are benefits to the development, and if left as it is the building could fall into disrepair and could eventually fall down. As such, it is not considered that there are satisfactory alternatives.

7.6.3 The third test sets out that the action authorised will not be detrimental to the maintenance of the

population of the species concerned at a favourable conservation status in their natural range. A mitigation strategy has been set out within the report. The careful planning and timing of the works will ensure that direct impacts upon bats will be avoided. The mitigation aims to exclude the bats from the building. Compensation is also proposed to mitigate the loss of the two small roosts. It is therefore considered that the proposal complies with this test.

7.7 Public Right of Way

7.7.1 A public right of way (FP 18) appears to cross the wider site. The agent has responded to requests to illustrate the route of the footpath on the site plan, which he has done. The route of the footpath appears to run in between the barn and the nearby dwelling. As such, it is considered that the proposed extension and works can be accommodated without obstruction to the footpath route, and the proposal can, in planning terms, be considered favourably. However it would be prudent to include an Advice Note on any grant of permission to indicate that the developer is not entitled to obstruct any public footpath, and any works that did so would be subject to a stopping-up or diversion of a public right of way Order under the appropriate Acts.

8.0 Planning Obligations

8.1 There are none to consider as part of this application.

9.0 Conclusions

9.1 Whilst the barn is not in a geographically-sustainable location, it forms part of the group of buildings relating to the existing residential property at Sidegarth, and appears to have been used for some form of residential purpose in the past (given the conservatory and lean-to additions). The barn is considered to be a non-designated heritage asset, and this proposal attempts to bring it back into beneficial use, which is welcome. Holiday accommodation, rather than permanent accommodation, is considered an appropriate use given the circumstances of this case.

9.2 The physical works to the building will help restore the character and improve the appearance of the structure. The development will be subject to tree and bat-related conditions, and a separate Advice Note will inform the applicant that the nearby public footpath cannot be obstructed at any time. On that basis, planning permission is recommended.

Recommendation

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

1. Standard 3-year time condition
2. Amended Plan Condition
3. Development as per approved plans
4. Materials to be agreed in writing and then implemented in accordance with agreed details; including:
 - Details of natural slate, including sample
 - Details of ridge, verge and eaves details
 - Mortar and pointing sample
 - Details of rainwater goods
 - Details of new stone
 - Details of rooflights (to be conservation type), windows and doors
 - Details of boundary treatments
5. Submission of an arboricultural method statement (including pollarded tree)
6. Details of hard and soft landscaping
7. Implementation of tree/hedge protection
8. Compliance with bat mitigation within Bat Survey
9. Creation of parking/turning prior to first use
10. Holiday occupancy – no more than 8 weeks, bound register (i.e. not permanent accommodation)
11. Removal of all permitted development rights

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

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

The proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings. The local planning authority has provided advice during the pre-application stage of the process in accordance with Paragraph 189 of the National Planning Policy Framework, and the applicant's subsequent proposal has taken that advice into account. As a result the local planning authority and the applicant have positively and proactively addressed the issues to enable permission to be granted.

Human Rights Act

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

Background Papers

None.

<p align="center">Agenda Item</p> <p align="center">A13</p>	<p align="center">Committee Date</p> <p align="center">8 February 2016</p>	<p align="center">Application Number</p> <p align="center">15/01399/FUL</p>
<p align="center">Application Site</p> <p align="center">Sidegarth Sidegarth Lane Halton Lancaster</p>	<p align="center">Proposal</p> <p align="center">Demolition of various extensions and erection of a single storey rear extension and two storey side extension</p>	
<p align="center">Name of Applicant</p> <p align="center">Mr & Mrs M Swindlehurst</p>	<p align="center">Name of Agent</p> <p align="center">Mr Sam Edge</p>	
<p align="center">Decision Target Date</p> <p align="center">21 January 2016</p>	<p align="center">Reason For Delay</p> <p align="center">Committee Cycle</p>	
<p>Case Officer</p>	<p>Mrs Eleanor Fawcett</p>	
<p>Departure</p>	<p>None</p>	
<p>Summary of Recommendation</p>	<p>Approval – subject to amended plans</p>	

1.0 The Site and its Surroundings

- 1.1 This application relates to an existing detached rural dwelling located in between the settlements of Aughton, Over Kellet and Gressingham. It is accessed off Kirkby Lonsdale Road via a long privately-maintained track, known as Sidegarth Lane, which is also a public right of way. The line of the right of way appears to cross between the dwelling and adjacent barn, and then splits beyond the residential boundary, with one path continuing in a south east direction and the other to the south west. The site is located within the Countryside Area, as identified on the local plan proposals map and the Forest of Bowland Area of Outstanding Natural Beauty (AONB). There is a high pressure gas pipeline located approximately 280 metres to the south east of the site.
- 1.2 The submission sets out that the original part of the dwelling dates from the 17th century, although it has been altered since that date. The property is constructed of stone, painted white. The property is not listed. There are a number of large extensions to the building, most believed to date from the 1960s, although the single storey addition to the front may be older. There is a barn in close proximity to the dwelling which appears to have been used to some extent with the dwelling (and is subject to a separate planning application for conversion to holiday use, which will be considered on this Committee Agenda). The property benefits from a considerable amount of domestic curtilage. The nearest neighbouring residential property is approximately 450 metres to the south west.

2.0 The Proposal

- 2.1 The application seeks to remove a number of existing extensions to the property, and erect a single-storey rear extension and a two-storey side extension. Both extensions would be contemporary in style; the two-storey element being constructed in brick with dark grey metal windows and a dark grey capping detail to the roof; whilst the single-storey extension would have similar capping detail but with a grass roof and oak cladding. The grass roof would make use of the natural contours of the site to form part of the wider garden area. The extensions would be linked to the traditional farmhouse by virtue of a glazed link. The original stonework to the farmhouse would be exposed and repointed.
- 2.2 The garden area would be remodelled, including new stone walls, refuse storage and a cycle

storage area. The two-storey extension would be glazed to overlook the remodelled garden. Works to existing trees are proposed and these are detailed later in this report.

3.0 Site History

3.1 There is no recent planning history regarding this farmhouse.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objections – access arrangements are unaffected.
County Archaeology	Given that Sidegarth is not Listed nor in a Conservation Area, they do not recommend refusal. Instead they recommend a condition regarding (i) a more detailed historic building survey prior to demolition; and, (ii) a watching brief held during groundworks in certain locations of the site.
Conservation	No objections to the removal of the unsympathetic 20 th Century additions to the farmhouse; or the contemporary principle of the proposed extensions. There are however concerns regarding the scale and position of the two-storey element; materials; and alterations to the farmhouse façade.
Environmental Health	No comments received within statutory timescale.
Tree Protection Officer	No objections - subject to conditions requiring: submission of an arboricultural method statement; implementation of tree/hedge protection; details of hard and soft landscaping.
Parish Council	No comments received within statutory timescale.
Public Rights of way Officer	No comments received within statutory timescale.
Ramblers Associations	Objection – Footpath 18 passes through the site – it is not possible to determine the effect of development on the route; the route may already be obstructed.
National Grid	No comments received within statutory timescale.

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 (NPPF)

- Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles
- Paragraphs 56, 58 and 60 – Requiring Good Design
- Paragraph 115 – Conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty
- Paragraph 118 – Conserving and Enhancing Biodiversity
- Paragraphs 135 – Non-Designated Heritage Assets

6.2 Lancaster District Core Strategy (adopted July 2008)

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

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

- E3 – Areas of Outstanding Natural Beauty
- E4 – Countryside Area

6.4 Development Management Development Plan Document (adopted December 2014)

- DM27 – Protection and Enhancement of Biodiversity
- DM28 – Development and Landscape Impact

- DM29 – Protection of Trees, Hedgerows and Woodland
- DM33 – Development Affecting Non-Designated Heritage Assets or their Settings
- DM35 – Key Design Principles

7.0 Comment and Analysis

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

- Design, scale, massing and the implications for the non-designated heritage asset;
- Impact of the extensions on the AONB;
- Impact on trees; and,
- Ecological Impacts.

7.2 Design, scale, massing and the implications for the non-designated heritage asset

7.2.1 The farmhouse at Sidegarth is visible on the 1840s Ordnance Survey (OS) map with extensions to the front, which were most likely agricultural buildings/stabling. OS maps indicate that the original house previously extended further west, but that this part was demolished in the later 19th Century. The local planning authority consider the house is capable of being considered as a non-designated heritage asset, in accordance with the advice provided in DM DPD Policy DM33. This approach is supported by the Council's Conservation Officer, particularly given that the proposed development includes removal of its' modern additions, which in turn will reveal more of the farmhouse and provide information about its' original construction (and any archaeological interests).

7.2.2 At present, much of the farmhouse is hidden from view, especially the front (north-western) elevation. Removal of the lengthy single-storey front extension - which presently accommodates a hall, utility, kitchen, sitting room, bedroom and bathroom - is considered to significantly benefit the setting of the farmhouse; as will the removal of the two-storey rear extension (currently accommodating an office and two sitting rooms, with a landing, bathroom and bedroom above). These works will leave the traditional farmhouse intact.

7.2.3 The new extensions are - like the buildings they replace - significant in scale, wrapping around two sides of the farmhouse but separated from it by a glazed link. They would provide a large ground floor living room/kitchen/diner, with a separate study and a series of smaller utility/storage buildings adjoining an integral garage. On the upper floor, three new bedrooms and a bathroom are proposed. Whilst the extensions are not dissimilar in terms of footprint, they do differ considerably in terms of design. The simple lines of the new extensions would rationalise the buildings and allow for a contemporary approach to be adopted, to help emphasise the different periods of construction. Whilst this is supported in principle by Officers, including the Conservation Officer, amendments to the design have been sought to reduce the massing impacts upon the farmhouse. In addition, further clarification has been sought regarding the fenestration and materials, and it is anticipated that these details will be available prior to the Committee meeting. Whilst it is clear that the new extensions are capable of being accommodated on this domestic plot, refinement of the design is required to ensure that the setting of the non-designated heritage asset is not compromised.

7.2.4 Aside from the removal of the later extensions, there are other heritage-related positives that emerge from the proposals, most notably the replacement of the concrete tiles with natural slate; the removal of impermeable non-traditional masonry paint (subject to pointing and mortar details being appropriate) and the retention of the interesting large chimney stack.

7.2.5 The proposals will reveal far more of this non-designated heritage asset than is currently visible, and the proposals have the potential to enhance its' setting. However this is subject to the receipt of amended plans referred to in 7.2.3 above.

7.2.6 The County Archaeologist has requested a single condition which will ensure proportionate archaeological recording and analysis. This would enable assessment of any buried remains that may still be in situ on the site of the older part of the property that occupied part of this site originally. This condition is considered appropriate.

7.3 Impact of the Extensions on the AONB

7.3.1 The property is neatly contained within its own setting by existing trees. Areas of woodland screen the site from the west, whilst other smaller swathes of woodland helps screen the property to the south. Views are available to the north and west but, notwithstanding the public footpath which offers views at close quarters, the views from elsewhere in the AONB are at considerable distance. At the distances involved, the extensions would be seen against the backdrop of the existing house and nearby barn. It is considered therefore that the proposal would not have any adverse impact upon the wider AONB designation.

7.4 Impact upon Trees

7.4.1 A tree survey and protection plan has been submitted with the application. A total of 9 trees have been identified within the context of the proposed development, including within the setting of the nearby dwelling. The species include Apple, Douglas Fir, Scots Pine, Sycamore, Birch, Beech, and Cypress. Four trees, namely T5, Birch, T6, Beech, and T8 & T9, both Leyland Cypress are proposed for removal because of their poor overall condition. T6 is the most significant of the trees proposed to be felled and concerns have been identified with regard to the structural integrity of this mature tree. The removal of these trees is considered to be acceptable in the interest of good arboriculture practice. However, new replacement tree planting is anticipated and would be controlled by condition. A Sycamore (T7) is a mature tree that has been pollarded in the past. This tree must be maintained as a pollarded tree and proposals include a regular 5 year pollarding programme which is acceptable.

7.4.2 The grass roof is an interesting addition to the proposals and, whilst not impacting upon the established trees, it has the potential to contribute successfully to the integration of the development within the surrounding landscape.

7.5 Ecological Impacts

7.5.1 A bat survey has been submitted to accompany this application. Whilst bats were found in the nearby barn, none were found in the areas of the dwelling that are proposed to be demolished. The survey confirms that the house is well-sealed offering no access potential for bats. Therefore, it is considered that there will be no impact upon protected species as a consequence of the development proposals.

7.6 Public Rights of Way

7.6.1 A public right of way (FP 18) appears to cross the wider site. The agent has now responded to requests to illustrate the route of the footpath on the site plan. The route of the footpath appears to run in between the barn and the nearby dwelling. As such, it is considered that the proposed extensions and works within the domestic curtilage can be accommodated without obstruction to the footpath route, and the proposal can, in planning terms, be considered favourably. However it would be prudent to include an Advice Note on any grant of permission to indicate that the developer is not entitled to obstruct any public footpath, and any works that did so would be subject to a stopping-up or diversion of a public right of way Order under the appropriate Acts.

8.0 Planning Obligations

8.1 There are none to consider as part of this application, as the proposal relates to extensions to an existing house.

9.0 Conclusions

9.1 The demolition of modern additions to the farmhouse is to be welcomed, as are the sensitive changes to the external elevations, including the roof materials.

9.2 The new extensions offer a more logical arrangement for the dwelling, and in principle the contemporary approach is an appropriate one to pursue. However there remains some details that require further clarification, and the submission of amended plans to reduce the massing impacts

upon the farmhouse. It is anticipated that these amendments will be available prior to the Committee meeting, as discussed with the agent, and if this transpires in accordance with those discussions then planning permission can be granted.

Recommendation

That subject to the receipt of amended plans, Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3-year timescale
2. Amended plans condition
3. Development as per approved plans
4. Materials to be agreed in writing and then implemented in accordance with agreed details; including:
 - Details and samples of all external materials, including slate, roof membrane, stone, brick, oak cladding
 - Details of parapet, ridge, verge and eaves details
 - Mortar and pointing sample
 - Details of rainwater goods
 - Details of windows and doors, including glazing link (including colour)
 - Details of boundary treatments, including retaining walls
5. Submission of an arboricultural method statement (including pollarded tree)
6. Details of hard and soft landscaping
7. Implementation of tree/hedge protection
8. Archaeological recording and analysis condition
9. Removal of all permitted development rights

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

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

The proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings. The local planning authority has provided advice during the pre-application stage of the process in accordance with Paragraph 189 of the National Planning Policy Framework, and the applicant's subsequent proposal has taken that advice into account. As a result the local planning authority and the applicant have positively and proactively addressed the issues to enable permission to be granted.

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 A14	Committee Date 8 February 2016	Application Number 15/01557/LB
Application Site 17 - 19 Euston Road Morecambe Lancashire LA4 5DF	Proposal Listed building application for the installation of an external street light	
Name of Applicant Mr Julian Inman	Name of Agent N/A	
Decision Target Date 4 February 2016	Reason For Delay Committee Cycle	
Case Officer	Mrs Kim Ireland	
Departure	No	
Summary of Recommendation	Approval	

(i) **Procedural Matters**

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

1.0 The Site and its Surroundings

- 1.1 The property which forms the subject of this application relates to a three-storey (with two attic storeys) corner property that is Grade II listed, located on Euston Road in Morecambe. The surrounding area mainly consists of terrace commercial properties.
- 1.2 The site is allocated as a Protected or Primary Retail Frontage in the Lancaster District Local Plan proposals map and is situated within the Morecambe Conservation Area.

2.0 The Proposal

- 2.1 The application proposes the installation of an external street light. The proposed external street light is to be installed to the western elevation at third storey level. The external street light will be made up of cast aluminium that is polyester powder coated and the associated cabling will be lead covered pyro that will blend into the stonework.
- 2.2 Whilst the proposal is for an individual light on a heritage asset, the background to the proposal is that it comprises part of a wider proposal to improve street lighting and the wider public realm in and around Euston Road.

3.0 Site History

- 3.1 None associated with the application.

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No comments at the time of compiling this report.
Conservation Officer	Initial concerns regarding the location and colouring of the cabling; and the potential for negative impacts on the listed building. A condition was recommended; however further detail has since been submitted (see paragraph 2.1), and that detail is acceptable, thus negating the need for a condition.

5.0 Principal National and Development Plan Policies

5.1 National Planning Policy Framework (NPPF)

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

5.2 Development Management DPD

DM30 – Development affecting Listed Buildings
DM31 – Development affecting Conservation Areas
DM35 – Key Design Principles

6.0 Comment and Analysis

6.1 The main consideration in this Listed Building application is whether the proposal affects the setting of the heritage assets.

6.2 General Design and Impact upon Heritage Assets

The proposed installation of an external street light has been designed so that the light is not located at eye level or obstruct the architectural detailing of the building. Whilst there will be a small degree of change to the building’s appearance and character, care has been taken to minimise the appearance of the street light; whilst the colour of the cabling will blend in with the stonework and will be concealed along the building joints. As such, in terms of assessing the impact upon the heritage assets (the Listed Building and the Conservation Area), Officers can advise that the proposal will preserve the setting of both. It is anticipated that improving the lighting levels in a sensitive manner (as part of the wider scheme) will eventually enhance the setting of the heritage assets in the locality.

7.0 Planning Obligations

7.1 None required.

8.0 Conclusions

8.1 The proposed installation of an external street light has been found acceptable in terms of design and built heritage conservation. In respect of these matters, it is in compliance with the relevant Development Plan policies and guidance provided in the NPPF.

Recommendation

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

1. Standard 3 year timescale
2. Development to be carried out in accordance to approved plans
3. Location and colour of the cabling to be carried out in accordance with details received and maintained as such at all times thereafter.

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

Quarterly Reports

(a) Planning Application Determination Timescales

The table provides performance figures for the determination of Major Applications, Minor Applications and Other Applications in accordance with national timescales.

(b) Number of Planning Applications and Related Cases

The table lists the number of planning applications and other planning application-related cases that are received by the Development Management Service per quarter.

(c) New Tree Preservation Orders Made

The table lists the location of new Tree Preservation Orders (TPOs) made during the last quarter.

(d) Number of Applications for Works to Trees

The table lists the number of Tree Works applications received in respect of protected trees (protected by TPO or by Conservation Area status)

(e) Planning Appeal Decisions

The table lists the planning appeal decisions issued by the Planning Inspectorate during the last quarter.

(a) Planning Application Determination Timescales

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

Period	Major Applications Determined In Under 13 Weeks	Minor Applications Determined In Under 8 Weeks	Other Applications Determined Under 8 weeks
January-March 2014	75%	69%	78%
April-June 2014	72%	57%	70%
July-September 2014	83%	67%	67%
October-December 2014	71%	37%	58%
January-March 2015	65%	48%	66%
April-June 2015	56%	42%	63%
July-September 2015	71%	32%	53%
October-December 2015	64%	50%	71%

Year	Major Applications Determined In Under 13 Weeks	Minor Applications Determined In Under 8 Weeks	Other Applications Determined Under 8 weeks
2011 Average	30%	50%	60%
2012 Average	39%	55%	66%
2013 Average	62%	64.5%	81%
2014 Average	75%	57.5%	68%
2015 Average	64%	43%	63%
2016 Average	-	-	-

(b) Number of Planning Applications and Related Cases

	Jan-Mar 2014	Apr-Jun 2014	Jul-Sep 2014	Oct-Dec 2014	2014 TOTAL	Jan-Mar 2015	Apr-Jun 2015	Jul-Sep 2015	Oct-Dec 2015	2015 TOTAL
Major Applications	17	14	16	23	70	10	15	20	16	61
Minor Applications	57	73	70	51	251	71	49	62	75	257
Other Applications	202	179	181	165	727	179	226	170	176	751
Discharge of Planning Condition Applications	49	46	42	39	176	48	56	42	54	200
Non-Material Amendment Applications	7	10	12	10	39	11	11	9	15	46
Variation of Legal Agreement/Condition Applications	3	0	1	0	4	2	2	1	3	8
Prior Approval (Commercial/ Householder PA, Flexible Use etc) Applications	5	10	17	4	36	16	19	17	8	60
TOTAL NUMBER OF DECISION-MAKING APPLICATIONS	340	332	339	292	1303	337	378	321	347	1383
Environmental Screening and/or Scoping Opinions	6	8	9	16	39	4	7	3	4	18
Infrastructure Planning Commission Consultations	0	0	0	0	0	0	0	0	0	0
Pre-Application Advice Submissions or Charged Meetings	-	-	-	4	4	24	47	38	33	142

(c) New Tree Preservation Orders Made

Tree Preservation Order Number	Date Made	Location	Extent of Protection
562 (2015)	08.10.15	17 & 19, Haylot Square, Lancaster	X2 individual trees
563 (2015)	13.10.15	6, Hatlex Hill, Hest Bank	X 3 individual trees
564 (2015)	14.10.15	7, Pemberton Drive, Morecambe	X1 individual tree
565 (2015)	26.10.15	Land off Ashton Road, Lancaster	X2 Woodland compartments
566 (2015)	28.10.15	Land West of Arkholme Methodist Church, Kirkby Lonsdale Rd, Arkholme	X1 Veteran oak
567 (2015)	29.10.15	Long Plantation Ashton Hall Estate Ashton Road Lancaster	X1 Woodland area
568 (2015)	17.11.15	Clay Pit Wood, Moss Syke Wood, and Woodland south Denny Bank, Quernmore	X3 Woodland areas
569 (2015)	17.11.15	Mill Dam, Off Monkswell Drive, BLS	X6 individual trees and X6 groups
570 (2015)	17.11.15	1 Hazelbank, Halton	X1 individual tree
571 (2015)	23.11.15	Land to rear 26/28, Thorpe Avenue, Morecambe	X1 individual tree
572 (2015)	23.12.15	Fish Stones Oak Lancaster Road, Caton	X1 veteran tree
573 (2015)	23.12.15	Land off Whinney Fold, Silverdale	X6 individual tree, X1 group, X3 woodland compartments

(d) Number of Applications for Works to Trees

	Applications for Works to Trees Protected by Tree Preservation Orders	Applications for Works to Trees Protected by Conservation Area Status
January-March 2014	26	23
April-June 2014	10	14
July-September 2014	14	20
October-December 2014	19	25
TOTAL APPLICATIONS 2014	69	82
January-March 2015	21	18
April-June 2015	19	16
July-September 2015	20	24
October-December 2015	20	21
TOTAL APPLICATIONS 2015	80	79

(e) Planning Appeal Decisions

Application Number	Application Site	Proposal	Appeal Decision
14/00626/OUT	Land south of Aldcliffe Hall Lane, Lancaster	Outline application for the erection of up to 12 dwellings	Appeal dismissed
14/01242/RCN	7 The Old Granary, Middle Highfield, Aughton	Change of use and conversion of redundant agricultural buildings to form five dwellings, garages and holiday cottage (pursuant to the removal of condition 17 on planning permission 02/00580/CU to allow the holiday cottage to be used as a dwelling for a family member)	Appeal dismissed
15/00643/FUL	Haweswater, Moss Lane, Silverdale	Garage extension	Appeal dismissed

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APPLICATION NO	DETAILS	DECISION
15/00013/VLA	1 Epoch Cottages, Borwick Mews, Borwick Variation of legal agreement on application 1/87/0300 to remove holiday let restriction on unit No.1 and enable use as a permanent residential property for Mr Gary Marsh (Carnforth and Millhead Ward)	Application Permitted
15/00185/DIS	Lancaster Moor Hospital Annex, Quernmore Road, Lancaster Discharge of condition 14, 15, 16, 17 and part condition 5 on application 14/00756/VCN for Mr Andrew McMurtrie (Bulk Ward)	Initial Response Sent
15/00186/DIS	Lancaster Moor Hospital Annex, Quernmore Road, Lancaster Discharge of conditions 10 and 11 and part condition 4 on application 14/00659/REM for Mr Andrew McMurtrie (Bulk Ward)	Initial Response Sent
15/00188/DIS	Lancaster Moor Hospital Annex, Quernmore Road, Lancaster Discharge of condition 6, 14, 15, 16 and 17 and part condition 4 on application 14/01011/REM for Mr Andrew McMurtrie (Bulk Ward)	Initial Response Sent
15/00189/DIS	Lancaster Moor Hospital Annex, Quernmore Road, Lancaster Discharge of condition 11 on application 15/00494/REM for Mr Andrew McMurtrie (Bulk Ward)	Initial Response Sent
15/00194/DIS	3 Cove Road, Silverdale, Carnforth Discharge of condition 4 on application 13/00732/FUL for Mr & Mrs S J & L Ormrod (Silverdale Ward 2015 Ward)	Application Permitted
15/00202/DIS	Laverick Hall, Laverick Road, Halton Discharge of conditions on prior approval 15/00904/PAA for Mr Andrew Towers (Halton-with-Aughton Ward 2015 Ward)	Request Completed
15/00203/DIS	Ripley St Thomas Church Of England Academy, Ashton Road, Lancaster Discharge of conditions 3 and 4 on application 15/00234/LB for Ripley St Thomas Church Of England Academy (Scotforth West Ward 2015 Ward)	Application Permitted
15/00204/DIS	Ripley St Thomas Church Of England Academy, Ashton Road, Lancaster Discharge of conditions 3 and 4 on application 15/00233/FUL for Ripley St Thomas Church Of England Academy (Scotforth West Ward 2015 Ward)	Application Permitted
15/00217/DIS	Launds Field, Stoney Lane, Galgate Discharge of conditions 7 and 8 and part discharge of condition 2 on planning permission 15/00854/VCN for Mr Chris Gowlett (Ellel Ward 2015 Ward)	Initial Response Sent

LIST OF DELEGATED PLANNING DECISIONS

15/00696/CU	Packet Boat Hotel, 95 Main Road, Bolton Le Sands Change of use of public house (A4) to a 4-bed dwelling (C3), demolition of part of the existing single and 2 storey rear extension, new pitched roof over retained part of single storey rear extension, and installation of new raised terrace, new windows, new boundary treatment and gates for Mrs Adelle Stretch (Bolton Le Sands Ward)	Application Permitted
15/00697/LB	Packet Boat Hotel, 95 Main Road, Bolton Le Sands Listed building application for the demolition of part of the existing single and 2 storey rear extension, new pitched roof over retained part of single storey rear extension, removal of roof terrace and lift platform, reorientation of raised terrace, replacement and new windows and external doors, new staircase, new and replacement internal partition walls, and erection of new sections of boundary wall and gates for Mrs Adelle Stretch (Bolton Le Sands Ward)	Application Permitted
15/00806/FUL	Booth Hall, Bay Horse Road, Quernmore Demolition of existing agricultural building and erection of an agricultural workers dwelling for Mr & Mrs M Kidd (Lower Lune Valley Ward)	Application Permitted
15/00848/CU	Coach And Travel Centre , Scotland Road, Carnforth Retrospective application for change of use of agricultural land to vehicle parking area and proposed regrading of adjacent land to form parking for Mr John Shaw (Carnforth Ward)	Application Permitted
15/00868/CU	40 Lord Street, Morecambe, Lancashire Demolition of social club and change of use of land to create 10 parking spaces, erection of a boundary wall, new vehicle access and a dropped kerb for Mr Rod Taylor (Poulton Ward)	Application Permitted
15/00882/REM	19 Church Grove, Overton, Morecambe Reserved matters application for the demolition of an existing dwelling and erection of 3 detached dwellings with associated access for Mr James Hutton (Overton Ward)	Application Permitted
15/00896/OUT	Former Chicken Farm , Kellet Road, Over Kellet Outline application for the demolition of existing buildings and erection of up to three dwellings and creation of a paddock for Mr Dennis Towers (Kellet Ward)	Application Permitted
15/00915/OUT	Land Adjacent To Former Garden Nursery, Lindeth Road, Silverdale Outline application for the erection of 2 dwellings for Mrs Linda Kaye (Silverdale Ward)	Application Permitted
15/00922/CU	15 Hestham Crescent, Morecambe, Lancashire Retrospective application for the erection of a porch to the front elevation and change of use of domestic garage to form dwelling for Mr Antony Macfarlane (Harbour Ward)	Application Permitted
15/00979/FUL	Fleets Farm, Fleet Lane, Gressingham Creation of agricultural access track for Mr L Metcalfe (Upper Lune Valley Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/00987/CU	13 Morecambe Street West, Morecambe, Lancashire Change of use of ground floor shop (A1) to 1-bed flat (C3) and alterations to ground floor front elevation for Mr P Bevon (Poulton Ward)	Application Refused
15/01006/FUL	54 Hest Bank Lane, Hest Bank, Lancaster Erection of part single part two storey side and rear extensions and alterations to the existing roof arrangement for Mr And Mrs D Walker (Slyne With Hest Ward)	Application Permitted
15/01011/FUL	Tewitfields Trout Fishery, Burton Road, Warton Construction of 23 holiday chalets, erection of a maintenance building, construction of additional water attenuation pond, electricity sub-station, cycle storage and relocation of existing package treatment plant for Lodge Quest Opertations Ltd (Warton Ward)	Application Permitted
15/01047/FUL	16 Cockersand Drive, Lancaster, Lancashire Erection of a two storey rear extension for Mr R Mitchell (Scotforth East Ward)	Application Refused
15/01055/FUL	Swan Yard, St Peters Road, Lancaster Partially retrospective application for the replacement of timber windows with UPVC, removal of gazebo roof and reduce posts to level of wall for Swanyard Lancaster Ltd (John O'Gaunt Ward)	Application Permitted
15/01066/FUL	Glenside, Red Bridge Lane, Silverdale Excavation of land to extend basement and creation of a below ground garage with terrace above, change of use of agricultural land to domestic curtilage and creation of a new driveway and turning/parking area, and erection of single storey side and two storey rear extensions for Mr John Shaw (Silverdale Ward 2015 Ward)	Application Permitted
15/01138/FUL	Land Between Halton Bridge, And Lower Halton Weir, South Bank Of The River Lune Creation of a fishing platform and access track for Mrs Sarah Littlefield (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
15/01149/ADV	St Patricks Chapel, Main Street, Heysham Advertisement application for the display of 2 non-illuminated free standing panel signs and 1 non-illuminated wall sign for Mr Jamie Lund (Heysham Central Ward 2015 Ward)	Application Permitted
15/01151/CU	Kings Arcade (Unit 13)), King Street, Lancaster Change of use of offices (B1) to 4 bed student cluster flat (C4) for Ms Helen Parry (Castle Ward 2015 Ward)	Application Permitted
15/01153/LB	219 Marine Road Central, Morecambe, Lancashire Listed Building application for installation of a servery unit and one non-illuminated fascia sign for Mr D Barker (Poulton Ward 2015 Ward)	Application Withdrawn
15/01209/FUL	Stables, Hazelrigg Lane, Ellel Application for permanent consent for one block comprising of two stables and a tack room for Ms Katharine Claire Mitchell (University And Scotforth Rural Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/01220/FUL	Geiranger, Lancaster Road, Slyne Change of use of existing lodge house from ancillary accommodation to a separate dwelling house. for Mr & Mrs D.J. Casson (Bolton And Slyne Ward 2015 Ward)	Application Permitted
15/01228/FUL	Christ Church United Reformed Church, Main Road, Bolton Le Sands Widening of vehicle entrance, alteration to extend driveway and creation of 8 car parking spaces to the rear for United Reformed Church (Bolton And Slyne Ward 2015 Ward)	Application Permitted
15/01235/VCN	Rear Of 58 Wellington Road, Lancaster, Lancashire Continuation of use of storage building for joinery workshop (pursuant to the variation of condition 2 on planning permission 05/01341/FUL to continue use for a further 5 years) for Mr D Townley (Scotforth West Ward 2015 Ward)	Application Permitted
15/01254/CU	Asda , Ovangle Road, Lancaster Change of use of part of car park for the siting of staff cabin and erection of covered car port and associated fencing to provide a hand car wash and valet service facility for Mr Geoff Moore (Westgate Ward 2015 Ward)	Application Permitted
15/01283/OUT	Land North Of 43 Clarendon Road, Lancaster, Lancashire Outline application for the erection of 2 dwellings for Mr Dennis Hough (Skerton East Ward 2015 Ward)	Application Permitted
15/01295/LB	Holly Trees Cottage, Wennington Road, Wray Listed building application for the fitting of a timber boarded garage door for Mr P Hilton (Lower Lune Valley Ward 2015 Ward)	Application Permitted
15/01308/FUL	258 Oxcliffe Road, Heaton With Oxcliffe, Morecambe Demolition of existing dwelling and erection of a replacement 5-bed dwelling and associated landscaping for Mr Gordon Hoey (Westgate Ward 2015 Ward)	Application Permitted
15/01315/CU	39 And 41 Regent Road, Morecambe, Lancashire Change of use of two 4-bed flats (C3) to one 1-bed flat and three 2-bed flats (C3), installation of 2 roller shutters and replacement windows and roof lights to the front and rear elevations for Mr D Demczuk (Harbour Ward 2015 Ward)	Application Permitted
15/01317/AD	Backsbottom Farm, Moor Lane, Roeburndale Agricultural determination for the erection of a storage building for Rod Everett (Lower Lune Valley Ward 2015 Ward)	Prior Approval Not Required
15/01345/CU	365A Lancaster Road, Morecambe, Lancashire Change of use of first floor flat (C3) to office (B1) for Mrs M Fort (Torrisholme Ward 2015 Ward)	Application Permitted
15/01354/CU	Filling Station And Workshop, Lancaster Road, Cockerham Change of use of agricultural land to facilitate the erection of a single storey side extension to existing workshop and creation of an area of hard standing for Mr J Cross (Ellel Ward 2015 Ward)	Application Permitted
15/01360/CU	Narr Lodge Farmhouse, Wyresdale Road, Quernmore Retrospective application for the change of use of leisure room/study over garage to one self-contained flat for Mr BS Heaton (Lower Lune Valley Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

15/01367/VCN	Land Adjacent Walnut Gate, Bailrigg Lane, Lancaster Erection of a detached dwelling with associated landscaping and vehicular access (pursuant to the variation of condition 2 on planning permission 15/00357/FUL to amend the approved plans to increase the height of the dwelling and alter the location of the water treatment plant and site access) for Mr & Mrs T+S Mc Minnis (University And Scotforth Rural Ward)	Application Permitted
15/01371/CU	1 Walker Grove, Heysham, Morecambe Change of use of part garage for dog grooming (A1) and construction of a balcony over existing rear extension for Mrs Deborah Dixon (Heysham South Ward 2015 Ward)	Split Decision
15/01379/FUL	3 Mill Hill Grove, Middleton, Morecambe Retrospective application for the erection of a single garage for Mr Barry Hall (Overton Ward 2015 Ward)	Application Permitted
15/01380/CU	Eric Morecambe House, Harrow Grove, Morecambe Change of use of communal bathroom and office to create larger office space and conversion of part of flat 8 to create additional office space for Anchor House (Torrisholme Ward 2015 Ward)	Application Permitted
15/01383/FUL	Land Adjacent, Mount Pleasant Lane, Bolton Le Sands Retrospective application for the erection of an agricultural building for Mr Anthony Little (Bolton And Slyne Ward 2015 Ward)	Application Permitted
15/01394/FUL	Arndale Shopping Centre, Royalty Mall, Morecambe Installation of steps and ramp to the side of unit 4 of Royalty Mall, changes to the facades facing Market Street and Euston Square, change of use of unit 15 to public toilets, change of use of unit 6 and 8 to A3/A4/A5 uses and demolition of unit 48 to create an area of covered public realm for Mr Paul Wright (Poulton Ward 2015 Ward)	Application Permitted
15/01397/FUL	Lancaster Wastewater Treatment Works , Stodday Lane, Lancaster Erection of a 12m high communications mast and ancillary cabling for Mrs J Brown (Scotforth West Ward 2015 Ward)	Application Permitted
15/01406/FUL	46 - 48 Claremont Road, Morecambe, Lancashire Change of use of a retail unit and 2 residential dwellings to 6 1-bed flats for Mr A. Kandasamy (Harbour Ward 2015 Ward)	Application Permitted
15/01408/ADV	The Morecambe Bay Hotel, 317 - 318 Marine Road Central, Morecambe Advertisement application for the display of an externally illuminated fascia sign and a non-illuminated hanging sign for Mr R Hill (Poulton Ward 2015 Ward)	Application Permitted
15/01412/LB	30 Market Street, Lancaster, Lancashire Listed building application for works to facilitate the change of use of bakery (A1/A5) to Chinese restaurant (A3), including the installation of a new shop front and new windows to existing blocked window openings for Mr Zhong Wei Wang (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/01417/FUL	1 Marine Drive, Hest Bank, Lancaster Installation of a first floor side door and handrail and balusters to existing external steps for Miss M Modley (Bolton And Slyne Ward 2015 Ward)	Application Permitted
15/01419/FUL	Heysham South Wind Farm Site, Lancaster Morecambe Bypass, Heaton With Oxcliffe Retrospective application for the retention of an auxiliary transformer for Banks Renewables (Heysham South Wind Farm) Ltd (Overton Ward 2015 Ward)	Application Permitted
15/01423/VLA	Launds Field, Stoney Lane, Galgate Variation of legal agreement attached to planning permission 12/00834/OUT to amend affordable housing clauses for Mr Chris Gowlett (Ellel Ward 2015 Ward)	Application Permitted
15/01424/FUL	Manor House Farm, Coach Road, Warton Demolition of existing single storey side extension, erection of a part single part 2 storey side and rear extension, and construction of a roof over existing side bay window for Mr & Mrs T Raymond (Warton Ward 2015 Ward)	Application Permitted
15/01425/FUL	313 - 315 Marine Road Central, Morecambe, Lancashire Erection of a single storey rear extension for Mr Jason Bracken (Poulton Ward 2015 Ward)	Application Permitted
15/01427/FUL	51 Westbourne Road, Lancaster, Lancashire Construction of a dormer window to the rear elevation for Mr R Turner (Marsh Ward 2015 Ward)	Application Permitted
15/01435/ADV	16 Penny Street, Lancaster, Lancashire Advertisement application for the display of a shopfront fascia and hanging sign for Miss Catherine Snook (Castle Ward 2015 Ward)	Application Permitted
15/01437/LB	St Patricks Chapel, Main Street, Heysham Listed building application for the fitting of 1 non-illuminated wall sign for Mr Jamie Lund (Heysham Central Ward 2015 Ward)	Application Permitted
15/01446/FUL	Keepers Cottage, Borwick Road, Borwick Erection of a first floor rear extension and single storey side and rear extensions for Mr & Mrs T Cummins (Kellet Ward 2015 Ward)	Application Withdrawn
15/01447/FUL	267 Heysham Road, Heysham, Morecambe Erection of a porch to the front for Mr S. Gallagher (Heysham Central Ward 2015 Ward)	Application Permitted
15/01448/FUL	12 Highgrove Road, Lancaster, Lancashire Erection of a single storey rear extension for Mr & Mrs J. Berry (Scotforth West Ward 2015 Ward)	Application Permitted
15/01453/FUL	40 Lancaster Road, Carnforth, Lancashire Construction of a balcony area to the rear and creation of a new vehicular access point for Mr Lee Nicholls (Carnforth And Millhead Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/01460/NMA	Cock Hall Farm, Lancaster Road, Cockerham Non-material amendment to planning permission 13/00742/FUL to use natural stone on front elevation and single storey annex to the side, alter window and door positions and re-orientate the roof of the single storey side annex for Mr And Mrs A Clarkson (Ellel Ward 2015 Ward)	Application Permitted
15/01462/FUL	Ireby Hall, Long Level, Ireby Erection of an agricultural storage building for Mr Richard Fawcett (Upper Lune Valley Ward 2015 Ward)	Application Permitted
15/01467/FUL	11 Home Farm Close, Wray, Lancaster Installation of solar panels on rear roofslope for Mr Alan Graham (Lower Lune Valley Ward 2015 Ward)	Permitted Development
15/01469/FUL	80 Twemlow Parade, Heysham, Morecambe Erection of a single storey rear extension, installation of a raised replacement roof to create first floor accommodation, construction of a balcony to the rear and removal of 2 chimney stacks for Mr Terry Rogers (Heysham Central Ward 2015 Ward)	Application Withdrawn
15/01476/FUL	Moss Side Farm, Moss Road, Heaton With Oxcliffe Erection of an agricultural livestock building for Mr Edward Thornton (Overton Ward 2015 Ward)	Application Permitted
15/01480/FUL	12 Birch Drive, Silverdale, Carnforth Construction of a dormer window to the side elevation for Mr And Mrs Emsley (Silverdale Ward 2015 Ward)	Application Permitted
15/01483/FUL	Holme Head, Melling Road, Hornby Installation of a slurry tank for Mr EW Towers (Upper Lune Valley Ward 2015 Ward)	Application Permitted
15/01490/FUL	107 Main Street, Warton, Carnforth Erection of a first floor rear extension in place of existing dormer window to the rear elevation for Miss R Hindley (Warton Ward 2015 Ward)	Application Permitted
15/01491/FUL	Moss House Farm, New Road, Warton Erection of an agricultural livestock building for Mr Chris Alty (Warton Ward 2015 Ward)	Application Permitted
15/01496/FUL	Hluhluwe , Haverbreaks Road, Lancaster Erection of a single storey front extension with balcony above, a single storey side extension, conversion of existing garage, installation of replacement windows, doors and rendering of walls to all elevations for Mr David Swift (Scotforth West Ward 2015 Ward)	Application Permitted
15/01497/FUL	12 Grange View, Bolton Le Sands, Carnforth Erection of a single storey side extension and detached garage to the front for Mr & Mrs I Birnie (Bolton And Slyne Ward 2015 Ward)	Application Permitted
15/01498/CU	17 The Cliffs, Heysham, Morecambe Change of use and conversion of existing rear garage including a first floor extension to create a granny annexe for Mrs S. Wilson (Heysham Central Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

15/01501/FUL	North Farm, Moss Road, Heaton With Oxcliffe Erection of an agricultural livestock building, feed hopper and milk silo, widening of access entrance and creation of a new access track for Mr Alan Bargh (Overton Ward 2015 Ward)	Application Permitted
15/01505/FUL	177 Main Street, Warton, Carnforth Construction of dormer window to the rear elevation for Mr And Mrs Maguire (Warton Ward 2015 Ward)	Application Permitted
15/01515/FUL	The Bungalow, Caton Green Road, Brookhouse Erection of 2 storey front and rear extensions, demolition of side garage and erection of a replacement single storey side extension, construction of a dormer window to the front elevation, installation of a replacement raised roof to create additional first floor accommodation, removal of 2 chimneys and excavation of ground levels to facilitate the erection of a detached garage with balcony above for Mr Andrew Young (Lower Lune Valley Ward 2015 Ward)	Application Permitted
15/01518/FUL	49 Broadway, Morecambe, Lancashire Demolition of existing garage and erection of a double garage for Mr L. Brady (Bare Ward 2015 Ward)	Application Permitted
15/01528/FUL	55 Rylstone Drive, Heysham, Morecambe Erection of a single storey rear extension and an attached garage to the side. for Mr & Mrs H. Asadinia (Heysham Central Ward 2015 Ward)	Application Permitted
15/01531/PLDC	154 Brookhouse Road, Brookhouse, Lancaster Proposed lawful development certificate for the erection of a single storey rear extension for Mr Tony Whitehouse (Lower Lune Valley Ward 2015 Ward)	Lawful Development Certificate Granted
15/01539/FUL	7 Cathedral Drive, Heaton With Oxcliffe, Morecambe Demolition of existing conservatory and erection of a two storey rear extension for Mr M Lucas (Westgate Ward 2015 Ward)	Application Permitted
15/01547/FUL	9 Rylstone Drive, Heysham, Morecambe Demolition of existing detached garage and existing rear single storey extensions, removal of existing side bay window and erection of single storey rear extension and a two storey side extension. for Miss Eve Fu (Heysham Central Ward 2015 Ward)	Application Permitted
15/01552/FUL	28 St Christophers Way, Morecambe, Lancashire Demolition of existing garage and erection of a single storey side and rear extension. for Mr P Stonall (Bare Ward 2015 Ward)	Application Permitted
15/01554/FUL	75 Schola Green Lane, Morecambe, Lancashire Erection of a single storey side and rear extension. for Mrs M Grinham (Harbour Ward 2015 Ward)	Application Permitted
15/01555/PLDC	4 Pointer Grove, Halton, Lancaster Proposed Lawful Development Certificate for the erection of a single storey rear extension for Mrs L Bargh (Halton-with-Aughton Ward 2015 Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

15/01556/FUL	10 Woodlea Court, Lancaster, Lancashire Erection of a single storey rear extension for Miss Ella Muckalt (John O'Gaunt Ward 2015 Ward)	Application Permitted
15/01560/FUL	5 Peacock Lane, Hest Bank, Lancaster Erection of a two storey side extension, single storey rear extension, 2 first floor rear extensions, construction of a canopy over existing front porch, removal of chimney and erection of a detached garden store for Mr & Mrs R Shaw (Bolton And Slyne Ward 2015 Ward)	Application Permitted
15/01563/FUL	33 New Quay Road, Lancaster, Lancashire Erection of a single storey rear extension for Mr Houghton (Marsh Ward 2015 Ward)	Application Permitted
15/01571/NMA	Launds Field, Stoney Lane, Galgate Non-material amendment to planning permission 15/00854/VCN to revise the material schedule for Mr C Gowlett (Ellel Ward 2015 Ward)	Application Permitted
15/01576/FUL	9 Chestnut Drive, Morecambe, Lancashire Construction of a dormer window to the side elevation for Mrs Marion Van Gelderen (Bare Ward 2015 Ward)	Permitted Development
15/01579/CPA	Lancaster Road County Primary School, Lancaster Road, Morecambe Installation of a canopy to rear playground for Lancashire County Council (Westgate Ward 2015 Ward)	No Objections
15/01594/FUL	Lucerne, 29 Chapel Lane, Overton Construction of a dormer window to the front elevation for Mr & Mrs A. Morgan (Overton Ward 2015 Ward)	Application Permitted
15/01596/FUL	3 Cove Road, Silverdale, Carnforth Erection of replacement raised decking to the rear for Mr & Mrs S J & L Ormrod (Silverdale Ward 2015 Ward)	Application Permitted
15/01616/PAD	Ex Focus Do It All , Westgate, Morecambe Prior approval for the demolition of building for Mr Dave Little (Westgate Ward 2015 Ward)	No Objections
15/01619/LB	Squires Snooker Club, Penny Street, Lancaster Listed Building Application for demolition of existing building and erection of a 5 storey building comprising retail (use classes A1 and A2) at ground floor and student accommodation to the upper floors including 6 cluster flats and 10 studio apartments for Mr Trevor Bargh (Castle Ward 2015 Ward)	Application Withdrawn
16/00004/PLDC	47 Wordsworth Avenue, Bolton Le Sands, Carnforth Proposed lawful development certificate for the construction of two side dormers and insertion of four roof lights for Mr & Mrs M & A Speight & Marwood (Bolton And Slyne Ward 2015 Ward)	Lawful Development Certificate Granted
16/00010/DIS	Land To The Side Of Willey Lane, Willey Lane, Cockerham Discharge of condition 25 on application 13/01018/FUL for Mrs Karen Lee (Ellel Ward 2015 Ward)	Request Completed
16/00011/DIS	Land Fronting Gotts Foods Westgate Morecambe Lancashire, Westgate, Morecambe Discharge of conditions 11, 12 and 13 on approved application 15/00639/FUL for Mr K. Mohameddi (Westgate Ward 2015 Ward)	Request Completed

LIST OF DELEGATED PLANNING DECISIONS

16/00019/NMA	Eric's Cafe, 245 Marine Road Central, Morecambe Non material amendment to planning permission 12/00963/FUL to replace a cast iron canopy with a canvas awning for Mr Tony Blades (Poulton Ward 2015 Ward)	Application Permitted
16/00067/NMA	51 - 52 Sandylands Promenade, Heysham, Morecambe Non material amendment to planning permission 14/00613/FUL to change the type of ballustrade and alterations to the doors and windows on the side elevation for Miss J Hampson (Heysham North Ward 2015 Ward)	Application Permitted