



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 29 JUNE 2015

Venue: LANCASTER TOWN HALL

Time: 10.30 A.M.

A G E N D A

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

1 Apologies for Absence

2 Minutes

Minutes of meeting held on 5th June 2015 (previously circulated).

3 Items of Urgent Business authorised by the Chairman

4 Declarations of Interest

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

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

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

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

Planning Applications for Decision

Community Safety Implications

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

Category A Applications

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

| | | | | |
|----------|------------------------|--|-----------------------------------|----------------------------|
| 5 | A5 15/00271/LB | Galgate Mill, Chapel Lane, Galgate | Ellel Ward | (Pages 1 - 13) |
| | | Listed building application for works to the Mill including removal of external lift and reinstated openings, insertion of new windows, restoration and replacement of drainpipes and hoppers, creation of atrium and light well, insertion of rooflights, repairs to brickwork and repointing, glazed porch addition, creation of ramp and handrail, security gate, insertion of partitions, ceilings, air conditioning, lift, stairs, internal ramp and flues. | | |
| 6 | A6 14/00907/FUL | Arna Wood Farm East, Arna Wood Lane, Lancaster | Scotforth West Ward | (Pages 14 - 25) |
| | | Installation of arrays of PV panels, string inverters, underground cabling, substation, security fencing and CCTV mounted on up to 3m high masts, together with construction of internal access roads and formation of access off Arna Wood Lane to form a solar farm for Mr Robert Ayres | | |
| 7 | A7 15/00243/FUL | Fanny House Farm, Oxcliffe Road, Heaton With Oxcliffe | Heysham South Ward | (Pages 26 - 35) |
| | | Installation of arrays of PV panels and associated frames, decentralised inverters, underground cabling, substation, transformer house, meter cabinet, stock proof fencing and CCTV mounted on up to 4m high masts, together with construction of internal access roads and formation of temporary access off Oxcliffe Road to form a solar farm, and the siting of a temporary site compound off Oxcliffe Road for Novus Solar Developments Ltd | | |

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|----|-------------------------|--|---------------------------------|------------------------|
| 8 | A8 14/01215/FUL | Land Associated With Intack Farm, Long Dales Lane, Nether Kellet | Kellet Ward | (Pages 36 - 42) |
| | | Erection of a 34.5 metre high wind turbine from ground to blade tip with associated control box and hardstanding for E J Ward & Sons | | |
| 9 | A9 15/00080/FUL | Land At Stoney Lane, Galgate, Lancashire | Halton-with-Aughton Ward | (Pages 43 - 59) |
| | | Erection of 71 dwellings with associated access for Story Homes Limited | | |
| 10 | A10 14/01350/FUL | Land Off, Mill Lane, Halton | Halton-with-Aughton Ward | (Pages 60 - 71) |
| | | Erection of 20 residential dwellings with associated access road for Mr Jim Entwisle | | |
| 11 | A11 14/01280/FUL | Land At Fenham Carr Lane/Wyresdale Road, Lancaster, Lancashire | John O'Gaunt Ward | (Pages 72 - 85) |
| | | Erection of 31 dwellings with associated access for Wainhomes North West Limited | | |
| 12 | A12 15/00248/FUL | Grove Street Depot, Grove Street, Morecambe | Harbour Ward | (Pages 86 - 91) |
| | | Demolition of existing depot and erection of two three-storey residential buildings comprising a total of 21 self-contained one-bedroom supported living apartments with associated open space and car parking for HB Villages | | |
| 13 | A13 15/00494/REM | Lancaster Moor Hospital Annex, Quernmore Road, Lancaster | Bulk Ward | (Pages 92 - 98) |
| | | Reserved matters application for the fourth phase of the conversion of the Annex building into 33 residential units for Mr Andrew McMurtrie | | |

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|-----------|--|--|-----------------------------------|------------------------------|
| 14 | A14 15/00502/LB | Lancaster Moor Hospital Annex, Quernmore Road, Lancaster | Bulk Ward | (Pages 99 - 102) |
| | | Listed building application for the fourth phase of the conversion of the Annex building into 33 residential units for Mr Andrew McMurtrie | | |
| 15 | A15 15/00432/VCN | 119 Main Road, Bolton Le Sands, Lancashire | Bolton and Slyne | (Pages 103 - 108) |
| | | Construction of 12 apartments (pursuant to the variation of condition 3 and removal of conditions 6 and 7 on planning permission 11/01037/RENU to amend the design and remove occupancy restrictions) for Daffodil Homes Ltd | | |
| 16 | A16 14/01030/FUL | Agricultural Building Adj Disused Railway, Station Road, Hornby | Upper Lune Valley Ward | (Pages 109 - 116) |
| | | Erection of 9 dwellings and associated access for Mr Ian Beardsworth | | |
| 17 | A17 15/00446/FUL | 64 Manor Road, Slyne, Lancaster | Bolton and Slyne | (Pages 117 - 119) |
| | | Demolition of existing garage and erection of a single storey side/rear extension to form new garage and kitchen for Mr & Mrs R Sharkey | | |
| 18 | A18 15/00601/FUL | 93 Dale Street, Lancaster, Lancashire | John O'Gaunt Ward | (Pages 120 - 122) |
| | | Erection of a single storey rear extension for Mr Ismail Thagia | | |
| 19 | Delegated Decisions (Pages 123 - 129) | | | |

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

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

(ii) Substitute Membership

Councillors Susie Charles (Substitute), Mel Guilding (Substitute), Geoff Knight (Substitute), Richard Newman-Thompson (Substitute), Jane Parkinson (Substitute) and David Smith (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 Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

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

Published on Wednesday 17th June 2015.

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| <p>Agenda Item A5</p> | <p>Committee Date 29th June 2015</p> | <p>Application Number 15/00271/LB</p> |
| <p>Application Site</p> <p>Galgate Mill Chapel Lane Galgate Lancashire</p> | | <p>Proposal</p> <p>Listed building application for works to the Mill including removal of external lift and reinstated openings, insertion of new windows, restoration and replacement of drainpipes and hoppers, creation of atrium and light well, insertion of rooflights, repairs to brickwork and repointing, glazed porch addition, creation of ramp and handrail, security gate, insertion of partitions, ceilings, air conditioning, lift, stairs, internal ramp and flues.</p> |
| <p>Name of Applicant</p> <p>Mr Ayub Hussain</p> | | <p>Name of Agent</p> <p>None</p> |
| <p>Decision Target Date</p> <p>4 May 2015</p> | | <p>Reason For Delay</p> <p>Deferred for committee site visit on Monday 22 June 2015</p> |
| <p>Case Officer</p> | | <p>Mrs Jennifer Rehman</p> |
| <p>Departure</p> | | <p>No</p> |
| <p>Summary of Recommendation</p> | | <p>Split decision to approve consent for majority of external works and refuse consent for the majority of internal works and external atrium lightwell.</p> |

(i) Procedural Matters

This application was reported to the 5 June Planning Committee with a recommendation to grant listed building consent for some works and refuse listed building consent for other works (as set out in this report). Prior to the application being heard, the applicant had invited Members directly to visit the Mill in advance of the committee meeting. Subsequently, on the 5 June Planning Officers advised the Elected Members that the Listed Building application was ‘out of time’, and that as a consequence there was merit in visiting the scheme if they wished to do so. The Members subsequently voted to defer the application for a site visit.

This report has been updated to take account of correspondence/additional information submitted following the drafting of the earlier report. Members would have been verbally informed of this additional information should the application have been determined on the 5 June.

1.0 The Site and its Surroundings

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

House. Collectively this group of listed buildings form a small historic core in the northern part of the village.

2.0 The Proposal

- 2.1 Listed building consent is sought for various works to the Mill including the removal of external lift and reinstatement of openings, insertion of new windows, restoration and replacement of drainpipes and hoppers, repairs to brickwork and repointing to the building including the chimney, glazed porch addition, creation of external ramp and handrail, security gate, creation of atrium and light well, insertion of rooflights, insertion of partition walls, new ceilings, air conditioning, lift, stairs, internal ramp and flues.
- 2.2 This listed building application is a resubmission of a previously refused listed building application. The reason for refusal is set out on the decision notice that forms one of the background papers. There have been some modest amendments to the scheme following this refusal namely the retention of the external fire escape to the east elevation and the retention of the railings/wall to the west elevation facing Chapel Lane.
- 2.3 The application makes reference to resurfacing, parking arrangements and the provision of a cycle stand. These elements do not require the benefit of listed building consent and have not been considered. Similarly like for like repairs would not require the benefit of listed building consent. The application indicates that there would be structural like for like repairs to the floors.
- 2.4 Members should be aware that the corresponding change of use application to provide 107 student studio apartments with communal/leisure facilities and museum has been lodged with the Planning Inspectorate, though no formal start date has been received. The Planning Inspectorate have confirmed that the appeal would be via Informal Hearing.
- 2.5 This listed building application is to effectively facilitate the applicants proposed use for the building, though certain works proposed under this listed building application could be carried out irrespective of the use of the building, i.e. that are not intrinsically linked with the proposed change of use.

3.0 Site History

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

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

4.0 Consultation Responses

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

| Consultee | Response |
|---------------------|--|
| Conservation | No objections to the proposed listed building works or the principle of student |

| | |
|---------------------------|--|
| Officer | <p>accommodation.</p> <p>They are supportive of a scheme which could see the building brought back into use and ensure its long-term future. However the Conservation Officer acknowledges that this application deals with listed building matters rather than the principle of the change of use.</p> <p>Comments that the lack of information provided with the previous listed building application has been addressed and that the majority of works proposed are acceptable subject to conditions. The Conservation Officer does however raise concerns over the impact of the extent of the sub-division on the buildings open-plan nature but indicates that if it is concluded via the relevant change of use application that the number of apartments proposed is the only financially viable option for the building, and a robust case is made, then the Conservation Officer considers that the benefit of securing the buildings optimum viable use would outweigh the less the substantial harm caused by the extent of subdivision and formation of the atrium.</p> |
| Civic Society | <p>The Society welcomes the additional information provided but maintains concerns over the layout and density of rooms provided. The Society goes on to discuss how a mixed use scheme would be more appropriate.</p> |
| County Archaeology | <p>No objections subject to an archaeological recording condition being imposed on the listed building consent if the LPA are minded to approve.</p> |

5.0 Neighbour Representations

5.1 At the time of compiling this report 42 representations from the public have been received. Of these 39 were in support of the proposal and 3 against. The reasons for support/opposition are summarised as follows:

Support:

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

Objection:

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

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework
 Paragraph 17 – Core Principles
 Paragraphs 56, 58, 61, 64 – Good Design

Section 12 (paragraphs 128, 131 – 134, 140, 141) – Conserving and enhancing the historic environment

Paragraph 173 – Ensuring viability and deliverability

Paragraphs 188-190 – Pre-application engagement

Paragraphs 196-198 – Determining planning applications

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development

6.3 Development Management DPD

DM8 – Re-use and Conversion of Rural Buildings

DM30 – Development affected Listed Buildings

DM32 – Setting of Designated Heritage Assets

DM35 – Key Design Principles

7.0 Comment and Analysis

7.1 The NPPF states that when considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the asset's conservation. Similarly, the local planning authority in exercising its planning function should only grant listed building consent subject to the following condition set out in s16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (hereafter referred to as the 1990 Act) *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. Paragraph 132 of the NPPF seeks to express the statutory duty set out in s16(2) of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give special weight to the desirability to preserve the heritage asset.

7.2 The applicant has submitted a revised listed building application for various works which are by and large similar to those proposed under the recently refused listed building application, though there are some modest amendments as set out in the proposals section of this report. One element of the earlier refusal reason was that insufficient and inconsistent information had been submitted. The Council's Conservation Officer is now satisfied that sufficient information has been submitted to properly assess and understand the potential impact and acceptability of the development proposals on the significance of the heritage asset, as required by national and local planning policy.

7.3 The applicant has not submitted a revised change of use application addressing the previous reasons for refusal (see background paper) and as such the local planning authority should consider the merits of the listed building application on the basis that there is no change of use permitted for an alternative use (such as student accommodation) at this time. As part of the determination of this listed building application the local planning authority are not considering whether the applicant's intended change of use is acceptable or not. This is a matter to be determined via a formal application for planning permission not listed building consent. Some of the public representations make reference to the proposed use of the site – these comments are not material to the determination of this listed building application. Officers are therefore mindful that some elements of the applicant's proposal are intrinsically linked to the recently refused student accommodation scheme which will affect our consideration of whether or not such work would be appropriate and acceptable to be granted listed building consent. The proposal also seeks listed building consent for works that are not intrinsically linked to the applicant's proposals for student accommodation and are works that could be carried out irrespective of the use of the building.

7.4 The application has been submitted with supporting documents which relate to the pending listed building application but also the change of use proposal recently refused and appealed. The Council has already determined the applicant's proposals for planning permission and based on the information provided at the time of determination the applicant's change of use proposal was not considered acceptable for a number of reasons (see attached background document).

7.5 The submitted Heritage Statement together with other supporting documents and plans, satisfies

Officers that the applicant has appropriately assessed the significance of the Mill in accordance with paragraph 128 of the NPPF. The submitted assessment concludes that *'the Galgate Mills complex as a whole can be defined as being of Outstanding Significance, incorporating a wide range of structures, of differing rarity and survival, with an extremely high group value and archaeological potential. The buildings represent a very rare survival of a silk-spinning complex within Lancashire, and potentially incorporate elements of the earliest surviving silk-spinning factory in the country'*. Officers have no reason to dispute this assessment and agree that the Mill is of outstanding significance and that its long-term future is important to the village and district as a whole. Officers also agree, as they have done previously, that finding an appropriate sustainable end use for the mill for future generations to enjoy is important, though this is a matter to be assessed and examined via the relevant application for planning permission.

- 7.6 The submitted heritage statement confirms that those elements of the building considered *outstanding significance* are the external elevations of the main mill, the boiler house, warehouse range and chimney. Elements of the main mill considered to be of *great significance* are the internal columns and upright shaft bearings and elements considered of *some significance* are the engine bed, privy tower, fire-fighting apparatus (including the fire escape), bearing boxes and the window frames. There are elements of the main mill which are considered to be of *lesser significance*. These include the ceiling beams, floorboards, the lean-to extension, wright-iron railings, personnel tunnel and internal spiral staircase. The *negative* elements include the external lift tower to the south side of the mill and internal partitions.
- 7.7 The applicant's proposal seeks to retain, repair and enhance the elements of the building considered *outstanding* or of *great significance* and proposes to remove some elements described as negative elements, namely the external lift tower. The Council's Conservation Officer has confirmed that many of the external works proposed will involve repairing the historic fabric which clearly represents a major conservation gain. The greatest external intervention will be the replacement of the windows. Additional information has been provided in relation to the windows since the last refusal of listed building consent. This information confirms that due to the condition of many of the windows which are beyond repair, replacements windows are proposed of a design that reflects the appearance of the original windows - albeit double glazed with improved thermal/acoustic properties. These will be painted timber and non-opening. The Conservation Officer is generally satisfied with the information provided but would recommend a condition for full window construction details including a sample. Given the importance of the building this is considered a reasonable request.
- 7.8 With regards to other external works, the proposed application seeks to reinstate and conserve the original lead hoppers and down pipes to the front and north elevations. To the other elevations replacement cast metal hoppers and downpipes are proposed. The application also seeks to repair the external brickwork and re-point in lime mortar. The water tank shall be capped at the top and refurbished and painted a colour to be agreed with the local planning authority. The proposal also seeks to reinstate the front loading doors and windows which were modernised to accommodate the external lift using reclaimed materials. The existing railings and wall along the western elevation of the mill were previously proposed to be set back to enable the footpath to be widened. This listed building application now seeks to reinstate them and leave them in situ to avoid any potential damage to the historic fabric of the mill. The proposal does however seek to remove the infill material between the railings/wall and the façade of the building which would help address damp issues. The Conservation Officer has raised no objections to this from a heritage point of view. The issue over the loss of widening the footpath (highway issue) is a matter to be debated via the appeal or any future resubmission for planning permission for the use of the building. There is no reason not to support the proposed changes to the scheme in this regard from a heritage perspective. The application also proposes the removal of the external lift tower which is a clear benefit to the scheme.
- 7.9 In addition to the above external works, the application also seeks listed building consent for a small porch extension to the south elevation shown on drawings LB06/amended LB07. The extension is without doubt a subservient addition to the building designed to be a modern and lightweight addition to the mill (predominantly glazed). Its position set back from the front elevation also means it is discretely located and not at all dominant from Chapel Lane. Notwithstanding the details submitted the window glazing detail proposed to the south elevation of this extension could be improved by the insertion of two vertical glazing bars. This could be controlled by condition. The formation of a new entrance porch to the mill is not necessarily a requisite of the specific use

the applicant has previously applied for and is subsequently appealing and could be provided for any potential use of the mill or indeed the existing use. On this basis, Officers are of the opinion the extension could be supported as part of this listed building application. The same would apply to the external and internal ramp and railings proposed to the same elevation and the security gate.

- 7.10 The supporting information submitted (Condition report, March 2015) also indicates that the exiting roof to the lean-to extension to the east elevation is highly dangerous and in need of replacement. These works of repair can also be supported from a listed building perspective together with the replacement rooflights. The Conservation Officer requests a condition for full details of the new roof including timber structures, roof materials, verge/eave and rainwater goods to be submitted to the LPA for approval. The condition report also comments on the need for repairs to be carried out to the main roof to prevent further water ingress. Details of the repair works and any replacement roof materials and roof lights (to gain access to the roof for maintenance) can be adequately controlled by condition and are not considered intrinsically linked with the applicant's proposed change of use which has recently been refused.
- 7.11 The application also includes some details of repairs and treatment of existing timbers. Repair work and treatment of dry/wet rot does not necessarily require consent, though the condition report indicates that some of the damp proofing measures suggested in a different submitted report (Lancaster damp proofing) should be avoided until all other avenues have been exhausted. Subsequently, a condition is recommended for the avoidance of doubt for a schedule of repair and methodology for repairs to existing timbers.
- 7.12 The remainder of the works proposed as part of this listed building application are considered to be intrinsically linked with the applicants' recently refused change of use proposal to provide an extensive student accommodation development. The applicant has submitted supporting documentation which relates to the proposed change of use. The local planning authority can only consider whether the proposed works are acceptable or not from a listed building perspective. Equally, the local planning authority must be mindful that granting listed building consent for works which have not been appropriately justified via an appropriate application for planning permission would be inappropriate. The local planning authority's position on the change of use application was clear and its decision to refuse was considered reasonable and appropriate in the circumstances. The applicant contends that their student accommodation proposal is the only viable option and that the LPA's decision to refuse was unreasonable and unsubstantiated and have therefore appealed the Council's decision. The applicant is perfectly within their rights to appeal. The LPA will defend its reasons as and when the appeal for the change of use proposal commences.
- 7.13 The principal internal works which are considered to be intrinsically linked with the proposed change of use include the sub-division of the large open-plan floorplates to accommodate 107 studio apartments and association accommodation, the incorporation of new ceilings, associated mechanical ventilation systems and the provision of a central atrium which involves the removal of original floors and the insertion of a glazed atrium light well to the roof. It is accepted within the applicant's own submission that the internal partitions are negative elements with little or no intrinsic interest that can be considered to have an adverse impact on the historic character of the building. Similarly that the most significant intervention would be the removal of limited sections of the upper floors to create the atrium. Whilst the applicant's submission indicates such impacts need to be balanced against the benefits afforded to the refurbishment of the mill, at this time there is no planning permission in place for its redevelopment. The only application received for the mill's redevelopment has recently been refused and so the benefits described in the application (securing an end use) cannot be given significant weight. In terms of the degree of harm, it is accepted that in accordance with the NPPF the works proposed that are considered to be intrinsically linked to the refused change of use, would lead to less than substantial harm to the significance of the heritage asset and so paragraph 134 of the NPPF applies, which states that this harm should be weighed against the public benefits of the proposal. Public benefits could include securing the optimum viable use of the heritage asset.
- 7.14 The submitted application indicates that the only viable use for the mill is for residential purposes. From a conservation perspective, there are no objections to the principle of student accommodation in the mill. However, the supporting information submitted does not make a clear or robust case that the proposed development is the optimum viable use for the mill nor does the

applicant make a clear case for enabling development - though both matters would need to be addressed via the relevant change of use application/appeal. In which case, whilst the conservation officer has indicated if such a case was made and accepted (by the LPA or Planning Inspectorate) via the relevant application for planning permission, securing the opinion viable use would outweigh the less than substantial harm caused by the internal interventions and alterations to the listed building. To further support the applicant's application, a few days before the application was reported to the 5th June planning committee, the applicant submitted direct to the Elected Members and Officers a Financial Viability Statement. This statement claims that the applicant's proposal for 107 student apartments is the only viable option for the mill and that further delay could make the proposal unviable. The applicant in relation to any future resubmission has already indicated to Officers they could lose the 5 ground floor bedrooms therefore 107 units cannot be the only viable proposal. The applicant points out in this Statement that there are no grants available to utilise and that the project is all privately funded. The applicant also states that they are not expecting more than a 7% return on their investment. It is understood that in the vast majority of cases, heritage assets are in private hands, and that in the long term requires an incentive for their active conservation. Unfortunately in this case, however, the statement is not supported by any viability evidence to substantiate their statement and as pointed out above in any event such a debate should be the focus of an application for planning permission (i.e. a resubmission or the appeal), particularly where the proposal would depart from Development Plan policy.

- 7.15 At this time, however, the LPA cannot conclude that the proposals for the use of the building is the optimum viable use. In which case it would be premature to accept the proposed internal alterations which have been identified by the Conservation Officer to lead to less than substantial harm. The large open-plan floor plates give a strong impression of the scale and special architectural and historic interest of the mill. The unjustified loss of these open-plan spaces through the introduction of negative additions to the building would lead to harm, albeit less than substantial harm. Whilst officers are supportive of a future proposal which could see this significant landmark building brought into a sustainable long term use, inadequate justification has been provided via the appropriate application for planning permission. As such without the public benefits of the proposal being realised at this stage, paragraph 134 of the NPPF cannot be satisfied and the strong presumption to avoid harm set out in the 1990 Act cannot be fulfilled. This must carry significant weight in the determination of the application. On this basis, the internal works comprising the creation of atrium and light well, insertion of internal partition walls, insertion of ceilings, air conditioning/ventilation systems with associated flues/plant, new lift and staircase and internal ramp cannot be supported.
- 7.16 Generally applications for listed building consent that are so intrinsically linked with a proposed change of use would tend to be submitted together for a more complete and comprehensive assessment. The applicant has chosen to submit a listed building application for all the works required to facilitate the change of use proposal the Council previously refused and so we find ourselves in a situation where it is only possible to grant consent to certain works and not to others. Despite the applicant having pre-application discussions with our Conservation Officer concerning the listed building elements of the scheme only and there being some engagement between the applicant and the Development Management department, there has not been any productive pre-application discussion between Officers' and the applicant regarding the proposed change of use. Should Members support the Officers' recommendation it is anticipated that the applicant will appeal the refused element of this application alongside their existing appeal (yet to be confirmed with an official start date).
- 7.17 Following the previous recommendation being made public, the applicant has submitted their response to the officer recommendation commenting that it is unreasonable. The applicant claims that the provision of the proposed atrium, light well, lift, staircase, insertion of ventilation and air conditioning and the provision of internal partitions are all necessary whatever the end use of the mill. Whilst Officers accept securing an optimum viable use for the mill will require modern interventions and alterations, the local planning authority could not conclude that the extent of the works proposed in connection with this application are indeed necessary for any end use. The applicant also argues that if a partial consent is granted the external works cannot commence because the only viable way to carry out the work involves reclaimed materials to be reused within the mill. For example, the materials removed for the atrium such as the roof slates are to be reused to repair the roof and floorboards removed to repair the rotten joists and floor boards. Whilst the issue may be one of viability, a partial grant of listed building consent would allow the

applicant to carry out some works (such as replacing the windows, re-pointing etc) to prevent further deterioration of the mill which is a clear concern to the applicant. As such and for the reasons set out in the report, Officers find their recommendation sound and reasonable.

8.0 Planning Obligations

8.1 None.

9.0 Conclusions

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

Recommendation

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

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

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

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

In the second instance:

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

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

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

In accordance with Article 35 of the Development Management Procedure Order, the Development Plan policies and other material considerations relevant to this particular application are those that are referred to in this report.

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

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

Human Rights Act

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

Background Papers

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

BACKGROUND PAPER FOR ITEM A5

Reasons for Refusal of Application 14/01048/LB

REFUSAL OF LISTED BUILDING CONSENT

Application No. : 14/01048/LB

Applicant : Mr Ayub Hussain

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

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

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

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

ARTICLE 31 – DEVELOPMENT MANAGEMENT PROCEDURE ORDER

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

Signed:



Date: 7 January 2015

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

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

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

REFUSAL OF PLANNING PERMISSION FOR A CHANGE OF USE

Application No. : 14/00989/CU

Applicant : Mr Ayub Hussain

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

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

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

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

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

ARTICLE 31 – DEVELOPMENT MANAGEMENT PROCEDURE ORDER

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

ADVICE

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

Signed:



Date: 7 January 2015

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

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

| Agenda Item | Committee Date | Application Number |
|---|--|--------------------|
| A6 | 29 June 2015 | 14/00907/FUL |
| Application Site Arna Wood Farm East Arna Wood Lane Lancaster Lancashire | Proposal Installation of arrays of PV panels, string inverters, underground cabling, substation, security fencing and CCTV mounted on up to 3m high masts, together with construction of internal access roads and formation of access off Arna Wood Lane to form a solar farm | |
| Name of Applicant Mr Robert Ayres | Name of Agent Mrs Amy Williams | |
| Decision Target Date Formal extension of time until 6 July 2015 | Reason For Delay Awaiting further information and amendments | |
| Case Officer | Mrs Eleanor Fawcett | |
| Departure | No | |
| Summary of Recommendation | Approval | |

(i) Procedural Note

A site visit was arranged for Members and undertaken on 3 November 2014. There was a subsequent delay in getting the report drafted due to outstanding ecology matters. The application was put on the Committee agenda for 7 April 2015, but the item was deferred prior to the meeting again due to outstanding ecological concerns not being fully addressed to Natural England's satisfaction. The ecological matters have now been resolved as this report acknowledges, and therefore the application comes before the Committee for determination.

1.0 The Site and its Surroundings

- 1.1 This application relates to two areas of land located approximately 2.3km to the south west of the centre of Lancaster and approximately 600m to the south of the small settlement of Aldcliffe. Both of these are accessed from Arna Wood Lane which also serves seven dwellings and has an exit from the United Utilities Waste Water Treatment Works (WWTW). The larger area of land is on the western side of the highway and comprises two fields and part of a larger field with a site area of approximately 10 hectares. To the west of the site is the Lune Estuary and a multi-use path which runs adjacent to this and the site boundary. The land is relatively level close to the western boundary but then rises up towards the highway to the east. The field boundaries are generally delineated by managed hedges and occasional small clumps of mature trees. The smaller area of land is located on the eastern side of Arna Wood Lane and comprises a narrow field which rises to the east, and part of a larger field beyond this, which slopes downwards to the east. The former is bounded by hedgerows with a gate opening to the highway and the latter is more open.
- 1.2 The nearest residential properties are located at Arna Wood Farm and Low Wood, approximately 90m east and 35m south west, respectively, of the larger part of the site. There is also a small hamlet, Stodday, located approximately 360m to the south of the smaller part of the site and a Grade II Listed Building, Lunecliffe Hall, approximately 320m to the east. The WWTW are located approximately 10m to south of the site, at its closest, and there is a line of electricity pylons just beyond the Works which cross the Estuary in a northwest direction. In addition to the Lune Estuary Footpath to the west of the site, there is a public right of way crossing a field, from this path,

approximately 120m to the north of the site.

- 1.3 The Lune Estuary is designated as a Site of Special Scientific Interest (SSSI) and is also covered by the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. A small part of the site is located within Flood Zones 2 and 3 and a Mineral Safeguarding Area. The site is also within the Countryside Area, as identified on the Local Plan Proposal Map.

2.0 The Proposal

- 2.1 Planning permission is sought for the installation of solar photovoltaic panels and associated infrastructure. It was originally proposed that they would be sited on both pieces of land identified. However, following concerns regarding visual impact, they have been removed from the smaller area of land located on the eastern side of Arna Wood Lane. The only development on this part of the site is proposed to be a substation located close to the highway. The solar panels will be south-facing and tilted at no more than a 20-25° angle (the optimum angle to maximise the generation of energy). They will be arranged into rows separated by approximately 4m to allow access for maintenance vehicles. Each solar module is made up of 72, 156 x 156mm polycrystalline silicon cells. The glass consists of high transmission, low-iron and tempered 3.2mm glass and the frame is anodized aluminium. The panels will be dark grey/blue in colour and have anti-reflective coating to minimise glare. The frame structures consist of steel uprights and aluminium cross bars. The uprights are not normally driven into the ground, instead they are 'augured' or 'pushed' into the ground to a depth of approximately 1.5m, dependent upon ground conditions. Once constructed, the panels will have a height of 0.6m at the front and a maximum of 2m at the back. The panels will be fixed and will not track the path of the sun. The substation will be approximately 5.2m by 8.3m with a height of 3.9m. It will also have a small attached store. Materials would be agreed with the Local Authority.
- 2.2 An access track is proposed from Arna Wood Lane which will include a bay to allow construction traffic to temporarily park. A track is proposed around the perimeter of the site and will be enclosed by a 1.8m-high wooden post, stock proof fence. The solar farm will be an unmanned facility and will not require floodlighting at night. As a result, there will be no general lighting for normal operating conditions and low-level lighting will be installed on site when access for maintenance is required. Low voltage cables will be fed along the mounting framework, within and clipped to, dedicated cable trunking, and via combiner boxes connected to the inverter station. The inverters will typically be housed in a weather proof fibre glass proprietary enclosure and will be attached to the frame of the solar panels. The submission states that the dimensions will be approximately 641mm x 429mm x 220mm, and they will generate no noise. The electricity produced by the site will be exported via underground cables. No additional overhead line infrastructure is proposed. Two types of CCTV security are proposed, consisting of two pole mounted pan tilt zoom (PTZ) cameras on 3 metre high poles to the north and west of the site, and a number plate recognition camera at the access. Additional planting is also proposed.

3.0 Site History

- 3.1 There is no relevant planning history on the site.

4.0 Consultation Responses

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

| Consultee | Response |
|--|---|
| Thurnham Parish Council | No objections |
| Overton Parish Council | No comments received |
| Heaton with Oxcliffe Parish Council | No comments received |
| Environmental Health | No objections |
| Tree Protection | No objection subject to conditions requiring implementation of submitted Arboricultural |

| | |
|--|--|
| Officer | Implications Assessment and planting proposes and details of maintenance regime. |
| County Highways | No objection subject to conditions requiring submission of a construction method statement and a scheme for construction of site's point of access. |
| Natural England | No objection in relation to designated sites. Sufficient bird survey information has been submitted demonstrating that the site is used by low numbers of overwintering waders. Broadly satisfied with the mitigation outlined in chapter 5 of the submitted Further Ecological Information 7th May 2015. This should be developed into a detailed and robust mitigation strategy including monitoring and can be controlled by condition. |
| County Ecology | From the information submitted, the Council cannot conclude no likely significant effect and will not be able to determine this application until an Appropriate Assessment has been carried out. (<i>Note: They have not been consulted on most recent information. Natural England has a duty to provide advice on designated sites</i>). In relation to great crested newts, confirmed that any impacts could be adequately mitigated by way of an ecological construction method statement submitted prior to commencement of works. |
| RSPB | No comments received. |
| County Strategic Planning and Transport | No comments received. |
| County Minerals Planning | No comments received. |
| Environment Agency | No objection subject to a condition requiring access and maintenance roads to be constructed using permeable materials. |
| County Archaeologist | No objection. The use of augured foundations and the location of the access road around the edge of the site will mean that the development will cause minimal damage to the earthworks on the site. |
| Campaign to Protect Rural England | No comments received. |
| Public Rights of Way Officer | The multi-use path which runs along the west side of this development is likely to be the line of the English Coastal Trail (ECT) within a few years and the Trail is also likely to run down the bank of the River Lune on its other side to the west. Therefore expect the highest standards of screening for the near view and the distant view from the west. Have concerns about the reflection of light and consequent glinting from the panels. |
| Ramblers Association | No comments received. |
| United Utilities | No objection subject to a condition that no structure should be erected within 6.5 metres of a public sewer. |
| Lancashire Constabulary | No observations to make. |
| Ministry of Defence | No objections |
| Civil Aviation Authority | No comments received. |
| BAE Systems | No objections |
| Blackpool Airport | No comments received. |
| NATS | No objections |

5.0 Neighbour Representations

5.1 56 pieces of correspondence have been received which raise an objection to the scheme, containing the following concerns:

- Highway safety and traffic concerns, including traffic increases; poor access on single track roads; glare distraction to road users; and access for fire services.
- Residential amenity concerns, including glare; view including visual impact of CCTV, fencing and substation; and noise from electrical equipment (and traffic).
- Landscape impacts, including visual intrusion given undulating land; impact on character of area; insufficient screening; will appear as brownfield land leading to development pressures later; impact upon Lancashire Coastal Path; cumulative industrial impacts when taken with WWTW and pylons; and impact on old Roman Road.
- Environmental impacts including displacement of wildlife; impacts upon trees and hedgerows;

impacts upon the County and European designated sites; inadequacy of great crested newts and bats studies; and lack of detailed assessment of birds;

- Insufficient consideration of alternative sites
- Unviable source of renewable energy;
- Inappropriate viewpoints have been used to assess the visual impact
- Insufficient information regarding land remediation after 25 year operating period
- Errors in the submission
- Matters of principle; including Government Guidance advises the use of brownfield land; inappropriate use of land; precedence for use of farmland; loss of farmland for grazing/crop production;
- Solar panels are hazardous to health if smashed
- Negative impact on tourism
- No community benefits

5.2 7 pieces of correspondence have been received in support of the application, including the following comments:

- Energy matters, including the provision of renewable energy, providing equivalent electricity to meet needs of over 110 homes every year; will save an estimated 3210 tonnes of carbon emissions each year; energy security and reduction of pollution;
- Community matters, including support for the local community through the Community Benefit Fund; support for diversification of a local farming business; and an opportunity for shared community ownership;
- Amenity matters - there are already large pylons in the vicinity of the site; and the site is well screened from roads, paths or houses; and no heritage assets affected;
- Environmental matters, including encouragement of new and diverse wildlife; retention of land for agriculture; avoids any environmental protections or higher grade agricultural land;
- The NPPF urges Local Authorities to support renewable energy;
- Will provide employment opportunities.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles

Paragraph 32 – Access and Transport

Paragraphs 56, 58 and 60 – Requiring Good Design

Paragraphs 93, 97 and 98 – Delivering Renewable and Low Carbon Energy

Paragraphs 118 and 119 – Conserving and Enhancing Biodiversity

Paragraphs 131 and 132 – Heritage Assets

6.2 Lancaster District Core Strategy (adopted July 2008)

SC5 – Achieving Quality in Design

SC8 – Recreation and Open Space

ER7 – Renewable Energy

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

E4 – Countryside Area

E5 – The Open Coastline

6.4 Development Management DPD

DM7 – Economic Development in Rural Areas

DM17 – Renewable Energy Generation

DM20 – Enhancing Accessibility and Transport Linkages

DM21 – Walking and Cycling

DM25 – Green Infrastructure

DM27 – Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerows and Woodland

6.5 Other Material Considerations

A Landscape Strategy for Lancashire – December 2000.

7.0 Comment and Analysis

7.1 The main issues raised by this proposal relate to:

- Landscape and visual impact
- Highway impacts
- Ecological impacts
- Impact on residential amenity
- Impact on the historic environment
- Loss of agricultural land/consideration of sites
- Impacts on trees and hedgerows
- Flooding and drainage
- Aviation
- Impact on sewage infrastructure
- The contribution to renewable energy generation

7.2 Landscape and Visual Impact

7.2.1 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application which included photomontages from four viewpoints. The landscape, within which the site is located, is characterised as Low Coastal Drumlins, sub type 12a Carnforth-Galgate-Cockerham. This landscape type is characterised by areas of low, whaleback hills around 40m high, with broad rounded tops towards the north-west coast of the study area. The landscape is characteristically gentler and of lower altitude than that of the Drumlin Field and individual drumlins are more isolated and there are often areas of poorly drained pasture, standing water and occasionally mosses, fens and fen meadows between the drumlins. The alignment of drumlins gives the landform a distinctive grain. The strong pattern of pastures emphasises the undulating topography, with neat, low cut thorn hedges traversing the drumlins. Trees and shrubs are limited in this agricultural landscape, although small copses occur on the tops and sides of the drumlins. Scattered large farmsteads are reached by a network of winding hedged lanes and tracks. Immediately to the west of the site, covering the River Lune, the landscape character is Open Coastal Marsh.

7.2.1 The lower part of the site closest to the Lune Estuary, where the panels are proposed to be sited, is at an elevation of approximately 5 Above Ordnance Datum (AOD) rising to approximately 20 AOD. The land rises further to the east up to the road and buildings at Arna Wood Farm. It comprises three fields which are separated by hedgerows. There is also a hedgerow and some trees along the boundary between the Lune Estuary Path and the site. There is also banking between the path and fields to the east, just to the south of the point where the panels are closest to the path. The other part of the site is located on the eastern side of Arna Wood Lane. It comprises a relatively narrow enclosed field, which rises up from the road, and a greater area of land which is part of a larger field. Where the two fields join is towards the top of a rise and the land then slopes downwards towards the east from an elevation of approximately 27 AOD to approximately 15 AOD.

7.2.2 There were concerns raised regarding the landscape and visual impact of the panels located on the smaller area of land to the east as these would be particularly visible from the local highway network and would be difficult to fully screen given the sloping nature of the land which leaves the site open to views, particularly from the east. The development would completely alter the character and appearance of the land, and given its prominence this was not considered to be acceptable. As such, this part of the development has been removed from the scheme.

7.2.3 The larger site is set down from the adjacent highway, Arna Wood Lane, which only serves a small number of properties and is not a through road. It is considered to be relatively well screened from views to the east given intervening land form and the location of the main road network. There are

views afforded by the nearest residential properties and the assessment of impacts on residential amenity is contained within a separate section below. The main concern in terms of landscape and visual impact, regarding this part of the site, relates to views from the adjacent path along the River Lune which is used by pedestrians, cyclists and horses. There are elements of screening along this route, but this is not continuous and many views can be gained of the higher land to the west. Given the sloping nature of the land, concerns were raised with the agent that it would be difficult to adequately screen this part of the site. However, the lower, flatter area closer to the path would more easily be screened, and the long field to the south would be unlikely to have a significant visual impact given the banking adjacent to part of the path. It was advised that the panels were removed from the more prominent areas of this land in order to reduce the visual impact. It was also suggested that a photomontage be submitted from adjacent to the site on the path in order to fully demonstrate the visual impacts. However, this has not been provided.

7.2.4 The panels are proposed to face south and as such the views would predominately be of the rear and sides of the structures. It is considered that the solar panels will change the character of the landscape and the land is likely to appear more industrialised, although the structures are relatively low having a maximum height of approximately 2m. The agent suggested works to the hedgerow next to the path to help screen the panels. However, this hedgerow is not on land controlled by the applicant and as such they have no control or rights over this and as such the Council would not be able to condition that these works took place and were maintained. A further landscaping plan was submitted in order to try to overcome the issues regarding the visual impact. Hedges are proposed around the perimeter of the site and will be retained along existing boundaries. No additional planting is proposed along the boundary with the Lune Estuary path. However the amended scheme includes a 5m-buffer along part of the northern boundary of the site in order to reinforce existing planting on the boundary consisting of 15 field maple and 10 oak between 2-2.5m planted at 2m centres. A further 5 oak and 5 field maple are proposed along part of the western boundary which is set back from the path.

7.2.5 The screening will help to break up views when approaching the site from the north along the adjacent path. Although it is considered that the development will significantly change the appearance of the site, which is currently a grazed agricultural field, views will be intermittent given the existing boundary along the cycle path and the proposed planting. There are also open views of across the Lune Estuary and as such the site will not be the sole viewpoint for people using this recreation route. In addition, when travelling from the south, the panels will not be visible until adjacent to the part of the site closest to the path given the presence of the banking and trees. The panels will also be visible in the context of the two lines of electricity pylons located to the south. The landscape is also not wholly undeveloped given the location of the WWTW just to the south of the site, although, particularly given its size, this is afforded a reasonable amount of screening. Given the above, on balance, it is not considered that the proposed solar panels will have a significant adverse landscape or visual impact.

7.2.6 There will be further views to consider from the west on the other side of the Lune Estuary. The closest receptors comprise some dispersed farms, located approximately 1.5km from the site. The nearest public highway is a further 550m and the nearest public rights of way is approximately 1.7km from the site. The land in this area is low lying and consists of marsh adjacent to the River. The views of the rising land where the panels are to be sited will be more distant and intermittent. It will also be seen in the context of other nearby development. As such, it is not considered that the development will have a significant visual impact from these views.

7.2.7 There is also some associated infrastructure to consider. A new access road is proposed in addition to a track around the perimeter of the site. Given the presence of existing hedgerows and the proposed planting, it is not considered that these will be detrimental to the character and appearance of the area. Two poles are proposed to be erected, with a maximum height of 3m, which will have CCTV cameras. These have been sited to minimise their visual impact and the colour and finish can be controlled by condition. The substation is proposed to be sited on a separate piece of land to the solar panels. This is well screened by existing hedgerows and will be at a similar level to the adjacent highway. The precise details of the materials can be controlled by condition. As such it is not considered that the ancillary infrastructure will have a significant adverse visual impact.

7.3 Highway Impacts

7.3.1 Many concerns have been raised by local residents with regards to the potential highway impacts as

a result of the development particularly given the narrow roads in the vicinity of the site which have a lack of footways. As a result of the narrow lanes, the nearby WWTW have implemented a one way system, accessing the works along Snuff Mill Lane entering the works at its southern end and exiting the works at the northern end along Arna Wood Lane. This means that vehicles exiting the WWTW will use the same road as the access to the application site.

7.3.2 The submission sets out that the construction period is anticipated to last approximately 4 months and would involve HGVs delivering the equipment and materials used for the project. There would also be a series of light vehicles which would be used to transport staff to site. The response from County Highways sets out that aside from the construction phase the site will not generate a significant amount of traffic with post construction visits dealing with maintenance and repair issues. The main concentration of vehicle movements, during construction, will be in the first 5 weeks, with peak flows in weeks 3 and 4 equating to 6 movements per day each way, excluding trips by construction workers. At this point in time the number of workers attending the site is not given but consideration will need to be to the operation of a "park and ride" facility for these people to reduce the impact on the local road network. On the basis of the location of the site and the low impact it will have on traffic movements in the area, the Highway Authority has raised no objection to the proposal on highway grounds has requested conditions to reduce the impact of the construction phase on the local highway network. A construction method statement has been requested to include: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding; wheel washing facilities; measures to control the emission of dirt and dust during construction; details of working hours; contact details of the site manager; temporary highway signage and warning signs at the 2 access points and along Arna Wood Lane and Stodday Lane; details of the HGV routeing to/from the site; and the location and operation of a park and ride system for site staff during the construction phase.

7.3.3 In addition to the above, the agent has confirmed that with the reduction in the number of panels proposed, this has also led to a reduction in HGVs required. They should be able to achieve just over a 10% saving in vehicle movements with 90 vehicles now required averaging 0.8 a day (based on a 5 day delivery week). Given the above, it is not considered that the development will have a significant adverse impact on highway safety.

7.4 Ecological Impacts

7.4.1 The Lune Estuary Site of Special Scientific Interest (SSSI) is located approximately 10 metres to the west of the site. This is also covered by the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. The SAC and SPA are European protected sites (also commonly referred to as Natura 2000 sites) and are afforded protection under the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations). Given the close proximity, the proposal has the potential to affect the interest features of these designated areas. Natural England has advised that, as the competent authority under the provisions of the Habitats Regulations, the Local Authority should have regard for any potential impacts that a proposal has on the protected areas. In relation to the requirements relating to Habitats Regulations Assessment, they have advised that the proposal is not necessary for the management of the European site and the local authority should therefore determine whether the proposal is likely to have a significant effect, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

7.4.2 SPAs are classified for rare and vulnerable birds, and for regularly occurring migratory species. The birds for which SPAs are designated may also rely on areas outside of the SPA boundary. These supporting habitats may be used by populations or some individuals of the population for some or all of the time and can play an essential role in maintaining SPA bird populations. Natural England advised that the original assessment did not provide enough information to determine whether the likelihood of significant effects can be ruled out and that further information should be sought. This included survey information for the site and adjacent fields to determine suitability for, and level of use by SPA birds. The results of a desk-based study would determine whether further survey work would be necessary. There is the potential for disturbance during the construction and decommissioning phases to effect birds within the designated sites. Consideration of effects on SPA/Ramsar birds within the designated sites during the operational phase would also need to be considered. There is potential for birds to be displaced as a result of the proposal. Concerns regarding the potential impacts upon the Lune Estuary SSSI coincide with those regarding the

potential impacts upon Morecambe Bay SPA and Ramsar site.

- 7.4.3 Following the initial concerns, a desk based assessment was carried out and submitted. Natural England set out that this confirms that the proposals would result in the loss of habitat with the potential to support roosting and foraging SPA bird species, although surveys had not been carried out to establish species or numbers potentially affected. The assessment also concludes that the proposals have the potential to disturb roosting and foraging SPA birds, both using the site itself, and also within the immediately adjacent designated site, due to noise and visual disturbance during construction. It recommends that construction and decommissioning should be monitored to ensure that elements that may give rise to disturbance are not undertaken during spring high tide periods, and that this will need to be informed by a period of pre-construction monitoring to confirm usage of the site and surrounding area by qualifying bird species and that an Ornithological Management Plan (OMP) would be submitted prior to the commencement of monitoring. However, it was the opinion of Natural England that this is not acceptable for the purposes of the Conservation of Habitats and Species Regulations 2010 (as amended) and does not allow the Local Authority to conclude that there would be no likely significant effect on the designated sites. Mitigation measures can be taken into account when screening the proposal under the Habitats Regulations, however, monitoring disturbance and displacement of SPA species during construction does not mitigate impacts. The very fact that the consultant recommends further monitoring suggests that there will in fact be adverse effects. In engaging with the Regulations, the precautionary principle applies, (i.e. if it cannot be ascertained beyond reasonable doubt that effects are unlikely, or if there is uncertainty as to effects, then likely significant effects must be assumed).
- 7.4.4 Further survey work has now been undertaken over the winter period and an additional assessment has been submitted following some further concerns. Natural England has advised that they have no objection to the proposal and think it is unlikely that it will have significant effects on the adjacent European and Nationally designated sites. They have advised that sufficient bird survey information has been submitted demonstrating that the development site is used by low numbers of overwintering waders and they broadly satisfied with the mitigation outlined in chapter 5 of the submitted Further Ecological Information 7 May 2015. This mitigation should be developed into a detailed and robust mitigation strategy. It includes: works being carried out outside the bird wintering season; post-construction monitoring; the field on the east side of the site managed to create foraging habitat for waders and wildfowl and breeding habitat for Lapwing.
- 7.4.5 There are several ponds, and other water bodies, within 500m of the application area which may or may not support breeding great crested newts. According to the original ecological assessment, surveys for this species are not required because the proposed development site provides sub-optimal terrestrial habitat for great crested newts and there is a low risk to this species as a result of the proposed development. The County Ecologist recommended that further information should be submitted to demonstrate that breaches of legislation would be avoided or that proposals would be licensable. The updated ecological assessment stated that there is negligible/ low risk of impacts on great crested newts or their habitat and no mitigation is required. As evidence for this conclusion, the report refers to previous surveys of three of the four ponds within 250m. However, no further details of these were provided and as such the likely presence or absence of great crested newts was not certain. The further information has now been submitted and further comments were provided by County Ecology. The Updated Ecological Assessment report (March 2015) suggests that construction poses a negligible risk to wildlife, but suggests that works could be managed under an ecological method statement to minimise potential impacts on protected and section 41 NERC Act 2006 priority species. County Ecology has confirmed that this matter could be dealt with by planning condition, to the effect that prior to any site clearance, preparation or construction activity, an ecological construction method statement shall be submitted to the Local Planning Authority for approval in writing and subsequent implementation in full. The method statement should provide details of measures and working practices that will be employed during construction for the avoidance of impacts on protected and priority species and habitats.
- 7.4.6 In the response from County Ecology, no concerns have been raised with regards to bats. The scheme retains hedgerows and only involves the removal of small sections. Additional hedgerows are also proposed and as such it is not considered that the proposal will adversely impact on commuting routes and may increase habitat for these species. Habitats on the site have the potential to support nesting birds. It needs to be ensured that detrimental impacts on breeding birds are avoided with work, that may affect them, taking place outside the period between March and August. No permanent lighting is proposed as part of the scheme except for low-level lighting when access

for maintenance is required. County Ecology has advised that given the sensitive location it will be important to ensure that there is no additional external lighting proposed during construction or operational phases. As such, further clarification has been sought regarding the temporary lighting proposed.

7.4.7 In relation to additional planting, County Ecology has set out that ideally field maple should not be planted as part of new native hedgerows, or indeed as a hedgerow tree. Although native to the UK, and widely planted, this species would not naturally occur in this area. Given this, it will be investigated whether there is an alternative species that would be more appropriate in this area.

7.5 Impact on residential amenity

7.5.1 The nearest residential properties are at Arna Wood Farm and Low Wood (see paragraph 1.2 for details). The former is at a higher level than the site and would have views across the site towards the estuary. The dwellings at Low Wood are to the south of the site. Both are afforded some separation from the solar panels. Given the relatively low height of the solar panels, the separation distance and the site levels, it is not considered that the proposal will adversely impact on daylight or be overbearing to the occupiers of the properties. They will have some views of the solar panels, however the main outlook of the dwellings tends not to be directly towards the site, and in the case of Low Wood there is screening provided by hedgerows. The submission sets out that solar modules are designed as light converters to absorb as much light as possible, rather than reflecting sunlight from the panel's surface. As a result, the extent of glare from the solar farm is anticipated to be minimal. Any light reflection caused by the panels will be limited in both length of time and its position, due to the sun's movement in the sky. As such, it is not considered that the development will have a significant adverse impact on residential amenity. In addition, Environmental Health has raised no concerns. There will be some disturbance during construction, however this will be for a limited period and the hours of construction can be controlled.

7.6 Impact on Heritage Assets

7.6.1 The nearest Listed Building to the site is Lunecliffe Hall. However, as the land to the east is no longer proposed to be used for the siting of solar panels, this will be approximately 630m from the nearest panels. Given the distance, the intervening topography and the height of the panels it is not considered that there will be an adverse impact on the setting of the Listed Building. Any other Listed Buildings are located much further from the site and, for similar reasons, it is not considered that the proposal will be detrimental to the setting of these.

7.6.2 The County Archaeology Service has raised a concern regarding the statement in the submission that sets out that features related to former agricultural land-use consisting of a post-medieval ridge and furrow are not considered to be non-designated heritage assets as the earthworks are probably late in date and therefore have a low level of significance. However, the use of augured foundations and the location of the access road around the edge of the site will mean that the development will cause minimal damage to the earthworks and as such they have raised no objections or require any related conditions to be attached.

7.7 Loss of agricultural land/consideration of sites

7.7.1 The National Planning Practice Guidance (NPPG) sets out that local authorities should encourage the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. Where a proposal involves greenfield land, it should be considered whether:

- The proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
- The proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

7.7.2 The submission sets out that there are no sites within the non-Countryside/Green Belt area that are specifically identified for renewable energy development and there is a lack of alternative sites of sufficient size, and in single ownership, within the District. The assessment of alternative sites is limited. However, the type of agricultural land has been considered. This is classified as Grade 3

which is Good to Moderate, and there are two classifications above and below this. The land is predominantly used for grazing at present. The submission sets out that the land will be continued to be grazed by sheep and only approximately 30% of each acre will be covered by solar panels. Given that the site does not consist of high-grade agricultural land, and that it will be continued to be used for agricultural purposes, it is considered that the loss of the agricultural land would not be a sufficient reason to resist the proposal.

7.7.3 Concerns have also been raised that the development would result in the land being considered as previously developed (brownfield), and as such could lead to further development in the future. The NPPG states that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use. The submission sets out that this is the intention and as such can be conditioned that the land will be restored, in accordance with a scheme, after a period of 25 years. A condition can also be added, similar to a wind farm consent, to ensure that if the solar panels are not producing energy for a period of 12 months, they should be removed. The justification of this is that any harm is balanced against the benefits and if there are no benefits, if they stop producing energy for whatever reason, there is no justification for the structures.

7.8 Impact on trees and hedgerows

7.8.1 There are no Conservation Area constraints or Tree Preservation Orders affecting trees within the site proposed for development. There are, however, trees established immediately to the west of the smaller site which are subject to Tree Preservation Order which within the curtilage of the WWTW. There are mature hedgerows and standard trees confined to the boundaries of the land proposed for development, many of which are visible from the public domain. They are also an important resource for wildlife, including the potential to provide habitat and foraging opportunities for protected species including bats and nesting birds.

7.8.2 The construction phase of the development has significant potential to adversely impact the on and off site trees and hedgerows. A total of 12 individual trees and 4 groups of hedgerow trees have been identified in relation to the development. A total of three 8 metre sections of hedgerows are proposed for removal in order to accommodate the development proposals. All other trees and hedgerows are to be retained and protected which is considered to be acceptable. A landscaping plan has been submitted which includes works to bolster existing hedges, and incorporate new feathered trees and new native hedgerows. The species selected, size at planting and quantity/planting densities are all acceptable. However, a 10 year maintenance regime needs to be identified and include a clear commitment to replace any hedge plants or trees that fail to establish during the initial 10 year period post planting. Replacements must be made on a "like for like" basis unless otherwise agreed in writing. This can be adequately controlled by condition. As such, it is not considered that the development will have a significant impact on existing trees or hedgerows and does include proposals for additional planting which should increase the screening of the site.

7.9 Flooding and Drainage

7.9.1 In relation to drainage, the submission sets out that rainwater falling on the existing site currently falls onto a grassed or arable crop surface and infiltrates naturally into the soil. The solar panels will intercept rainwater and shed it onto the ground on the lower edge of each panel, also known as the drip-line. Whilst the panels would result in a concentration of rainwater along the drip-line of each row, water would be intercepted by the grass growing between and underneath the panels and be allowed to infiltrate into the underlying soils in much the same way as the existing site conditions. Between each set of panels there is a proposed 'rain gap' and rain will therefore not all be collected on the bottom edge of the array. A small part of the site is within flood Zones 2 and 3. The Environment Agency have been consulted and have raised no objections subject to the new access tracks being surfaced in a permeable material.

7.10 Aviation

7.10.1 The NPPG advises that the impact on aircraft safety should be taken into consideration. As such the relevant aviation bodies have been consulted. However, none have raised any objections.

7.11 Impact on sewerage infrastructure

7.11.1 United Utilities has 3 large diameter critical public sewers that cross the middle of the site that run into the Lancaster WWTW. The middle one has a formal easement of 20 feet (6.09m approximately) and the outer ones require access strips of 13m, 6.5m either side of the centre line of the sewers as specified in the current issue of "Sewers for Adoption", for maintenance or replacement. United Utilities require 24-hour unrestricted access to these sewers and unrestricted access to Lancaster WWTW. The agent has confirmed that they have had discussions with United Utilities regarding this matter and the layout of the panels has been amended to address this. They have also discussed the issue of cables crossing the sewers, and given the 6.5m depth to the crown of the sewer and their proposal to cross the sewers at ninety degrees and at less than 1m below ground level, this is not of concern.

7.12 Contribution towards renewable energy

7.12.1 It is estimated that the site will now produce 4,570MWh of renewable electricity per annum, given the changes that have been made to the scheme to reduce the number of panels. The agent has set out that this equates to a saving of 2,696 tonnes of CO₂ per year, and enough power to supply approximately 1,385 homes. In relation to renewable energy, paragraph 98 of the NPPF sets out that local authorities should not require applicant to demonstrate the overall need for renewable energy and applications should be approved if the impacts are or can be made acceptable.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The application will provide an important contribution towards renewable energy. As set out above, it is considered that there will be some impacts on views from the adjacent path along the Lune Estuary, although these will be mitigated to some extent by existing hedgerows and proposed planting. The more visually intrusive part of the site has been removed from the scheme. It is also now considered that the proposal complies with the Habitats Regulations, subject to an appropriate mitigation strategy which can be controlled by condition. It is considered that the benefits of the proposal outweigh the potential landscape and visual impacts and the proposal is therefore considered to comply with both Local and National Policy.

Recommendation

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

1. Standard 3 year time condition
2. Amended plans
3. Construction method statement including:
 - a) The parking of vehicles of site operatives and visitors
 - b) The loading and unloading of plant and materials
 - c) The storage of plant and materials used in constructing the development
 - d) The erection and maintenance of security hoarding
 - e) Wheel washing facilities
 - f) Measures to control the emission of dirt and dust during construction
 - g) Details of working hours
 - h) Contact details of the site manager.
 - i) Temporary highway signage and warning signs at the 2 access points and along Arna Wood Lane and Stodday Lane
 - j) Details of the HGV routeing to/from the site
 - k) The location and operation of a park and ride system for site staff during the construction phase
4. Scheme for the construction of the access points.
5. Implementation of the Arboricultural Implications Assessment detailed within the Arboriculture Appraisal dated, 24.10.14
6. Implementation of planting proposals and submission of maintenance regime and a commitment to replace any trees/plants that fail to establish during this 10 year period post planting.
7. Ecological mitigation to include:
 - Ecological construction method statement

- Bird mitigation strategy including monitoring
 - Habitat management plan
8. Access and maintenance roads to be constructed using permeable materials, precise details to be provided.
 9. Details of materials for substation
 10. Colour and finish of pole for CCTV
 11. Details of boundary treatments
 12. All cabling underground
 13. Reinstatement of land after 25 years in accordance with scheme to be submitted
 14. If the solar panels fail to produce electricity for a continuous period of 12 months the panels and associated equipment shall be removed from the site and the land shall be reinstated within a period of 3 months from the end of that 12 months in accordance with a reinstatement scheme.
 15. No structure should be erected within 6.5 metres of a public sewer

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 A7 | Committee Date 29 June 2015 | Application Number 15/00243/FUL |
| Application Site Fanny House Farm Oxcliffe Road Heaton With Oxcliffe Morecambe | Proposal Installation of arrays of PV panels and associated frames, decentralised inverters, underground cabling, substation, transformer house, meter cabinet, stock proof fencing and CCTV mounted on up to 4m high masts, together with construction of internal access roads and formation of temporary access off Oxcliffe Road to form a solar farm, and the siting of a temporary site compound off Oxcliffe Road | |
| Name of Applicant Novus Solar Developments Ltd | Name of Agent Mr Phillip Duncan | |
| Decision Target Date Formal Extension of time agreed until 3 July 2015 | Reason For Delay Awaiting further information | |
| Case Officer | Mrs Eleanor Fawcett | |
| Departure | No | |
| Summary of Recommendation | Approval subject to the resolution of footpath issue | |

1.0 The Site and its Surroundings

- 1.1 This application relates to an area of agricultural land located adjacent to Heysham Moss which adjoins the eastern edge of Heysham. It is accessed from Oxcliffe Road via a privately maintained track known as Clay Lane, to the north of the site. This track is also a public footpath which adjoins another footpath which passes the northern boundary of the site and provides access from the residential estate to the west, located on the other side of the railway line. The site relates to a relatively long thin field, approximately 780 metres long and 90 metres wide for over half its length, widening to approximately 165 metres towards the southern end. It has an area of approximately 10 hectares and is used for grazing cattle and has drainage ditches and hedgerows along most of the boundaries. There is another footpath at the southern end of the site which links to the southern end of the nearby housing estate but does not run further to the east than the eastern boundary of the site.
- 1.2 All of the site is covered by a Biological Heritage Site which extends slightly further to the west and adjoins the Heysham Moss Site of Scientific Interest (SSSI). The Moss is a Nature Reserve with open access and is managed by the Lancashire Wildlife Trust. The site is also located approximately 1.7 kilometres from Morecambe Bay which is designated as a SSSI, Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. It is located within flood zone 3 and part of the site is designated as a Mineral Safeguarding Area. The site is crossed by overhead electricity lines in a southwest-northeast direction and there is a pylon within the field. The land to the east is agricultural but there is also a single turbine in a nearby field which has been constructed relatively recently. Close to the south east corner of the site is a radio transmitter station which includes a mast and to the south is an area of land which has consent for a substation in association with an offshore wind farm. The site is located within the Countryside Area as identified on the Local Plan Proposals Map.

2.0 The Proposal

2.1 Planning permission is sought for the installation of solar photovoltaic panels and associated infrastructure. The solar panels would be mounted on fixed frames pushed into the ground, no higher than 2.5 metres at the highest point off the ground, and a minimum of 700 mm off the ground at their lowest point, at a fixed angle of 15 – 35 degrees toward the south. The proposal includes a meter cabinet, transformer housing, switchgear housing and substation which will be located towards the south east corner of the site. Around the perimeter of the site, a 2 metre high perimeter stock type/deer fence is proposed in addition to 10 security camera with a maximum height of 4 metres. A temporary construction compound is proposed at Fanny House Farm off Oxcliffe Road. The materials needed to construct the development would be delivered to this compound then loaded onto tractor and trailer and taken to the site. Access is proposed by via Clay Lane, which runs from Oxcliffe Road to the radio mast then via a short length of farm track which would be formed from Clay Lane to the site. The submission sets out that following installation, the equipment will require minimal maintenance, and its operating life is anticipated to be around 35 years. Following decommissioning of the equipment, the site is intended to return to agricultural use.

3.0 Site History

3.1 The relevant site history is set out below. The proposal for two wind turbines, which was withdrawn, extended over part of the application site. The approved turbine is on adjacent land and has now been constructed.

| Application Number | Proposal | Decision |
|---------------------------|---|-----------------|
| 11/00073/FUL | Erection of a single 2-2.5MW wind turbine, associated access roads, switchgear enclosure and associated infrastructure | Approved |
| 09/00155/FUL | Erection of 2 wind turbines and associated works including switch room, cable routing and trenches, site access and tracks, including new vehicular access from A683, hard standing area and contractors compound | Withdrawn |

4.0 Consultation Responses

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

| Consultee | Response |
|--|---|
| Heysham Parish Council | No comments received |
| Heaton-with-Oxcliffe Parish Council | No comments received |
| Middleton Parish Council | No comments received |
| Morecambe Town Council | No comments received |
| Environmental Health | No objections |
| Tree protection Officer | No objection subject to conditions requiring: no trees to be removed without approval; scheme for additional tree planting; Arboriculture Method Statement |
| Engineers | The flood risk assessment satisfies that post-development runoff will be satisfactory. Advise that the applicant works closely with Lancashire Wildlife Trust to manage the water levels on the site with the local environment in mind, and in particular the adjacent SSSI. If more water can be held on site, flood risk downstream could be reduced whilst the water environment can be enhanced through adoption of a less intensive and more natural drainage regime. |
| County Highways | No objection subject to conditions requiring visibility splays, widening of access point, offsite improvements and construction management plan. |

| | |
|--|---|
| Natural England | In relation to the European Designated Sites, the development is within the 600m-buffer zone of impact of the consented wind turbine east of the site. Therefore have already accounted for displacement of birds from this area. As long as the notable flora within the ditch system is protected then have no objections. Pleased to note the buffer against these ditches. The application is in close proximity to Heysham Moss and Morecambe Bay Sites of Special Scientific Interest (SSSI). Satisfied that the proposed development will not damage or destroy the interest features for which the site has been notified. |
| Greater Manchester Ecology Unit | The development of the solar farm will not cause significant harm to the SPA, the SSSI or the BHS. There will be some land-take of the BHS but habitat lost to the scheme comprises species-poor grassland. Hedgerows, field margins, ditches and remaining areas of grassland will be enhanced for nature conservation such that any habitat losses can be compensated. No overall objections but recommend a more comprehensive and detailed Habitat Management Plan is prepared and implemented in full and continue for the anticipated lifetime of the solar farm. It must include proposals for monitoring the ecology of the site by carrying out regular surveys, particularly surveys of plants and birds. These surveys should be used to update and develop the Management Plan as required. |
| Lancashire Wildlife Trust | Do not support planning applications on Biological Heritage Sites. However, if managed carefully, could represent an opportunity to enhance the current management regime in a way that the biodiversity of the BHS is enhanced over time. Concerned about cumulative effects with other development in the area on the enjoyment of Heysham Moss SSSI. There is a need to compensate the cumulative impacts of the solar farm and other infrastructure being built by way of a contribution of financial help towards the long term maintenance of the habitat. Concerns about timing of surveys in relation to botanical and ornithological survey. Usage of the land in and around the Heysham Moss BHS by wintering geese has changed over recent years and an up to date survey would be required to ascertain if the proposed development site still supports wintering geese and if so, in what numbers. If the area is still used then additional mitigation should be considered. The proposed mitigation and enhancement measures are low on detail. A Biodiversity Management Plan should be provided. |
| County Ecology (in relation to BHS) | No comments received |
| RSPB | No comments received |
| County Minerals Planning | No comments received |
| Environment Agency | No objection |
| Campaign to Protect Rural England | No comments received |
| Public Rights of Way Officer | Only concern would be health and safety whilst installation is ongoing. There is also signs of people ignoring the battered old end of path sign and continuing into the next field, which may cause problems with this area of the installation. May wish to consider a temporary closure. |
| Ramblers Association | No comments received |
| Health and Safety Executive | No comments received |
| Office of Nuclear Regulation | No comment as it does not lie within a consultation zone around a GB nuclear site. |
| Ministry of Defence | No objections |
| Civil Aviation Authority | No comments received |
| BAE Systems | No objections |
| Blackpool Airport | No comments received |
| NATS | No objections |
| Lancashire Constabulary | No observations to make |

5.0 Neighbour Representations

- 5.1 1 piece of correspondence has been received which raises the following comments:
- Concerns if the development affects a public footpath

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

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

6.2 Lancaster District Core Strategy (adopted July 2008)

SC5 – Achieving Quality in Design
SC8 – Recreation and Open Space
ER7 – Renewable Energy

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

E4 – Countryside Area

6.4 Development Management Development Plan Document (DM DPD)

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

6.5 Other Material Considerations

A Landscape Strategy for Lancashire – December 2000

7.0 Comment and Analysis

7.1 The main issues raised by this proposal relate to:

- Landscape and visual impact
- Highway impacts
- Ecological impacts
- Impact on residential amenity
- Impacts on trees and hedgerows
- Impact on public footpaths
- Loss of agricultural land/consideration of sites
- Flooding and drainage
- Aviation
- The contribution to renewable energy generation
- Community benefits

7.2 Landscape and visual impact

7.2.1 A Landscape and Visual Impact Assessment has been carried out and submitted with the application. The application site, where the panels are proposed to be site, is a large narrow field

which is partially enclosed by fragmented hedgerows to the east and northwest, a low continuous hedgerow on the northern boundary, and wet woodland to the west. It is located within a relatively rural landscape which comprises flat and low lying permanent pasture, occupying an area of mossland on the coastal plain. The land immediately to the west of the site comprises an area of un-reclaimed lowland raised bog, known as Heysham Moss. The Moss is managed as a nature reserve, with the western part being designated as a Site of Special Scientific Interest. To the west of Heysham Moss, the land rises onto an elongated ridge along the coastal strip, which is mostly occupied by Heysham and Morecambe. The mossland is partially overlooked by extensive housing estates on the south eastern fringe of Heysham. The landscape is also heavily influenced by the Nuclear Power Station, to the south west of Heysham, and other power generation infrastructure, including electricity transmission lines, substations and the three large wind turbines.

- 7.2.2 The landscape character of the area is identified as mosslands and is defined as having a low lying and flat topography, with a distinctive pattern of long narrow fields and drainage ditches. Visual enclosure is mostly provided by series of parallel hedgerows, resulting in partial and very oblique views across the flat terrain. The submission sets out that the influence of strong vertical elements, such as the numerous electricity pylons, has had a detrimental effect upon the character and quality of the local landscape. Consequently, the area is judged to have a low landscape sensitivity and has the capacity to accept carefully sited solar development without causing a significant impact upon the existing condition and character of the landscape.
- 7.2.3 The site is not particularly visible within the wider landscape. It is afforded a degree of screening from the west by an area of woodland although there are views from residential properties located on elevated land. The site to the south has consent for an electricity substation to serve an offshore windfarm. This will block most views from the south. Open and uninterrupted views of the proposed development area can be gained from sections of public footpaths immediately to the north and along the southern edge of the site.
- 7.2.4 The submitted elevation plan of the panels show the rows separated by at least 5m with the panels having a maximum height from ground level of 2.5m. All existing landscape features on the edge of the site are proposed to be retained, including the perimeter hedgerows and woodland areas. There are proposed to be managed and enhanced to improve the level of visual enclosure. Hedgerows will be cut to a height that is appropriate to maximise visual screening. The planting of new hedgerows is proposed (using indigenous species) to reinstate fragmented/defunct hedgerows to provide additional visual screening. Stock type fencing is proposed around the perimeter of the site with a maximum height of 2m. The associated buildings and cabinets are proposed to be sited in the south east corner which is close to the consented infrastructure development to the site. These buildings will be finished in green with the largest being 6m by 3m with a height of 3.1m.
- 7.2.5 Any changes in the landscape character due to the development are likely to be restricted to the site itself and the immediate surrounding area. Its effect in the surrounding landscape is assessed as slight or negligible in the submitted report. This goes on to say that it is not anticipated that the solar farm will have any significant additional landscape effects when considered cumulatively in association with the other large scale infrastructure development within the local area. In respect of visual effects, the proposed development will mainly have an impact upon nearby receptors, in particular people walking on the public footpaths immediately to the north and south of the site. The report sets out that at these locations the visual impacts of the solar infrastructure are likely to be initially negative but these effects will be mitigated by the appropriate management and gapping up of the boundary hedgerows. In the wider landscape, the visual effects of the development will be limited and the potential partial and oblique middle distance views from some first floor windows are assessed as negligible or minor.
- 7.2.6 The site is located within a landscape which already contains a significant amount of infrastructure including pylons, wind turbines, a communications mast and substations and is relatively close to Heysham Power Station. Although they will cover a large area, the solar panels will be relatively low in this low lying landscape. As such, the additional planting will help provide screening from the adjacent public footpaths. Given this, and the above, it is not considered that the proposal will have a significant adverse impact on the character and appearance of the landscape. The submission also sets out that the development will be decommissioned at the end of around 35 years with the removal of the solar infrastructure and the complete reinstatement of the agricultural grassland.

7.3 Highway impacts

- 7.3.1 The submission sets out that it is anticipated that all site set-up work and construction will be completed within a period of six weeks. After this time the solar farm will require minimal maintenance. A temporary construction compound is proposed at Fanny House Farm, just off Oxcliffe Road. The materials would be delivered to this compound then loaded onto tractor and trailer and taken to the site via Clay Lane, and thence a short length of additional farm track. County Highways have set out that, aside from the construction phase of the development, the site is unlikely to generate a significant amount of vehicle movements.
- 7.3.2 The access to the proposed site compound is proposed to be widened. The highways officer has advised that there should be un-hindered two-way vehicle movements through the access as would not wish to see the creation of a vehicular conflict situation occurring through standing / stationary traffic on Oxcliffe Road while large HGV's access / egressed from the same. Sufficient space must be allocated within the site compound to accommodate contractor parking / welfare facilities, allow large delivery vehicles to access / egress the same in a forwards gear, accommodate appropriate driver forward visibility when egressing the site.
- 7.3.3 The access onto Clay Lane is situated on the approach to a railway bridge and is relatively obscured from oncoming traffic by boundary hedging. Given this, the highways officer advised that visibility splays of 4.5m by 130m should be provided. However, this would not be achievable due to the railway bridge and would require a significant loss of hedgerow and trees. This appeared excessive as the only concerns relate to the construction period which will be approximately 6 weeks. As such, the highways officer had agreed that this could be covered by the construction management plan and would likely involve some form of signals, either lights or stop/go signs on either side of the bridge. This can be adequately controlled by condition. Clay Lane is a single track road with a lack of passing places. However, if vehicle movements between Oxcliffe Road and the site are adequately managed during construction, there should be no adverse impacts on highway safety.
- 7.3.4 On the basis of the above, it is not considered that the development will have a significant impact on highway safety provided that appropriate measures are put in place during construction.

7.4 Ecological Impacts

- 7.4.1 The site is in close proximity to the Morecambe Bay Special Protection Area (SPA) and Special Area of Conservation (SAC) which are both European sites. The site is also listed as Morecambe Bay Ramsar site and notified at a national level as the Morecambe Bay Site of Special Scientific Interest (SSSI). European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010. In relation to this, Natural England has advised that the proposal is not necessary for the management of the European site but is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment. To justify this conclusion they have set out that the development is within the 600m-buffer zone of impact of the consented wind turbine east of the site. Therefore the displacement of birds from this area has already been accounted for. The SPA has been designated because it supports internationally important populations of birds. Providing that the notable flora within the ditch system is protected then Natural England have no objections to this proposal. They also note that a buffer is proposed against these ditches.
- 7.4.2 In addition to the Morecambe Bay SSSI, the site is adjacent to the Heysham Moss SSSI. The latter is designated because it supports a rare area of raised bog habitat and associated plant communities. The development will not cause any land-take of the SSSI and so will not cause any direct harm to its special interest. The condition of the SSSI is sensitive to changes in hydrology. However the development of the solar farm will not substantively alter the hydrology of the site or the surrounding area such that the special interest of the SSSI will be harmed. Natural England have confirmed that they do not consider that the proposal will damage or destroy the interest features for which the sites have been notified. It is also noted that the developers propose to pay a contribution to the Lancashire Wildlife Trust towards the management of the SSSI. However, it is not considered that this is necessary to make the development acceptable in terms of mitigating any impact on ecology, and therefore does not form part of the planning consideration.
- 7.4.3 An extended Phase 1 habitat survey, protected species walkover survey and desk study including a biological records search have been conducted. Some concerns have been raised by the Lancashire

Wildlife Trust with regards to the timing of surveys in November, which is not the optimum time of year. However, the Council's ecology consultant has advised that there is a significant amount of existing information concerning the site and surrounding that can be used to inform the development proposals and they have visited the site in mid-May and carried out their own assessment and (brief) surveys. It is therefore considered that there is sufficient ecological information available to enable the application to be determined.

- 7.4.4 The application lies within a locally designated ecology site, known in Lancashire as a Biological Heritage Site (BHS). It covers a total of 21.2 hectares with the development affecting 9.6 hectares which is 45%. The site is dominated by improved and semi-improved grassland used for grazing cows. The grassland is generally species poor. The citation details for the BHS describe the site as 'wet grassland' however the Council ecology consultant has advised that this is not the case for the whole site, although it is locally wet. It is possible that further drainage of the fields for agricultural purposes has taken place since the last survey undertaken for BHS designation purposes. The site also supports fragmented and under-managed hedgerows, ditches and broad-leaved woodland. The ditches were holding water on the day of the site visit and the plant communities present indicate that they do hold water for most of the year, although the ditches generally have poor profiles in nature conservation terms. The ditches, hedgerows and woodland will not be directly affected by the proposed development of the solar farm.
- 7.4.5 The development will cause some direct losses to species-poor grassland resulting from infrastructure construction and where the panel frames are installed, and some indirect impacts on the grassland may be caused by localised shading of the areas under the panels. The Council's ecology consultant has advised that shading will not be so significant as to cause the grassland to be lost and is capable of being retained both under and between panels. The application allows for these areas of retained grassland to be managed with nature conservation interests in mind. The installation will not substantively affect the structure or the hydrology of the soils; areas of wet grassland will remain, even under panels. Direct losses of wet grassland will therefore be relatively small. The Lancashire Wildlife Trust has advised that they do not support planning applications on BHS however, if managed carefully, the development could represent an opportunity to enhance the current management regime in a way that the biodiversity is enhanced over time. They have asked that planning conditions are put in place to ensure that significant ecological benefits are accrued.
- 7.4.6 With regards to the bird interest of the BHS, the ecologist has set out that the loss of openness of the grassland that will result from the installation of the panels will likely deter some bird species from using the site and therefore may displace these species. Such species include lapwing, skylark, shelduck, snipe, curlew and geese. During a site visit no ground-nesting species were recorded using the site, although there were skylarks, woodcock and snipe using nearby fields and five shelduck on the application site itself (not breeding). There were also large numbers of predatory species on the application site, including corvids (30+) and gulls (50+). With these numbers, and with the added impact of high density grazing in Spring and Summer from cattle, it is not expected that ground-nesting birds would use the site for breeding, or if they did attempt breeding efforts would likely be unsuccessful. There is sufficient alternative grassland available nearby, within the remainder of the BHS, in the SSSI and on agricultural fields contiguous with the application site, such that small numbers of ground nesting birds displaced could readily be accommodated nearby. With regards to other bird species using the BHS, such as whitethroats, willow warblers, chaffinch, bullfinch etc., these species will not be affected by the installation of the solar panels and will benefit from the enhancement of hedgerows, the managed 'conservation grassland buffer strips' to be maintained around the solar panels and the introduction of grassland management sympathetic to nature conservation on the remainder of the site. An outline Habitat Management Plan has been prepared for the site. Measures include hedgerow enhancement and management, management of 8m-wide landscape buffer zones around the site margins and management of the grassland retained between and around solar panels.
- 7.4.7 The Council's ecology consultant has advised that the development will not cause significant harm to the SPA, the SSSI or the BHS. There will be some land-take of the BHS but habitat lost to the scheme comprises species-poor grassland. Hedgerows, field margins, ditches and remaining areas of grassland will be enhanced for nature conservation such that any habitat losses can be compensated. It has been recommended that a more comprehensive and detailed Habitat Management Plan is prepared for the application site and, once agreed, implemented in full. It should continue for the anticipated lifetime of the solar farm and include proposals for monitoring the ecology of the site by carrying out regular surveys, particularly of plants and birds. These surveys

should be used to update and develop the Management Plan as required. It has also been advised that no vegetation clearance should be undertaken during the optimum period for bird nesting (March to August inclusive).

7.5 Impact on residential amenity

7.5.1 The nearest residential properties are located within a housing estate, the closest being approximately 300m to the west. Some are on higher land and would have views across the site, although they are separated by areas of trees and a railway line. As such, it is not considered that the development will have a significant adverse impact on residential amenity. In addition, Environmental Health has raised no concerns.

7.6 Impact on trees and hedgerows

7.6.1 There are trees and hedgerows established to the perimeter of the site but none within the central areas. There is a significant copse of trees to the west of the site and hedgerows to the boundaries. An 8m wildlife buffer zone is proposed that would significantly limit the potential for harm to existing trees. There are no proposals to remove trees, hedges or hedgerow trees. The proposals include new hedge planting where existing gaps occur. A detailed Tree/Hedge Protection Plan, and Arboriculture Method Statement will be required to be submitted and agreed in writing. A new planting scheme and associated 10-year maintenance regime will also be required in relation to the proposed new hedge tree planting. All of this information could reasonably be agreed through the imposition of suitable planning conditions.

7.7 Impact on public footpaths

7.7.1 Some of the proposed access track is designated as a public right of way. There is also a footpath running adjacent to the northern boundary of the site which provides a link from the residential estate to Oxcliffe Road. Another footpath crosses the site adjacent to the southern boundary. This was shown on the submission as being outside the site, on the opposite side of a drainage ditch. However, the public rights of way officer has confirmed that it is within the application site.

7.7.2 The visual impact on the public footpaths has already been discussed above. However, the Wildlife Trust have also raised some concerns about the impact on the enjoyment of Heysham Moss, over which there is public access. They have set out that the lowland mossland habitat is characterised by open aspect and the Heysham Moss SSSI will become surrounded on two sides by energy related developments and housing on a third side with all these developments having strong man made vertical elements. This hard industrial infrastructure will have a significant impact on the enjoyment of the site by visitors using the paths on the SSSI with a very much reduced open landscape outlook. However, this will to some degree be mitigated by improvements to hedgerows and screening provided by the wooded area to the west.

7.7.1 Any direct impacts on the public rights of way are likely to be during construction, particularly as Clay Lane is to be used to provide access to the site. However, it is considered that this can be adequately be controlled through the construction management plan. With regards to the footpath at the south of the site, the public rights of way officer has advised that there only concerns would be during construction and it may require the temporary closure of the footpath. Clarification has been sought from the agent with regards to this. However, this could probably also be dealt with through the construction management plan. Part of the path would be quite close to the fence line, substation and meter cabinet. The agent has also been asked if they want to consider altering this slightly, although no objections to this have been raised by the rights of way officer. Any alterations will be reported at the meeting. The site will be very open from this footpath, however it is only a small section and end at the eastern boundary of the site with no links to the east.

7.8 Loss of agricultural land/consideration of sites

7.8.1 The National Planning Practice Guidance (NPPG) sets out that local authorities should encourage the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. Where a proposal involves greenfield land, it should be considered whether:

- The proposed use of any agricultural land has been shown to be necessary and poorer

quality land has been used in preference to higher quality land; and,

- The proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

7.8.2 Agricultural land is classified by the Agricultural Land classification (ALC) system in which Grades 1 – 5 are allocated and 1 is the best and 5 is the poorest quality. The submission sets out that the provisional maps published in the late 1970's/early 1980's show that the site is within Grade 3 but the maps do not differentiate between 3a and 3b. A detailed survey has been undertaken which reviewed factors affecting the grade, including climate, geology and soil particle size analysis. As a result of this, the submission sets out that the land is considered to be Grade 4, and the interaction of soil texture and wetness is identified as the limiting factor on the site. Grade 4 is poor quality agricultural land. Within the fenced area, the majority of the area will be space between and around the rows of frames. This is proposed to be maintained as grazing and managed by low intensity sheep grazing which will retain the agricultural use of the site and is likely to improve the biodiversity of the site at present.

7.9 Flooding and drainage

7.9.1 The Environment Agency has raised no objections to the proposal, based on the conclusions of the submitted flood risk assessment. The Council's drainage engineer has also set out that they are satisfied that post-development runoff will be acceptable. Any comments from the lead local flood authority will be reported at the meeting.

7.10 Aviation

7.10.1 The NPPG advises that the impact on aircraft safety should be taken into consideration. As such the relevant aviation bodies have been consulted. However, none have raised any objections.

7.11 Contribution towards renewable energy

7.11.1 In relation to renewable energy, paragraph 98 of the NPPF sets out that local authorities should not require applicant to demonstrate the overall need for renewable energy and applications should be approved if the impacts are or can be made acceptable. The submission sets out that each of the proposed panels can generate 255 watts of power and the scheme design will provide an estimated annual output of 4,945 MW, equivalent to the usage of 1,498 residences.

7.12 Community Benefits

7.12.1 The submission sets out that financial contributions will be made to the Heysham Neighbourhood Council and the Lancashire Wildlife Trust each year during the operation of the development. However, these do not form part of the planning consideration as they would be entirely voluntary.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The application will provide an important contribution towards renewable energy. As set out above, it is not considered that there will be a detrimental impact on the character and appearance of the landscape, highway safety, ecology or residential amenity, amongst other things, subject to appropriate conditions to mitigate impacts. The proposed solar farm is therefore considered to be acceptable in this location.

Recommendation

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

1. Standard 3 year time condition
2. In accordance with plans
3. Construction method statement including:
 - a) The parking of vehicles of site operatives and visitors

- b) The loading and unloading of plant and materials
 - c) The storage of plant and materials used in constructing the development
 - d) The erection and maintenance of security hoarding
 - e) Wheel washing facilities
 - f) Measures to control the emission of dirt and dust during construction
 - g) Details of working hours
 - h) Contact details of the site manager.
 - i) Temporary highway signage and advanced warning signs at the proposed points of access to Oxcliffe Road alerting drivers to the likelihood of large slow moving vehicles
 - j) Measures to control traffic on Oxcliffe Road including temporary signals
 - k) Measures to control movements of vehicles between the site and Oxcliffe Road
 - l) Measure to protect users of the public footpaths
4. Scheme for the widening of the site access to the compound and details of surfacing
 5. No tree within the site or on any immediately adjacent property or land shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut-down or grubbed out, other than those identified within the approved application, without the prior written approval of the local planning authority and before any site activity is commenced in association with the development.
 6. Planting scheme with 10 year maintenance
 7. Arboricultural Method Statement & Tree/Hedge Protection Plan
 8. Ecology mitigation during construction
 9. A comprehensive and detailed Habitat Management Plan for the anticipated lifetime of the solar farm and include proposals for monitoring the ecology of the site to be used to update and develop the Management Plan as required.
 10. Details of materials/finish for all new buildings/cabinets
 11. Precise height, colour and finish of pole for CCTV
 12. Details of all new hardstanding
 13. All cabling underground
 14. Reinstatement of land after 35 years in accordance with scheme to be submitted
 15. If the solar panels fail to produce electricity for a continuous period of 12 months the panels and associated equipment shall be removed from the site and the land shall be reinstated within a period of 3 months from the end of that 12 months in accordance with a reinstatement scheme.

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 A8 | Committee Date 29 June 2015 | Application Number 14/01215/FUL |
| Application Site Land Associated With Intack Farm Long Dales Lane Nether Kellet Carnforth | Proposal Erection of a 34.5 metre high wind turbine from ground to blade tip with associated control box and hardstanding | |
| Name of Applicant E J Ward & Sons | Name of Agent Mr Richard Corbett | |
| Decision Target Date 7 January 2015 | Reason For Delay Awaiting appeal decision on nearby wind turbine, further information from the applicant, and officer workloads | |
| Case Officer | Mr Andrew Holden | |
| Departure | No | |
| Summary of Recommendation | Approval | |

(i) Procedural Matters

This application would normally have been determined under the Scheme of Delegation. However, Cllr Mace has requested that the application be referred to the Planning Committee for a decision on the grounds of ecology and mineral safeguarding.

1.0 The Site and its Surroundings

- 1.1 The application site is located about 0.8km east of the eastern edge of Nether Kellet and approximately 1.5km south of the southern edge of Over Kellet. It falls within an area of semi-improved agricultural land that is bordered by Long Dales Lane to the west, Dunald Mill Lane to the south, Green Hill Lane public right of way to the east, and Nether Kellet Road and Addington Road to the north. Access would be from the well maintained private road that serves Intack Farm and Meadow View Caravan Park off Long Dales Lane.
- 1.2 It falls within the District's Countryside Area but about 1.5km outside of the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and approximately 3.5km outside of the Arnside and Silverdale AONB.

2.0 The Proposal

- 2.1 The application seeks planning permission for a single wind turbine with a hub height of 24.8m and a total height of 34.5m from ground to blade tip. Each of the 3 blades would measure 9.6m in length. The proposal also includes a small control box and area of hardstanding.

3.0 Site History

- 3.1 Intack Farm has a long and varied site history but there are no planning applications that relate to this wind turbine proposal other than a previous application (14/00378/FUL) for the same proposal which was withdrawn due to the lack of supporting information.

4.0 Consultation Responses

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

| Consultee | Response |
|--|---|
| County Highways | No objection subject to a condition relating to Construction Traffic Management Method Statement (including designated routes to and from the site) |
| Environmental Health | Initial objection on the grounds that the noise information submitted contained some inconsistencies. However, on balance it is considered that given the size of the turbine and the distances involved from existing dwellings and holiday caravans, the objection can be overcome by the imposition of relevant noise related condition. |
| Natural England | No objection |
| Wildlife Trust | No comments received |
| RSPB | No comments received |
| Forest of Bowland AONB | No comments received |
| Arnsdale and Silverdale AONB | Concerned that the impact of the proposed turbine and its cumulative impact on long distance views from the AONB has not been assessed |
| Ministry of Defence (MoD) | No objection |
| Civil Aviation Authority (CAA) | Standard response to consult with MoD, NATS, nearby aerodromes (Warton and Blackpool) and Air Support Units (police and ambulance). |
| National Air Traffic Service (NATS) | No objection |
| Air Ambulance | No comments received |
| BAE Warton | No objection |
| Blackpool Airport | No comments received |
| Police Air Support Unit | No comments received |
| Conservation Officer | No objection |
| Nether Kellet Parish Council | Objection as it is felt that it would have a detrimental effect on leisure providers in close proximity to the site, which would as a consequence have an adverse effect on businesses (shop and public houses) in Nether Kellet and Over Kellet |

5.0 Neighbour Representations

5.1 Two objections have been received from local residents and one from the owners of Hawthorn Caravan Park, citing the following reasons:

- Adverse impact on character of the countryside, including cumulative impacts
- Detrimental to the area's tourism
- Traffic concerns
- Noise, shadow flicker and vibration
- Harmful impact on ecology
- Safety to horses and their riders
- Already a number of hazards in the area (power and gas lines)
- Negative impact on property values
- Negative impact on the health of local residents
- Planning decision should reflect local people's views

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

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

Paragraph **17** – 12 core land-use planning principles
Paragraph **28** – rural economy
Paragraph **32** – transport
Paragraphs **56** and **58** – good design
Paragraphs **93** and **98** – renewable energy
Paragraph **109** – natural environment
Paragraphs **118** – biodiversity
Paragraphs **129**, **131**, **132** and **134** – conservation

6.2 Core Strategy

SC1 – Sustainable development
SC5 – Achieving quality in design
ER7 – Renewable energy

6.3 Development Management DPD

DM18 – Wind turbine development
DM27 – Biodiversity
DM28 – Landscape impacts
DM32 – Setting of heritage assets
DM35 – Key design principles

6.4 Local Plan (saved policies) **E4** – Development within the Countryside

7.0 Comment and Analysis

7.1 The key issues arising from this proposal are:

- Principle of development
- Landscape and visual impact
- Aviation safety
- Impact on ecology
- Impact on residential amenity
- Impact on heritage assets
- Impact on the highway network

7.2 Principle of development

7.2.1 As set out within the NPPF, the government seeks to support the transition to a low carbon future by, amongst other things, encouraging the use of renewable resources through the development of renewable energy. It indicates that to help increase the use and supply of renewable and low carbon energy, Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. It also states that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. In determining this application regard should be made local policies contained in both the Lancaster District Core Strategy (policy ER7) and Development Management DPD (policy DM18). These policies look favourably on renewable energy schemes and seek to promote and encourage proposals provided that potential impacts are satisfactorily addressed.

7.3 Landscape and visual impact

7.3.1 The landscape and visual impact submitted as part of this application was woeful, and therefore not assisted the Local Planning Authority in its assessment of the application. A wind turbine of this height is likely to be significant in the immediate landscape, though it is acknowledged that the impact is reduced from more distant views due to the local topography. Its impact would be reduced if all associated infrastructure (such as cables) are kept underground, but this can (and should) be conditioned. Whilst it is noted that the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) office has concerns regarding the proposal, the impact of a single turbine with only an overall height of 34.5m at a distance of 3.5km away (though the higher ground of the AONB that

could afford clearer views of the turbine are even further away at 5km) would be nominal. Their other concern about the cumulative impact with the Birkland Barrow proposal has subsequently fallen away with the Planning Inspectorate dismissing the appeal for that (80m high) wind turbine. This was the main reason for delaying the determination of this application as the Local Planning Authority would have required additional information from the applicant regarding cumulative impacts had the Planning Inspectorate allowed the appeal. Whilst there are other wind turbines either implemented or permitted in the wider area (Back Lane Quarry and Addington for example) there are sufficient separation distances and intervening landform for there not to be an adverse cumulative visual impact. Likewise the Forest of Bowland AONB is about 1.5km away to the south east at its nearest point and the topography and vegetation between it and the application site would screen most views of the turbine from the protected landscape of the proposal. Lastly, it is also recognised that there are existing man-made structures in the locality, namely the overhead power lines and their associated pylons, and therefore this is not unspoilt landscape. A wind turbine of this size in this location would not be considered to be unacceptable because whilst it would introduce a moving structure close to the top of a drumlin and therefore it would be clearly visible in its local context, the nature of the drumlin area in which it would fall is such that it would be generally more screened to wider views, and even then would often be seen in the setting of the nearby electricity line. However, the cumulative impact of the 2 different pieces of electricity infrastructure would not be sufficient to sustain a reason for refusal.

7.4 Aviation safety

7.4.1 There are no aviation safety concerns arising from this proposal. As set out in Section 4 the MoD, NATS, CAA and BAE Warton do not object to the application.

7.5 Impact on ecology

7.5.1 Wind turbines can have an adverse impact on ecology, especially birds and bats. Field boundaries and watercourses need to be considered as part of this ecological assessment as these features can form important 'corridors' for wildlife. Whilst there are stone walls and hedgerows that form field boundaries in the immediate area, these are set more than 50m away from the proposed wind turbine and therefore are not deemed to cause any significant biodiversity concerns. That said, to future proof the situation, a condition should be imposed to prevent any trees or shrubs being planted within 50m of the wind turbine to ensure that wildlife that might utilise such vegetation for foraging or commuting would not be attracted into an area that could cause them to come into conflict with the structure.

7.5.2 It is acknowledged that there are 12 Biological Heritage Sites within 1 km of the site, namely Long Dales Lane Fields, Hawthorn Rocks, Helks Wood Farm Pasture, Helks Wood, Intack Wood, Swantley, Dunald Mill Crag, Dunald Mill Hole, Long Riddings Wood, Cock's Wood, Limestone Pavement and Crag south of Cock's Wood and Kit Bill Wood. These form a ring around the proposed site, the nearest being about 320m away albeit the other side of the main road between Over Kellet and Nether Kellet. The connectivity between these sites is likely to be limited by the road network and the lack of boundary features and watercourses as mentioned in 7.5.1. The immediate area around the application site and the site itself is semi-improved agricultural land used for livestock. Whilst it has the capacity to support some wildlife the manner in which it is farmed (grazing, silage, muck spreading) would limit its ability to support the form of wildlife that would conflict with the operation of a wind turbine.

7.6 Impact on residential amenity (visual, shadow flicker and noise)

7.6.1 Outlook – It is a well-known planning principle in this country that there is no 'right to a view'. The test in this instance is whether the turbine would affect the outlook of residents to such an extent that there would be an overly-dominant and disproportionate impact on day-to-day living. Bearing this in mind, it is noted that the nearest properties and caravans fall some distance from the proposed wind turbine:

- 1 & 2 Newlands Farm – 325m to the west
- Wayside – 287m to the north east
- 1 & 2 Intack Bungalows – 250m to the south east
- Meadow View Caravan Park – 275m to the south

Due to intervening vegetation, buildings and/or landform each of the above would be protected from direct views of the proposed wind turbine from windows serving their properties. 1 and 2 Newlands Farm are set down the hill from the proposed site and there are large outbuildings to the rear and side of these residential properties that would screen most, if not all, of the wind turbine. Wayside is situated over 15m lower than the top of the drumlin with the proposed site for the wind turbine being on the opposite side of the peak and set over 10m below the summit. Therefore views of the upper parts of the turbine will be visible from the property though it would not be in the direct line of sight due to the orientation of the property in relation to the turbine's siting. 1 Intack Bungalow has windows in its western gable which would afford views of the wind turbine which would be set up slightly on the hillside in comparison to the height of the property. However, given the height of the wind turbine and the separation distance involved it would not dominant the view from this property. 2 Intack Bungalows is more protected by its attached neighbour (no.1). Lastly, there are some caravans to the northern edge of the caravan site that would face directly towards the wind turbine. However, there is a healthy and well established hedgerow along the access track that would screen most, if not all, of the views of the turbine from these static holiday caravans.

7.6.2 Shadow Flicker - This is the effect of the sun shining behind the rotating turbine blades and creating an intermittent shadow inside nearby buildings. It only occurs when certain meteorological, seasonal and geographical conditions prevail. The effects only occur 130 degrees either side of north relative to the wind turbine with shadows potentially cast 10 times the rotor diameter (approximately 192 metres from the turbine in this case). The receptors identified in 7.6.1 are all located outside the likely affected area. However, given the topography there could be the potential for a small amount of hours of theoretical shadow flicker per year. Smart systems can effectively 'shut-down' turbines during the periods where shadow flicker could be experienced, and again a condition can be included on any grant of planning permission. With the imposition of such a condition, residential amenity relating to shadow flicker can be safeguarded.

7.6.3 Noise – Noise arising from this proposal would be attributed to its construction and its ongoing operation, though it should be noted that the only noise associated with modern wind turbines primarily relates to aerodynamic noise only; any mechanical tones or noise are predominantly eliminated on modern machines. It is not envisaged that either of these activities would result in excessive noise (especially given the background noises generated by the nearby quarries) that would be deemed un-neighbourly. However, a noise assessment should have addressed these issues, with recommendations for mitigating any adverse impacts. Environmental Health initially objected to the application as the noise assessment submitted contained a number of inconsistencies. However, in taking into consideration the height of the turbine and the distances between the turbine and existing dwellings and holiday caravans (as set out in 7.6.1) Environmental Health is satisfied that any consent could be conditioned. The condition in question would require the applicant and/or any other successor in title at the request of the local planning authority, following a noise related complaint made to it, to employ at their expense a consultant approved by the local planning authority to assess the turbine noise levels at the complainant's property. If the noise levels exceed the levels specified in ETSU-R-97 then the applicant and/or any other successor in title would have to carry out necessary mitigation (again at their own expense) in order to bring noise levels into compliance.

7.7 Impact on Heritage Assets

7.7.1 To the west at a distance of about 0.8km sits Nether Kellet Conservation Area. To the south the Listed building of Dunald Mill Cottage is located at a similar distance, and to the north east the Listed building of Birkland Barrow Farmhouse is situated about 0.9km away. It is considered that the settings of both the Listed properties are contained to the immediate surroundings by historical existing boundaries and the adjacent rising ground between the properties and the turbine site. Together with the intervening distances it is not considered the settings of the heritage assets will be unduly effected. In relation to the Nether Kellet Conservation Area it is considered that the principal setting to the village is the main village street and its immediate surroundings. The land to the east between the turbine site and the Conservation Area is interrupted with existing vegetation and rising landforms. There are about 30 other Listed buildings within 2km of the application site and a further Conservation Area (Over Kellet), but views are distant and their settings are generally interrupted by adjacent rising ground and existing vegetation. Therefore it is considered that the setting of the heritage assets will not be unduly affected.

7.8 Impact on the Highway Network

7.8.1 The Highway Authority has made comment on the application, concluding that there is no highway objection to the proposal though they do seek the imposition of a condition requiring the developer to submit a Construction Traffic Management Method Statement (CTMMS) prior to works commencing. Upon completion, it is considered likely that there will be a negligible traffic impact associated with the development proposal. However, during the site's period of construction and decommissioning the delivery or removal of components and lifting equipment to and from site are likely to have an impact on vehicle movements over the surrounding public highway network. Being in an area primarily characterised by quarries, farmland and caravan parks the local road network is already utilised by large vehicles and towed trailers, and therefore there is evidence that the road network is capable of dealing with such traffic. However, the abnormal loads associated with the development make the request for the CTMMS an acceptable one. Once on site, the vehicles and equipment will need to be transported across one and half field lengths. The application advises that no formal access is required, but the fields are soft underfoot and some form of track from the field gate off the main access to Intack Farm and Meadow View Caravan Park will be required. Details of this will need to be provided prior to its construction.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The proposal will generate renewable energy, which is in accordance with national and local planning objectives. The NPPF states that applications for renewable energy schemes should be approved if its impacts are or can be made acceptable. As set out above, the proposal is not considered to have a significant impact on the character or appearance of the landscape, the nearest Area of Outstanding Natural Beauty, residential amenity, ecology or nearby heritage assets. Therefore it is recommended that the proposed turbine is considered acceptable in this location subject to the noise issue being adequately resolved.

Recommendation

Subject to the issue of noise being adequately resolved to the satisfaction of Environmental Health, that Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Development in accordance with approved plans
3. Material, colour and finish of wind turbine and control box (including no lighting, logos or advertisements)
4. Construction Traffic Management Method Statement
5. Details of access track
6. Shadow flicker controls
7. Noise controls
8. Wind turbine and associated infrastructure to cease use and be removed from the site entirely within 25 years of the date of it first producing electricity, or within 3 months following a period of 12 months of it not producing electricity
9. Decommissioning and restoration of land
10. Hours of construction
11. Cabling underground
12. No tree or shrub planting within 50m of the wind turbine

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

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

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

Human Rights Act

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

Background Papers

None.

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| <p>Agenda Item A9</p> | <p>Committee Date 29 June 2015</p> | <p>Application Number 15/00080/FUL</p> |
| <p>Application Site Land At Stoney Lane Galgate Lancashire</p> | <p>Proposal Erection of 71 dwellings with associated access</p> | |
| <p>Name of Applicant Story Homes Limited</p> | <p>Name of Agent Mr Dan Mitchell</p> | |
| <p>Decision Target Date 11 May 2015 Extension of time for determination agreed to the 14th July 2015</p> | <p>Reason For Delay Officer caseload and ongoing negotiations</p> | |
| <p>Case Officer</p> | <p>Mrs Jennifer Rehman</p> | |
| <p>Departure</p> | <p>No</p> | |
| <p>Summary of Recommendation</p> | <p>Approve subject to outcomes of further consultation and agreement of s106.</p> | |

1.0 The Site and its Surroundings

- 1.1 This site relates to 2.8h parcel of pasture land located to the east of Galgate village to the north of Stoney Lane within the designated Countryside Area. Galgate is located approximately 7km south of Lancaster Town Centre, 2km from the centre of the University campus and 1.5km to M6 junction 33. The main core of the village is located to the east of the West Coast Mainline where local services such as shops and the school are located;
- 1.2 The site consists of two rectangular fields, a small rectangular enclosure and an irregular field and currently used for grazing, intersected by mature hedgerows and trees and bound by a combination of hedgerows, trees, post and wire fences and stonewalls. There is a watercourse, Whitely Beck, which extends marginally into the southeast corner of site, near the access gate for the site. This beck is partly culverted under Stoney Lane and is classified as a mains river. The site is elevated steeply from Stoney Lane (circa 27.50m Above Ordnance Datum - AOD) to the north approximately 40m (circa 32.5m AOD) and then levels out. The site also slopes from west (circa 21.00m AOD) to east (circa 34.00m AOD) over approximately 250m. Existing access to the site is off Stoney Lane approximately 145m from the village crossroads next to the neighbouring small holding (chicken building) and opposite Vale House.
- 1.3 The site is bound by existing residential development along its western boundary, the primary school and playing fields to the northern boundary, open fields to the eastern boundary upto the point of the M6 corridor and Stoney Lane to the southern boundary. Stoney Lane extends under the motorway and connects to Hampson Lane and Five-Lane Ends beyond. There are predominately residential properties located on both the north and south sides of Stoney Lane close to the crossroads with the rear gardens of 1 -23 (odd numbers only) backing and siding onto the application site. There is a garage and retail shop on the south side of Stoney Lane practically located at the junction. East of No. 23 the site frontage immediately abuts the highway and is separated by high mature hedgerows. The built form beyond this point diminishes eastwards with the exception of one further dwelling facing the existing access into the site. Approximately 145m

east of the main built up part of the village and before the motorway bridge a small ribbon of residential development exists on the south side of Stoney Lane.

- 1.4 The site is largely unconstrained. It is not located within any nationally-designated landscape or Green Belt; it does not fall within flood zones 2 or 3 with the exception of a small corner alongside Whitley Beck; there are no protected trees on site or nearby; the site is not protected by any international or local conservation status; and the site is not located within a conservation area. A Grade II listed building located close to the north eastern corner of the site (31 Chapel Street). A definitive Public Right of Way (PROW No.31) runs along the northern boundary of the site which connects to Chapel Street and part of the site is identified within a Minerals Safeguarding Area.

2.0 The Proposal

- 2.1 Full planning permission is sought for the residential development comprising 71 residential units with an associated vehicular access off Stoney Lane. The proposal involves some re-grading of the site to deal with the existing topography, landscaping, public open space and the provision of connections to the existing public right of way to the north of the site.

- 2.2 The development will be predominately for family homes with some apartment accommodation and bungalows to cater for different age groups. The density of the development is approximately 26 dwellings per hectare. The proposal includes 28 affordable homes which equates to 40%. The breakdown of accommodation is as follows:

- 4 x 2-bedroom apartments (affordable)
- 2 x 2-bedroom bungalows (affordable)
- 12 x 2-bedroom terraced houses (affordable)
- 10 x 3-bedroom semi-detached houses (affordable)
- 6 x 3-bedroom semi-detached houses (market)
- 37 4-bedroom detached houses (market)

The proposed dwellings and the apartment block will be two-storey on height, with the exception of the pair of bungalows. Amendments were received reducing the apartment block from three storey to two storey.

- 2.3 The scheme proposes an area of public open space within the north-western corner of the site which shall provide an equipped play area with two separate access points from this area and footways within the site to the adjacent public right of way.

- 2.4 The site shall be accessed via a single vehicular access point off Stoney Lane approximately 40m west of the existing access. This access incorporates pedestrian footways to both sides of the access which will extend the length of the site frontage and shall join with existing footway along the northern side of Stoney Lane to the west. A principal spine road runs north through the site where it splits to serve the north western and north eastern sections of the development. Small private drives and shared surfaces are accessed of this spine road.

3.0 Site History

- 3.1 There is no relevant planning history associated with the application site. However, the site has been identified as part of a wider site within the Council's Strategic Housing Land Availability Assessment (Ref: SHLAA_142). The SHLAA assessment indicated that this site was capable of being deliverable and it has been included as part of the Council's anticipated future housing land supply, though only the western part of the site was considered deliverable (relating to the application site) with an expectation of 45 dwellings.

- 3.2 Prior to the submission of the application, a formal Screening Opinion request (14/01194/EIR) was made to the Council. The Council considered the details and contended that whilst the proposal would lead to the loss of a greenfield site, a change in the character and visual amenity of the area and will lead to an increase in traffic associated with the development, these environmental impacts would generally be localised. Having regard to the EIA Regulations, the National Planning Policy Framework and National Planning Practice Guidance, it is the opinion of the Local Planning Authority that whilst there will be environmental implications associated with the development due to the nature, scale and characteristics of the development and the development site, these

environmental effects are not likely to be significant and on this basis, the Local Planning Authority concluded that the proposed development was not EIA development.

4.0 Consultation Responses

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

| Consultee | Response |
|---|--|
| Highway Agency | <p>No objection – however there are aspects of the Transport Assessment that are not agreed. Notwithstanding this, based on their own assessment of the proposal, the changes/differences would not alter their overall conclusion of no objection.</p> |
| Highways (Lancashire County Council) | <p>No objection in principle providing the following matters are resolved:</p> <ul style="list-style-type: none"> • Inadequate parking provision • Internal layout to be amended to incorporate greater road narrowing and chicanes to help reduce vehicles speeds • Concerns over highway drainage <p>Notwithstanding the above, further off-site works are considered necessary (upgrades to the PROW, the creation of an improved footway along Chapel Lane, a secondary pedestrian access to the school off the PROW, traffic calming measures and the provision of on-street parking at Stoney Lane)</p> <p>A further response has been provided. There are issues surrounding the management of vehicle movements along Stoney Lane particularly during the morning peak times (7:30-9:30) and that this is principally due to the lack of “off-street” parking facilities as well as vehicular capacity issues along the A6. The proposed creation of parking along Stoney Lane will provide a degree of mitigation.</p> <p>Mitigation proposed through other development in the village (Launds Field) together with the introduction of MOVA (to be funded via the County Council) will help alleviate vehicular queuing problems. Subsequently, there is no request from County to contribute to any other highway improvement works.</p> <p>LCC Highways have not questioned the contents and conclusions of the submitted Transport Assessment.</p> <p>In summary, the following conditions are recommended:</p> <ul style="list-style-type: none"> • Provision and details of the access (including phased programme for implementation) • Scheme for off-site highway works (including phased programme for implementation) • Construction Management Plan • Protection of visibility splays <p>Improvements to the adjacent PROW and the provision of the school link are to be secured by legal agreement.</p> <p>Amendments have been received and the Highway Authority re-consulted. At the time of drafting this report no further comments have been received. A verbal update will be provided.</p> |
| Strategic Planning Policy (Lancashire County Council) | <p>No objections to the submitted minerals assessment that states that the site and its surroundings would be unlikely to be attractive to a commercial quarry operation given its location. The County’s planning team comments that the assessment does indicate that there is a sand and gravel resource beneath the site. The report states that reserves of sand and gravel are plentiful in Lancashire; when considering the issue of minerals sterilisation the availability of permitted reserves is not relevant. The City Council are advised to consider whether this sand and gravel can be extracted before or as part of the proposed development, and whether it is desirable for this prior extraction to be required in order to justify the grant of planning permission.</p> |

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| (City) Planning and Housing Policy Team | No objection - support the development of this site in principle. The settlement is one where residential development is promoted and is also identified in the SHLAA. The lack of a five year housing supply should be a key consideration as should the scale of the development and its relationship with the existing settlement. |
| County Education Authority | No objections subject to a contribution to the sum of £216,533 towards the provision of 18 primary school places. |
| Environmental Health Service (General) | No objections , conditions or recommendations in relation to general environmental health matters. No objections from the Contaminated Land Officer, despite some criticisms over the submitted investigations. An unforeseen contamination condition is requested. An objection from the Air Quality Officer on the grounds the proposal would have a negative impact on air quality and in the absence of effective mitigation the proposal would be contrary to policy DM37. Following a response from the applicant, the Air Quality Officer confirms that current monitoring already indicates exceedance of the healthy based objective for nitrogen dioxide within the Galgate AQMA. The applicant's submitted assessment predicts a small but negative impact. No commitment is given to measures to mitigate/reduce or offset this impact. On this basis, their objection stands. |
| Tree Protection Officer | Following the submission of revised tree reports, no objections subject to clarification over the retention of a 10m length of hedgerow and appropriate landscaping/tree protection conditions. A revised Tree Report has been provided and a verbal update – including matters pertaining to retained trees and hedges, will be provided. |
| Parish Council | Objection - the development should not be supported until such time as a practical solution has been implemented to solve the traffic problems in Galgate, which this development would exacerbate. The Parish Council have objected solely on the basis of traffic concerns. |
| Environment Agency | No objections subject to a condition requiring the development to be implemented in accordance with the submitted Flood Risk Assessment and a detailed scheme for surface water drainage to be controlled by condition. |
| City Council Drainage Engineer | Initial comments raised in respect of surface water drainage have been addressed by the applicant. No objections to the proposed development subject to the precise details being conditioned. |
| Lead Local Flood Authority | No objections subject a condition requiring a surface water drainage scheme to be designed, implemented, maintained and managed, including the following: <ul style="list-style-type: none"> • Design storm period and intensity (1 in 30 and 1 in 100 +30% climate change allowance) • Discharge rates restricted to 1 in 100yr rainfall event plus 30% climate change allowance • Finished floor levels (no lower than 150mm above existing ground levels) • Flood water exceedance routes • Timetable for implementation • Management plans for the lifetime of the development |
| United Utilities | No objections subject to a condition for detailed foul and surface water drainage. |
| County Archaeology | There is potential for buried archaeological deposits as the line of the Roman Road from Ribchester to Lancaster is thought to cross the site. No objections subject to a condition requiring a programme of archaeological work to be undertaken. |
| Police (Traffic) | No observations to make to the proposal. |
| Police (Architectural Liaison Officer) | No objections but recommends that a condition be imposed to ensure the scheme is developed to full Secure By Design security standards. Other observations in respect of security feature are provided as commentary. |
| Public Realm Officer | An on-site play area should be provided, along with young persons' play (or a contribution - £30,000) in lieu of on-site provision, together with general amenity space within the design layout. Some concerns have been aired about the proximity of the public open space (POS) to adjacent habitable windows. Amendments have been submitted attempting to address the POS requirements. At the time of compiling this report, further comments from the Public Realm Officer are still outstanding. A verbal update will be provided. |

5.0 Neighbour Representations

5.1 At the time of compiling this report 15 representations have been received. Of these 15 representations, 14 are against the proposal and 1 in favour, with additional comments from the school. Below is a summary of the reasons for opposition/support:

- Traffic and highway concerns, including exacerbation of congestion problems; lack of village car parking including problems around the existing Spar; potential for more accidents; lack of safe, continuous footways along Chapel Street; no consideration of pedestrian/cycle safety; Chapel Street is already used as a rat-run; a need for additional crossings at the crossroads junction; inadequate mitigation for the increased traffic impacts; and a decision should wait until the (Draft) Lancaster Transport Masterplan advances and a by-pass around Galgate is supported.
- Residential amenity concerns, including increases in noise, pollution and anti-social behaviour; loss of privacy; loss of views; loss of property value;
- Locational concerns, including inappropriate location; loss of greenfield; loss of public open space; and detriment to the character of the village by over-development.
- Capacity concerns, including those relating to the school, village store and health centre.
- Proximity of social housing to neighbouring property
- Increase in surface water run-off in an area known to flood
- Lack of public awareness/discussion of the proposed developments (Stoney Lane and Launds Field).

Separate comments from Dynamo (Lancaster & District Cycle Campaign) who object on the grounds the proposal does not adequately address cycle and walking onto and around the new development. The footpath connections should be made shared cycle/pedestrian footways. A contribution should be sought to make pedestrian/cycle links to the village hall better.

Separate comments have been received from the head teacher of the adjacent school. Concerns revised about the school being land-locked should the school ever need to expand to accommodate the proposed and potential future growth of the village. Concerns over the capacity of the school and access to the school off Chapel Street which is narrow and congested. The school would like to have seen a potential vehicular access provided into their site.

One letter of support from one of the landowners.

6.0 Principal National and Development Plan Policies

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

Paragraph 12 – Development Plan as starting point for decision making

Paragraph 17 – 12 core land-use planning principles

Paragraphs 19 and 22 – Building a strong, competitive economy

Paragraph 32 – Traffic and highway considerations

Paragraphs 49, 50 and 55 – Delivering housing and creating sustainable communities

Paragraph 72-74 – Open Space and well-being of communities

Paragraph 103 – Flood Risk

Paragraphs 109, 111, 115, 118 – Conserving the natural environment

Paragraph 118 - Biodiversity

Paragraph 124 – Air Quality

Paragraphs 128-141 – Conserving and enhancing the historic environment

Paragraph 144 – Mineral Safeguarding

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

Paragraphs 204-205 – Planning Obligations

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

6.2 Lancaster District Core Strategy

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

6.3 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Car parking provision
DM23 – Transport Efficiency and Travel Plans
DM25 – Green Infrastructure
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM32 – Setting of Heritage Assets
DM34 – Archaeological Features & Scheduled Monuments
DM35 – Key Design Principles
DM36 – Sustainable Design
DM37 – Air Quality Management & Pollution
DM38 – Development and Flood Risk
DM39 – Surface Water Drainage
DM41 – New Residential Development
DM42 – Managing Rural Housing Growth

6.4 Saved Lancaster District Local Plan

E4 – Countryside Area

6.5 Other relevant planning documents

Meeting Housing Needs Supplementary Planning Guidance
National Planning Practice Guidance
Joint Lancashire Waste and Minerals Local Plan (Policy M2)
Guidance Note on Policy M2 – Safeguarding Minerals December 2014
Strategic Housing Land Availability Assessment 2014 (SHLAA, 2014)
Strategic Housing Market Assessment 2013 (SHMA, 2013)
Lancaster District Housing Land Supply Statement, 2014
Lancaster Local Plan Land Allocations DPD Preferred Options Document (Consultation 2012)

7.0 Comment and Analysis

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

- Principle of the development
- Mineral Safeguarding
- Housing Supply & Need
- Access and highway impacts
- Air Quality
- Landscape and Visual Impact
- Design & Amenity Considerations
- Biodiversity & Landscaping Considerations
- Contamination/Flooding

7.2 **Principle of Residential Development**

The Development Plan policies referred to in Section 6 require new development to be as sustainable as possible, minimising the need to travel and making it convenient to walk, cycle and travel by public transport between the site and homes, workplaces and a host of facilities and services. Policy DM42 identifies a number of settlements where new residential development can be encouraged, one of which is Galgate. This settlement has a range of services including a primary school, doctor's surgery, two public houses, shops, post office, regular bus services, community centre and sports facilities making it more locationally sustainable than most rural settlements. Thus, despite some comments to the contrary, the principle of new residential development in Galgate is acceptable and can be supported, provided it complies with the criteria set out in policy DM42 in relation to whether it is well related to the existing built form, proportionate to the existing scale of the settlement, located where infrastructure can cope with expansion and demonstrate good design.

- 7.3 Despite the site being a greenfield site, it is land that has been identified within the SHLAA and considered a deliverable site that can contribute to the district's housing supply. Despite the rising topography to the east, the site is predominately surrounded by existing development with access to local services and facilities within the village. Notwithstanding other considerations, such as landscape impact and highways, the site is well-related to the existing built form and despite the proposal advancing a scheme in excess of the 45 dwellings suggested in the SHLAA, the proposal is not considered disproportionate given the size and scale of the existing settlement and its proximity and role the village could (and does) play with Lancaster University.
- 7.4 **Mineral Safeguarding**
The site and surrounding land is located within a Mineral Safeguarding Area under Lancashire's Waste and Minerals Local Plan. Policy M2 of the Waste and Minerals Plan states that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals. The policy sets out circumstances where incompatible development may be acceptable, for example where there is an overriding need for the development that outweighs the need to avoid mineral sterilisation. It requires proposals for development other than non-mineral extraction, to demonstrate that they will not sterilise the resource or that consideration has been given to prior extraction, on site constraints and the need for the proposed development. The NPPF states that local planning authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes.
- 7.5 The application has been submitted with a comprehensive Minerals Assessment which concludes that due to the relatively small area of land potentially suitable for mineral extraction, the topography of the site and the proximity of the site to residential property, together with the need to retain minerals on site for any cut and fill exercises and the use of sustainable drainage, the site is highly unlikely to attract significant commercial interest for mineral extraction. Similarly, it is considered that pursuing extraction of the minerals as part of the development would not be appropriate in this location given the potential adverse environmental impacts likely to arise. Officers are satisfied that Policy M2 of the Waste and Minerals Plan has been appropriately considered. There is a strong presumption in favour of supporting new housing, which on balance, would outweigh any concerns over mineral sterilisation, particularly because of the constraints listed above.
- 7.6 **Housing Supply**
The NPPF requires local authorities to significantly boost the supply of housing especially in situations of noted undersupply. The most recent housing land supply and delivery position for the district is described in the 2014 Housing Land Monitoring Report (HLMR) and accompanying Housing Land Supply Statement 2014. This has a base date of the 1st April 2014. Allowing for existing commitment, past housing completions, the requirement for a 20% NPPF buffer and the Sedgefield methodology for calculating future supply the Housing Land Supply Statement identifies a five year supply position of 3.2 years against its adopted housing requirement of 400 dwellings per annum set out in Core Strategy policy SC4. In light of the current undersupply, it should also be noted that as part of the Council's preparation of its Land Allocations DPD, the emerging evidence base in relation to objectively assessing housing needs (the Strategic Housing Market Assessment (SHMAA) and the SHLAA) identifies a gap of approximately 5,000 dwellings, includes this site as a suitable for residential development.
- 7.7 The applicant has undertaken their own assessment of the districts housing land supply position, which in summary suggests the Council's claimed supply of 3.2 years to be optimistic at best. Their own assessment suggests that the Council's latest objective assessment of housing needs to be as low as a 1.5 year supply based on a higher housing target (800 per annum), 1.8 year supply based on the Council's emerging local plan target (600 per annum) and a 2.4 year supply based on the current requirements (400 per annum). The Council however maintain their housing land supply position - it is evident that the Council does not currently have a 5 year housing land supply. Subsequently, it is accepted that paragraph 49 of the NPPF applies (presumption in favour of sustainable development).
- 7.8 The NPPF introduces a requirement for authorities to meet their full, objectively assessed need for market and affordable housing in their area and to identify a supply of specific deliverable sites sufficient to provide 5-years of housing against their housing requirements. Within Lancaster it is

apparent that even in consideration of all sources of housing supply, it may be the case that sufficient development may not come forward within the next 5 year period to fully satisfy delivery of its full 5 year housing requirement. In such circumstances the NPPF states that the district's policies relating to the supply of housing may be considered to be out-of-date. As such, the NPPF stipulates that planning in such circumstances must be undertaken in accordance with a presumption in favour of sustainable development. For decision making this means "*Where the development plan, in relation to its housing supply, is assessed as being out of date, granting planning permission unless:*

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies of the NPPF as a whole; or*
- *Specific policies in the NPPF indicate development should be restricted*".

7.9 As a consequence there is a clear expectation that unless material considerations imply otherwise sites that offer the opportunity for housing delivery should be considered favourably.

7.10 **Market and Affordable Housing Needs**

Policy DM41 of the DM DPD states that residential development will be supported where it represents sustainable development. It requires new residential development to use land effectively, be appropriately located so that infrastructure can cope with expansion and provide an appropriate dwelling mix that meets local housing needs. The Council's SPD Meeting Housing Needs (informed by the Council's Housing Needs Survey 2011) indicates that the main type of accommodation required in Galgate is predominately 1-bedroom and 2-bedroom homes with some 3 and 4 bedroom dwellings and an affordable housing need of 3-bed terraced properties. The market housing proposed as part of this application is predominately larger family homes which does not perfectly reflect the housing needs identified in the Housing Needs Survey. However, the proposal does still present a mix of housing types and sizes which would contribute to meeting local housing needs.

7.11 Policy DM41 and the SPD seek residential development on greenfield sites to deliver up to 40% affordable housing. The applicant proposes 40% affordable housing which equates to 28 dwellings. The scheme has been revised to remove initial concerns over the suitability of the three-storey two-bedroom apartment block, and now provides a scheme which offers a suitable mix of house types/sizes to positively contribute to the affordable housing need. Whilst there is some disappointment that one-bedroom units have not been incorporated into the scheme, the provision of 28 units affordable homes, including 2 x 2-bedroom bungalows, is a welcome addition to the current undersupply of affordable homes in the district.

7.12 In conclusion, the proposal will make a valuable contribution to the district's housing need in addition to providing 40% affordable housing on site. In this regard the proposal should be considered in the context of the presumption in favour of sustainable development and great weight should be attached to this consideration.

7.13 **Access & Highway Considerations**

The application has been accompanied by a detailed Transport Assessment (TA) which considers the sites sustainability in terms of accessibility to transport provision, trip generation and distribution and the development traffic impacts. The submission of a TA and its contents accords with the requirements of planning policy and guidance.

7.14 The site will be accessed via a new priority controlled T-junction off Stoney Lane along the southern boundary of the site. The access will cater for pedestrians with footways incorporated at the access and along the site frontage linking to the existing footpath. The TA provides details in relation to the character of Stoney Lane and confirms that at the point of the proposed access Stoney Lane enjoys a 30mph speed limit, before dropping to 20mph west of the access, and 60mph just before the M6 to the east. Visibility splays of 2.4m x 43m are proposed. None of the statutory consultees have objected to the design, layout and position of the proposed vehicular access.

7.15 Stoney Lane is a narrow road with sub-standard footways. At peak times, Stoney Lane suffers traffic congestion compounded by the amount of on-street parking that occurs along its length, particularly close to the existing residential properties, and a consequence of drivers trying to avoid

traffic on the A6. The Case Officer's initial site inspection was purposefully made between 0800-0900 to understand the concerns the community have with the existing parking and traffic problems. Parking is unrestricted along Stoney Lane, though most vehicles tend to park on the north side of the carriageway narrowing the road further. It is understood that local residents, visitors of the shop and garage tend to park in this location due to the lack of parking provision within curtilages or for the village centre.

- 7.16 Access will in the majority of cases still be via the four-armed signal controlled crossroad junction to the west of the site access. Chapel Street is accessed off this junction via Stoney Lane (though we understand this is abused by drivers at times). Chapel Street is a narrow street providing one-way traffic (north bound) for vehicles and two-way for cyclists. There are poor pedestrian footways along its length. The school is accessed off Chapel Street. On-street parking further restricts safe and easy vehicle movements along the length of this street.
- 7.17 There is access to public transport approximately 400m from the centre of the site to the A6 where there are a number of regular services running between Lancaster, Preston and Blackpool. National Cycle Route No.6 is located on Stoney Lane which connects to local routes including Chapel Street onto Chapel Lane up towards the University. The closest railway station is in Lancaster.
- 7.18 In terms of the pedestrian environment, within the site continuous footways are incorporated along the main spine road connecting to private drives and some shared surfaces. These footways provide safe access to the proposed public open space and connect at two points into the adjacent PROW. This PROW provides an existing access to Chapel Street between 31 and 33 Chapel Street. The PROW is without doubt poorly-maintained and uninviting. It is currently and regularly obstructed by vehicles parking at the foot of the footpath and a refuse bin which is poorly placed limiting access. It also suffers poor visibility and natural surveillance, particularly to the rear of the garage serving number 31 Chapel Street (sharp 90 degree bend bound by stone walls).
- 7.19 To assess the development, traffic surveys and junction capacity assessment have been carried out, together with a road safety audit. The developer had undertaken pre-application discussions with the statutory consultees (Highway Authority and Highways Agency) in this regard.
- 7.20 For the A6/Stoney Lane/Salford Road the LINSIG (traffic signal junctions modelling) data demonstrates that this junction currently operates within capacity. However the applicant recognises that there are a number of factors which occur that cannot be accurately modelled, such as buses blocking traffic flows, informal parking outside the Spar and on-street parking. Significant queuing was accepted to occur for short periods of the peak hours along the A6 with less queuing outside the peak times.
- 7.21 In terms of generated trips from the proposed site that could potentially contribute towards A6 queueing, it can be seen from the TA that only 11 predicted arrivals are expected in the morning peak hour. These 11 trips would be distributed across the wider network and anticipated to account for an additional vehicle associated with the development every 5 to 6 minutes joining the network. The assessment demonstrates potentially 29 departures in the morning peak and 26 arrivals in the pm peak. The TA assesses matters based on cumulative impacts and traffic growth, which is consistent with the requirements of planning policy and guidance. In terms of the capacity of the crossroad junction, the assessment indicates that based on the anticipated traffic generation with the majority passing through the A6 junction, this would only equate to one additional vehicle every single signal cycle on any arm. The assessment shows that the comparison of the operation of the junction with and without the development with forecast development traffic, that the change in operation is minimal. The assessment concludes that the impact on the crossroad junction is not considered to be severe. An assessment of the site access junction concludes the site access will have more than sufficient capacity to accommodate the proposed traffic movements associated with the development.
- 7.22 Whilst the Highways Agency have indicated they did not agree with all aspects of the TA, their own assessment indicates that trip generation/distribution and the impacts of the proposal on the strategic road network (motorway) would not lead to severe impacts (paragraph 32, NPPF) and have raised no objections to the proposal. The local Highway Authority have also raised no objections to the development and in particular no concerns over the contents and conclusions of the submitted Transport Assessment, particularly in relation to the potential trip generation, trip

distribution and capacity assessments. They have, however, acknowledged that there are currently issues surrounding the management of vehicle movements along Stoney Lane due in principle to the lack of off-street parking as well as capacity issues along the A6 corridor as a whole from junction 33 to Lancaster City, such are prevalent during the morning and evening peaks. As a consequence, the Highway Authority consider it necessary, reasonable and directly related in scale and kind that there should be a range of off-site highway improvements sought to provide a degree of mitigation.

- 7.23 The applicant has put forward a set of off-site highway improvements as part of their proposal. This principally includes the provision of purposefully designed on-street parking (lay-by for 5 vehicles) on Stoney Lane and proposed traffic calming gateway features on the approach to the village along Stoney Lane, both in advance of the 30mph limit and the 20mph limit. County Highways have raised no objections to these proposals and such measures should be secured by planning condition and delivered via a s278 agreement with the Highway Authority.
- 7.24 Traffic impacts are a significant concern to the community. However, with both the Highways Agency and the County Highway Authority not objecting on traffic grounds, in particular highway capacity, there are no defensible traffic reasons to refuse the application. Mitigation has been proposed and accepted as part of this application, together with the Highway Authority confirming that the introduction of MOVA at the junction is already part of a programme of improvements to be implemented by the County and that off-site highway works associated with the development at Launds Field would also improve highway conditions through the village. On this basis, the applicant has sufficiently demonstrated that there would be no severe impacts resulting from the proposals in relation to highway capacity matters. The development therefore accords with paragraph 32 of the NPPF and policy DM20 of the DM DPD.
- 7.25 Turning to accessibility and pedestrian safety, the existing pedestrian/cycle network is not particularly good, particularly along Stoney Lane and Chapel Street. Objections include comment about the lack of pedestrian facilities and crossings in the vicinity of the main junction but in particular along Chapel Street where the main school access is located. The Highway Authority's initial set of comments indicated that improvements to the existing PROW running along the northern boundary of the site would be required together with improvements along Chapel Street to provide a safe pedestrian walking route to the school. This was to involve the construction of an intervening length of footway and associated kerbline from the PROW in front of 31 Chapel Street to the school. Officers had concerns whether such works would result in an improved pedestrian environment, bearing in mind this section of Chapel Street is narrow, congested by parked vehicles and has a two-way shared footway/cycle route along its length. Subsequently, Officers have been in negotiations with the developer and the school, in consultation with the Highway Authority, to secure a direct link into the school grounds from the existing (but improved) PROW.
- 7.26 It transpires from our discussions that there are already a set of gates within the school's metal boundary fence that could be utilised by the school to create a new drop-off/pick-up access into the school. The revised layout plan also shows an additional connection into the PROW to create a more direct walking route to the school. The principal aim is to create an alternative route to the school thus avoiding walking along Chapel Street. To achieve this a greater length (than originally thought) of the existing PROW would need to be improved. The school have indicated they are happy with this approach and the developer has indicated they would be willing to offer a financial contribution to the County Council for the PROW improvements to be implemented up to the school gates. This provides the school with an ideal opportunity to encourage separate pedestrian (i.e. non-Chapel Street) access to the school. The school would be responsible for the access gates. The Highway Authority are yet to comment on the revised plans but it is anticipated that with a commitment from the developer to provide a contribution to re-surface and tidy up the existing PROW that this would negate the need for the originally suggested footway improvements to Chapel Street. Any further comments will be verbally updated to the Members. Cycle improvements are slightly more difficult as the existing PROW is not particularly wide so whilst it would be up to the County to design an appropriate scheme to improve the length of PROW, it is not envisaged the footpath would be a shared cycle/footway. Cycle parking provision shall be provided within the site and details to be conditioned. Overall, it is contended that with the mitigation proposed and discussed above, the proposal would be compliant with Policy DM21 of the DM DPD.
- 7.27 In conclusion, despite serious concerns from the local community about traffic and highway safety,

the proposal submitted with the mitigation planned and the fact the statutory consultees have raised no objections to the proposal, leads Officers to conclude that the proposal would not conflict with national and local planning policy in respect of highway considerations. On this basis, there are no sustainable highway grounds to refuse the application. The Highway Authority have recommended a number of planning conditions should Members support the application.

7.28 **Air Quality**

The application site is located close to the existing Air Quality Management Area (AQMA) for Galgate but does not lie within it or adjacent to it. Paragraph 124 of the NPPF states that planning decisions should ensure that any new development in an AQMA is consistent with the local air quality action plan. Policy DM37 states that new development located within or adjacent to an AQMA must ensure that users are not significantly adversely affected by the air quality within that AQMA and include mitigation measures where appropriate.

7.29 The assessment concludes that the impacts on air quality associated with the development (once completed and considered alongside other committed development) is considered imperceptible and the significance of change considered to be negligible. Notwithstanding this the Council's Air Quality Officer has objected and states that the proposals will lead to a negative impact ranging from negligible to slight adverse with no committed mitigation proposed. It is understood the main source of concern appears to relate to the impact on air quality as a direct result of vehicle emissions.

7.30 In response the applicant argues that the proposal will result in less than one additional vehicle per cycle of the traffic signals with some 30-35 vehicle trips through the crossroad junction during the weekday peak hours. It has already been accepted in highway terms that this is not significant. With the potential introduction of MOVA at the junction, these results represent a worst-case scenario. The applicant argues that the imperceptible impacts on air quality would not be contrary to Policy DM37. The applicant further argues that the NPPF requires planning decisions for development located within or adjacent to be consistent with the local air quality action plan.

7.31 The Air Quality Officer maintains the view that the impacts predicted are small but negative and that there is no mitigation proposed to offset this impact. The Officer also confirms that there is no air quality action plan for Galgate as this is reliant on wider, strategic plans that the County Council are considering. Mitigation measures suggested include charging points in garages, car clubs, promotion of cycling and walking including contributions to path infrastructure and tree planting along the AQMA route (if feasible).

7.32 In light of the above circumstances and whilst there may be some disagreement between the Air Quality Officer and the development, Officers have considered the information submitted and the consultation responses received and, on balance, contend that the impacts on air quality are not significant and that such impacts would not significantly or demonstrably outweigh the benefits of the proposal.

7.33 **Landscape & Visual Impacts**

Local Policy DM28 and the NPPF seeks to attach great weight to the protection of nationally important designated landscapes. For the avoidance of doubt, it should be noted that the application site is not located within any such designation (e.g. AONB or National Park). The site and the surrounding countryside are identified as 'countryside area' in the saved Local Plan. Saved policy E4 states development will only be permitted where it is in scale and keeping with the character and natural beauty of the landscape. Policy DM28 states that outside of protected landscapes the council will support development which is of scale and keeping with the landscape character and which are appropriate to its surroundings in terms of siting, design, materials, external appearance of landscaping. However due to the scale of the development proposed and the greenfield nature of the site, the application has been accompanied by a Landscape and Visual Impact Assessment.

7.34 The site is characterised by several pasture fields interspersed by mature native hedgerows of varying height. The site slopes steeply away from Stoney Lane and gradually rises from south to north and west to east. The site is bound by existing residential development to the south and west, the school and school grounds to the north and undulating pasture land up to the M6 motorway to the east. The site falls within National Character Area 31: Morecambe Coast and Lune Estuary and at the county level Character Type 5i: West Bowland Fringes, which is a

transitional landscape between the Bowland fringe Fells and the Coastal plain.

- 7.35 The site is relatively well contained by the topography, surrounding built form and existing landscaping but due to the undeveloped nature of the site, the presence of mature hedgerows and trees the site is considered in the submitted assessment to have medium landscape sensitivity. It is inevitable that the proposed development will lead to a landscape impact simply on the basis that the site will lose its previously recognised greenfield character. This will also impact the setting of the village when approaching from Stoney Lane; however the impact is localised and due to the proximity of the site to the existing built form, it will represent a natural extension to the settlement. Subsequently the assessment submitted concludes that the landscape impact would have a low/moderate negative impact.
- 7.36 In terms of visual impacts, a number of representative views of the site have been considered having regard to different potential receptors of the visual effects of the development, such as residential properties and people using nearby public rights of way for recreational purposes. The most notable viewpoints where the visual impact is considered to result in low/moderate impact are from the public right of way to the north of the site close to Chapel Lane and at the north eastern corner of the site (elevated position) and the PROW on the hillside to the south of Stoney Lane. The visual impacts are contended to be localised to a relatively small area and a relatively low number of viewpoints. Whilst the proposal will lead to some landscape and visual impacts, these are not contended to be anything more than low/moderate impacts. It will be difficult to mitigate the impacts as the proposal will lead to an inevitable change in character of the application site, however, the retention of boundary hedgerow and additional landscaping, together with careful design, will enable the proposal to appear well-connected to the existing settlement. On balance, it is contended that the identified low/moderate landscape and visual impacts would not significantly or demonstrably outweigh the benefits of the proposal. It must also be recognised, that if the nationally important designated sites are to be protected from major development, in order to meet existing and future housing needs, landscapes that are not protected and are well related to existing sustainable settlements are the landscapes most likely to accommodate future development.
- 7.37 **Design & Amenity Considerations**
Policy DM35 requires new development to make a positive contribution to the surrounding landscape through good design having regard to local distinctiveness, siting, layout, scale. It requires development to promote diversity and choice through the delivery of a balanced mix of compatible buildings. In particular it requires development to be accessible and to promote permeability by creating connections to existing services and to retain appropriate amounts of garden/outdoor space, provide landscaping.
- 7.38 The proposed development is a relatively large scheme within the village and will lead to a marked change in character of the site, but by virtue of its position located close up to the edge of the existing settlement, it can be considered a natural expansion to the village. The proposal seeks to provide new connections into the existing PROW via a new area of public open space, as well as showing a potential future connection with land to the east (should this ever be required and considered appropriate to enable the Council to meet their future objectively assessed housing needs). The site access provides footways together with new footways to connect to existing ones along Stoney Lane. These all support the delivery of a safe and accessible environment with improved connections to existing services/facilities (shop, bus stops, school). It is contended that this aspect of the design of the scheme is compliant with policy DM35 and paragraph 61 of the NPPF.
- 7.39 In contributing to place making, the NPPF stresses the importance of the planning system playing an important role in facilitating social interaction and creating healthy and inclusive communities. One way of achieving this is through the provision of an appropriate level of public open space, amenity space and landscaping together with good design principles, such as maintaining active frontages and creating safe environments. The submitted scheme, albeit predominately inward looking, does deliver open space within the design and layout of the scheme, including an equipped play area, with good connections to the existing PROW making it accessible to the rest of the community. It incorporates areas of amenity space at the site access and the T-Junction within the site together with new landscaping throughout the development. The location of the public open space has raised no concerns, though the size of the area has been questioned by officers. The applicant has amended this part of the site to increase its size to accommodate the

provision of young persons' play as well as a re-design and re-orientation of the apartment block to protect the amenity of future occupants of this accommodation. To secure a suitable level of natural surveillance, there remain houses overlooking the area together with the internal road and footways. It is envisaged that as part of the design of this open space, the wall which separates the site from the PROW will be removed to improve the condition and accessibility off PROW (remove the 90 degree bend) and create a stronger connection with its surroundings. This would be controlled by condition. The Council's Public Realm Officer is yet to provide comments on the revised area of public open space. A verbal update will be provided.

- 7.40 To further support the promotion of healthy communities, the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities (paragraph 72). It requires local planning authorities to be proactive, positive and to collaborate to meet this requirement. In this case, the Education Authority has confirmed that based on their adopted methodology an education contribution equivalent to 18 primary school places should be sought. Officers have supported the County's request and the developer has agreed to pay this contribution.
- 7.41 Turning to the proposed house types, whilst the proposed house types are the developers standard house types, they are generally well-proportioned, architecturally pleasing and reflect the local vernacular and shall be constructed in a good mix of materials. The materials comprise a combination of render, stone and brick. Whilst brick is perhaps not traditional to the village (with the exception of Galgate Mill), a high quality brick similar to what the developer has used at their Lancaster Moor Hospital site would be acceptable. The height of the properties is no higher than two storeys. The developer reduced the height of the proposed apartment block to satisfy officer concerns over a three-storey building on this site given the heights of surrounding property. The house types vary in design and appearance and will add to the overall character and appearance of the development.
- 7.42 The layout of the development does not naturally follow the urban grain and pattern of the historic part of the village (linear development and predominately terraced properties). However, this would not be possible nor desirable given the position and topography of the site. The scheme is designed fundamentally around the spine road with discreet private drives and cul-de-sacs of this road to create variety and interest to the overall design of the development. The most significant area of concern in this case is the site frontage. At the pre-application stage Officers had expressed concerns over the rear of the proposed properties facing Stoney Lane. The developer's position is that there was more merit in retaining the high level strong hedgerow boundary to maintain the rural setting and approach to the village than replicating the position and arrangement of the existing dwellings on Stoney Lane. Officers accept there is some merit in this position, but would have preferred to see better designed rear elevations than those submitted to try and provide effectively dual-aspect properties. The applicant has not amended the proposed house types significantly along this section of the development. That said, these properties are elevated considerably from Stoney Lane and from road level with their setback and the provision of a new hedgerow, may not overly prominent. Officers will try and seek further amendments in this regard. The orientation of plot 1 does mitigate these concerns especially when approaching from the east. Conservatories originally shown on the plan have now all been removed from these plots to try and satisfy officer concerns.
- 7.43 The only other area of concern is the position of plot 54 in the north eastern corner of the site. Officers had recommended this property be removed from the scheme and an improved landscape buffer provided, particularly given its elevated position and proximity to the existing hedgerow. The critical concern to officers was securing a continuous hedgerow along the eastern boundary from a landscape and visual impact perspective (with the exception of the field access proposed). The applicant has responded to this request and indicated that the removal of this unit is not feasible. To try and alleviate concerns the developer have shuffled the units marginally to the west to increase the distance between plot 54 and the existing hedgerow and have proposed a new hedgerow in place of the existing. This is a disappointing position from the developer but so long as a new hedgerow is planted to ensure the eastern boundary is by and large retained and consists of a strong green boundary, it would not be sufficient grounds for refusal.
- 7.44 The scheme provides a good mix of house type; semi-detached, detached, bungalows, terraces and a small apartment block, though they are all quite tightly positioned on the site. That said, on

the whole the Councils recommended standards are adhered to and where they are not, particularly in relation to garden sizes, the resultant space proposed would not significantly or demonstrably outweigh the benefits of the proposal.

- 7.45 In terms on impacts on neighbours, the neighbouring property most affected is 23 Stoney Lane. This property sits on the western boundary of the site and shall have new two-storey dwellings located all the way down their garden (east) and to the rear. The concerns were compounded due to the proposed level changes on site and the elevated position of the properties backing onto the side of their garden. Whilst the developer has proposed approximately 12m between the rear of the properties to the garden boundary, there was a clear overlooking and privacy concern. The applicant has amended their scheme and replaced plots 7 and 8 with a pair of bungalows, pulled them forward (with parking down the sides) to minimise the perception of overlooking. The applicant also proposes a new hedgerow along this garden boundary to try and retain more rural character. With these changes, the proposal is acceptable. The properties are located a considerable distance from the rear of the properties on Stoney Lane and so it is contended future and existing residential would have an acceptable level of amenity. The layout and orientation of other proposed dwellings within the site have been appropriately designed to ensure that neighbouring properties along Chapel Street (Ashley Gardens) and properties opposite the site on Stoney Lane retain an acceptable level of amenity. On the whole the proposal is considered compliant is paragraph 17 of the NPPF and policy DM35 of the DM DPD.
- 7.46 **Biodiversity & Landscaping**
One of the three dimensions of sustainable development set out in the NPPF is an environmental role; a role which should contribute to protecting and enhancing the natural, built and historic environment and as part of this policy seeks to improve biodiversity. Development should minimise the impacts on biodiversity and provide net gains where possible. The application site is not located within any designated conservation site, nor are there any protected trees or hedgerows on site. Policy DM27 seeks to improve biodiversity by retention of landscape features where possible.
- 7.47 It is inevitable that the proposed development will change the character and nature of the existing site – this has already been discussed in the landscape section above. However, the design and layout of a development proposals should take account of any features of ecological value and should aim to retain such features where possible.
- 7.48 Due to the topography of the site there is some regrading required within the site which does lead to the loss of the central hedgerow and the single Ash tree, along with other small sections of existing boundary hedgerows. The scheme also results in the loss of pasture land. An Ecological Appraisal of the site has been undertaken which has been accompanied by proportionate protected species surveys. In the whole it concludes that the site does not represent a site which exhibits significant ecological value. The assessment considers the site poor semi-improved grassland with low species diversity and ecological value, which is typical of regularly grazed pasture land and that the trees/hedgerows are generally low quality. Protected species were not found to be significant present on the site, in particular bats, though it is acknowledged that the existing hedgerows do provide foraging habitat and should where possible be retained and protected.
- 7.49 Notwithstanding the low ecological value described, policy seeks to minimise the impacts of development on biodiversity and as such mitigation is proposed. The protection of the boundary hedgerows and hedgerow trees forms part of the package of mitigation, together with the incorporation of bird and bat nest/roosting opportunities within the design of the development, precautionary protected species surveys and new native landscaping.
- 7.50 Planning conditions would need to be imposed for the precise details of the mitigation to be submitted and agreed, especially in relation to protected species, together with tree protection conditions and the implementation of an appropriate landscaping scheme. With such mitigation, the proposed development is considered not to have a significant negative impact on the local biodiversity of the area and would be compliant with national and local planning policy in this regard.
- 7.51 Whilst the trees may generally be described as low quality, they still contribute to the rural character of the area. It is proposed that the boundary hedgerows are largely retained to ensure

the scheme appropriately responds in landscape terms of its rural setting. However, as noted above the central hedgerow and Ash tree will need to be removed. Similarly, the development of the site can have implications for the retained hedgerows/hedgerow trees as a consequence of the site levels and any regrading. The Tree Protection Officer has raised no objections, subject to clarification over a short section of hedgerow. However, she has subsequently raised some concerns having had sight of the engineering drawings (levels/retaining structure) and the implications of such work within the root protection areas of retained hedgerow features. In the meantime a revised tree survey has been submitted. As a consequence, a verbal update will be provided in relation to the full impact of the proposal on existing and retained trees.

7.52 Notwithstanding the above, the proposal incorporated additional landscaping into the design of the development in order to mitigate for the loss of the central hedgerow. This involves the planting of trees within the amenity spaces and new hedgerows in locations deemed to be visually prominent, such as along Stoney land and along the boundary with 23 Stoney Lane. The landscaping scheme would need to be secured by condition. Overall, Officers are of the opinion that any loss of hedgerow planting on site can be sufficient mitigated through the implementation of the landscaping scheme.

7.53 **Flood Risk & Contamination**

A flood risk assessment indicates that whilst there will be an increased in the surface water and peak flows due to the changing character of the site, the drainage strategy for the site will aim to mimic the natural drainage conditions as best as possible. Appropriate assessments of the ground conditions have been undertaken to establish the most suitable drainage solutions, though the precise design and layout of the drainage scheme would be controlled by condition. The Environment Agency, United Utilities, Lead Local Flood Authority and the Council's own drainage engineer have raised no objections on flood risk/drainage grounds, subject to appropriate conditions to secure a suitable scheme is designed and implemented. On this basis, the proposal would comply with paragraph 103 of the NPPF and policies DM38 and DM39 of the DM DPD.

7.54 The site is a greenfield site with no significant risk of contamination from past/historic uses. An appropriate assessment has been submitted along with further representations from the applicant in response to the Council's Contaminated Land Officer's initial comments. The Council's Contaminated Land Officer raised no objections, despite questioning a number of matters from the initial assessment. An unforeseen contaminated land condition was recommended.

7.56 **Other Considerations**

The application has considered the impacts of the proposal on nearby heritage assets in accordance with national and local planning policy. The closest property affected is 31 Chapel Street, a grade II listed building. It is accepted and contended that the setting of this listed building does not rely on the open and rural character of the land to the rear (the application site). It is already bound by existing development and forms part of the continuous run of development along Chapel Street. The layout of the development does however maintain a sense of space around it by the incorporation of the public open space in the north western corner. The special character and historic interest of this adjacent listed building would not be adversely affected by the development.

7.57 Paragraph 141 of the NPPF requires developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their significance. The County Archaeologist has commented on the application and indicated that the line of the Roman road from Ribchester to Lancaster is thought to cross the site and as such there is potential for buried archaeological deposits to be encountered by development. An archaeological recording condition is required should Members support the proposal.

8.0 Planning Obligations

8.1 The applicant is willing to provide the following requirements (secured by way of legal agreement under s106 of the Town and County Planning Act 1990). These requirements are considered to meet the tests set out in paragraph 204 of the NPPF:

- The provision of 28 affordable homes based on a 50:50 (social rented : shared ownership) tenure split as required by planning policy.

- The payment of an education contribution to the sum of £216,533 towards the provision of 18 primary school places.
- The payment of a financial contribution to deliver improvements to the adjacent PROW to enable a safe pedestrian route between the site and the primary school located off Chapel Street. The figure is yet to be agreed between the developer and highway authority.
- The setting up of a Private Management Company to ensure the public open space, amenity space, surface water drainage systems and private roads within the site are maintained at all times in perpetuity.

9.0 Conclusions

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

Recommendation

That Planning Permission **BE GRANTED** subject to the signing of a legal agreement to deliver the abovementioned planning obligations and the following conditions:

1. Time Limit
2. Approved Drawings List
3. Construction method statement. It shall provide for:
 - a. The parking of vehicles of site operatives and visitors.
 - b. The loading and un-loading of plant and materials.
 - c. The storage of plant and materials used during the construction period.
 - d. The erection and maintenance of security hoarding.
 - e. Wheel wash/road sweep facilities
 - f. Surface water management during construction (to avoid contamination to ground water/beck)
 - g. Noise & Vibration control (details of any pile driving including mitigation)
4. Hours of construction limits
5. Construction details of the vehicular and pedestrian access points from the site to Stoney Lane and the PROW to be agreed including programme for implementation.
6. Roads to be built to adoptable standards to base course level before construction of the dwellings unless otherwise agreed in writing in accordance with a phased programme for construction of the development

7. Scheme for the construction of off-site highway improvement works namely:
 - Creation of parking facilities(Plots 02 – 05) Stony Lane with footway along the frontage of the site tying into existing adjacent number 23 Stoney Lane.
 - Implementation of a range of off-site highway improvement works relevant to influencing vehicle speeds along Stony Lane at its junction with the afore-mentioned development site.
 - Measures to prohibit vehicles parking within the adopted highway at the foot of the public right of way onto Chapel Street (TBC)
8. Protection of visibility splays
9. Parking provision
10. Garage use restriction
11. Details of cycle and refuge storage for properties without garages
12. Tree Protection condition (TBC)
13. Arboricultural Method Statement
14. Landscaping condition (TBC)
15. Boundary plan to be implemented and site/plot enclosures provided before occupation
16. Precise scheme for ecological mitigation to be agreed
17. Development to be carried out in accordance with Flood Risk Assessment (FRA)
18. Precise drainage scheme including details of implementation and management
19. Precise details of the public open space including play equipment and maintenance programme
20. Samples of all external materials and stonework/brickwork sample panel to be provided
21. Precise architectural detailing of windows/doors/mock chimneys/roof verges/eaves/any decking raised platforms.
22. Construction details and appearance of retaining walls/features within the site
23. Implementation of a programme of archaeological work in accordance with a written scheme first submitted to and agreed in writing by the Local Planning Authority.
24. Unforeseen contamination
24. Removal of PD rights for extensions/outbuildings/roof alterations

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

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

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

Human Rights Act

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

Background Papers

None

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|---|--|---|
| Agenda Item A10 | Committee Date 29 June 2015 | Application Number 14/01350/FUL |
| Application Site Land Off Mill Lane Halton Lancashire | Proposal Erection of 20 residential dwellings with associated access road | |
| Name of Applicant Mr Jim Entwisle Halton Mills Limited | Name of Agent Mr David Hall | |
| Decision Target Date 5 May 2015 An extension of time letter has been agreed between the LPA and applicant until the 30 th June 2015. This date will be extended with agreement from the applicant to allow for the S106 to be signed. | Reason For Delay Officer workload, requests for further information and negotiating amendments | |
| Case Officer | Mrs Jennifer Rehman | |
| Departure | Yes | |
| Summary of Recommendation | Approve subject to the submission of sufficient evidence in respect of loss of employment land to justify departure from development plan. | |

1.0 The Site and its Surroundings

- 1.1 The application site forms part of the Halton Mills development site on the banks of the River Lune within the settlement of Halton. The site is positioned to the east of existing residential development within the central core of the site and west of a belt of trees running north-south through the site. Beyond the belt of trees lies a further vacant parcel of land and then existing employment development. The land within the central core of the Halton Mills site, enclosed by the internal road network, is all within the applicant's control.
- 1.2 Halton is identified in the Development Plan as a sustainable rural village. Its rural position means the majority of the village is protected by a formal 'Countryside' designation. The village (and application site) is not located within Green Belt or an AONB. There are no landscape designations/allocations affecting the site. The boundary of the village Conservation Area is located approximately 160m west of the application site.
- 1.3 The River Lune is identified as a Biological Heritage Site and is located approximately 50m south of the application site albeit separated by Mill Lane and other permitted (and implemented development) residential development (Barratt Homes). The site is predominately located within flood zone 1, but borders land falling within flood zones 2 and 3 to the west and south of the site. A definitive public right of way runs along Mill Lane to the south outside the boundaries of the application site. The retained trees on site are now subject to a new Tree Preservation Order (TPO No 550 (2015), protected as a woodland designation. Part of the site is located within land protected for mineral safeguarding.

2.0 The Proposal

- 2.1 The application seeks full planning permission for the erection of 20 dwellings with access off Mill Lane. The development comprises 14 three-bedroom dwellings and 6 two-bedroom dwellings. The development is effectively an extension to the existing development on site with the design practically identical to the permitted and implemented scheme. The 3-storey (3-bed) townhouses propose integral garages with driveway parking and the 2-storey (2-bed) dwellings have driveway parking only. The parking provision proposed equates to 200% parking for the 3-bed townhouses (including the garages) and 150% for the two-bed units.
- 2.2 The proposal indicates that six units will be affordable dwellings in compliance with Council policy (30%). These are located in one single terrace block backing onto Forge Lane and comprise the smaller two-storey, 2-bed units.
- 2.3 Vehicular access to the site is proposed off Mill Lane, via Forge Lane and Low Road. Mill Lane and Forge Lane are in private ownership at present and remain unadopted.

3.0 Site History

- 3.1 The site has an extensive and complex planning history with many planning applications submitted since the original proposals were assessed and determined in 2000. The most relevant are listed in the table below.

| Application Number | Proposal | Decision |
|--------------------|---|--|
| 00/00920/OUT | Outline application for proposed redevelopment including demolition of existing Mill, erection of houses, industrial units, construction of new access and provision of associated open space and landscaping. | Approved |
| 04/01301/REM | Reserved Matters application for the erection of 47 houses and 27 apartments, associated access road and play area | Approved (Implemented) |
| 05/00562/REM | Erection of two new B1/B2 commercial units | Approved |
| 05/01305/FUL | Amendments to elevations to housing scheme approved as 04/01301/REM | Approved (Implemented) |
| 05/01432/OUT | Renewal of application 00/00920/OUT for proposed redevelopment including demolition of existing mill, erect houses, industrial units, construct new access and provision of associated open space and landscaping | Approved |
| 07/00037/REM | Resubmission of application number 06/01196/REM for Reserved Matters for the erection of an apartment block comprising of 31 two and 2 one bedroom units (33 total) with associated parking and servicing | Allowed on Appeal (Appeal ref: APP/A2335/A/07/2037680) |
| 07/00202/REM | Resubmission of 06/01197/REM for Reserved Matters Application for the erection of an apartment block comprising of 36 two bedroom units with associated car parking and servicing | Allowed on Appeal (Appeal ref: APP/A2335/A/07/2042851) <i>(relates to Site B)</i> |
| 14/00200/FUL | Erection of 14 dwellings with associated landscaping and parking | Approved (Implemented) |
| 14/01108/FUL | Erection of 3 dwellings (amendment to 14/00200/FUL) | Approved (Implemented) |
| 14/00713/VLA | Variation of legal agreement on 00/00920/OUT and subsequent renewal consent 05/01432/OUT to vary the terms of the Fourth Schedule concerning affordable housing in relation to the applicants land only, remove the requirements to obtain covenants from future land owners to restrict vehicular use over Mill Lane between points A and B (as set out in the Third Schedule) and to discharge the obligations relating to public open space and the provision of the | Committee Resolution to approve the proposed changes to the Legal Agreement subject to the legal mechanisms being secured to deliver the changes (subject to s106 and delegated back to Officers on the 5 th June |

| | | |
|--------------|--|-----------------------|
| | industrial buildings. | 2015). |
| 15/00510/OUT | Outline application for the erection of a nursing home and associated access | Pending Consideration |

4.0 Consultation Responses

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

| Consultee | Response |
|---------------------------------------|---|
| County Highways | No objection to the scale of development or car/cycle provision. Comments have been received in relation to the dimensions of the proposed internal road network and garage dimensions, that Mill Lane and Forge Lane are unadopted and the need for the internal roads to be laid to base course before construction of dwellings |
| Local Planning Policy | Comments - The proposal represents a departure from adopted planning policy due to the site's employment land allocation. Insufficient evidence has been submitted to satisfy the marketing test set out in policy DM15. The planning policy team go on to advise that the lack of a five year housing land supply is a material consideration and the loss of employment land should be carefully weighed against the benefits of the proposal. |
| Strategic Housing Officer | Insufficient detail submitted to reassure the Local Planning Authority that on-site affordable housing will be delivered in accordance with local planning policy. In respect of the amendments, the Strategic Housing Officer supports the reduction to 2-bedroom units, though would have liked to have seen 1-bedroom units, but still questions whether the developer has engaged with Registered Providers before redesigning the scheme to ensure and provide comfort that the affordable housing scheme is implementable. |
| Environmental Health Service | No objection subject to the inclusion of mitigation towards air quality impacts from the cumulative impact of traffic associated with the development and conditions in relation to construction (hours of work and scheme for dust control). A site investigation for contaminated land to be conditioned. |
| Lancashire Education Authority | Contribution sought of £36,089 towards primary school places based on the amended scheme |
| Environment Agency | Comments - requires a Site Investigation (contamination) report to be provided by condition otherwise objects to the development. Drainage condition also required which should adopt the principle of SUDS. |
| United Utilities | No objection subject to a drainage condition which should adopt SUDS and surface water to drain separately to foul waters. |
| Lead Local Flood Authority | No objection subject to the following conditions: <ul style="list-style-type: none"> • Precise surface water drainage design to be agreed • Finished floor levels • Control of surface water and pollution during construction. |
| City Council Drainage Officer | No objection to the application in principle. However, further information should be provided to satisfy the Local Planning Authority that flood risk has been considered and can be effectively managed from this development. Further details should include details of how the runoff is restricted, what it is restricted to and what attenuation is being provided. |
| Tree Protection Officer | No objection subject to the following conditions: <ul style="list-style-type: none"> • Tree Protection Plan • Replacement planting scheme • Tree Works schedule and AMS |
| Parish Council | No objection in principle - the Parish Council reluctantly accept the additional residential development on the site given the employment land designation. The Parish Council request improvements to the surrounding green spaces to break up the development in the area. The developer should temporarily tidy up the vacant site to the east and allow this to be open space until a suitable employment use can be found as its current condition is unacceptable. |
| Lancashire Strategic Planning | At the time of compiling this report no comments received. |

| | |
|-----------------------------|--|
| Policy | |
| PROW Officer | At the time of compiling this report no comments received. |
| Ramblers Association | At the time of compiling this report no comments received. |

5.0 Neighbour Representations

5.1 At the time of compiling this report, 8 letters of objection have been received. The reasons for opposition are as follows:

- Detrimental to AONB/Green Belt and character of the area
- Inappropriate land use – no need for more housing in the village
- Inappropriate piecemeal development - the planning authority should consider housing on a strategic level
- The Council should be developing brownfield sites in the city
- Loss of greenfield sites in Halton and more housing being authorised
- Increase in noise/traffic/parking – reducing safety
- Parking is a problem on Mill Lane in particular, which is also poorly maintained and a un-adopted road
- Inappropriate design – over dominant and overbearing development
- Housing does not meet local affordable housing needs
- Loss of trees
- Mill Lane should be brought to adoptable standard

6.0 Principal National and Development Plan Policies

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

Paragraph 12 – Development Plan as starting point for decision making

Paragraph 17 – 12 core land-use planning principles

Paragraphs 19 and 22 – Building a strong, competitive economy

Paragraph 32 – Traffic and highway considerations

Paragraphs 49, 50 and 55 – Delivering housing and creating sustainable communities

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

Paragraph 103 – Flood Risk

Paragraph 118 - Biodiversity

Paragraph 123 – Noise

Paragraph 144 – Mineral Safeguarding

6.2 Lancaster District Core Strategy

SC1 – Sustainable Development

SC4 – Meeting the District's Housing Need

6.3 Development Management (DM) DPD

DM15 Employment Lane and Premises

DM20 – Enhancing Accessibility and Transport Linkages

DM21 – Walking and Cycling

DM22 – Car parking provision

DM27 – Protection and Enhancement of Biodiversity

DM29 – Protection of Trees, Hedgerows and Woodland

DM35 – Key Design Principles

DM38 – Development and Flood Risk

DM39 – Surface Water Drainage

DM41 – New Residential Development

DM42 – Managing Rural Housing Growth

6.4 Saved Lancaster District Local Plan

E4 – Countryside Area

EC4 – Rural Employment Site - Halton Mills

6.5 Emerging Land Allocations DPD
Policy OPP4 – Halton Mills

6.6 Other relevant planning documents
Meeting Housing Needs SPD
National Planning Practice Guidance
Employment Study January 2015
Joint Lancashire Waste and Minerals Local Plan (Policy M2)
Guidance Note on Policy M2 – Safeguarding Minerals December 2014

7.0 Comment and Analysis

7.1 The main issues in the consideration of this application are as follows:

- Development Plan Allocations
- Principle of Residential Development
- Housing Need/Affordable Housing
- Design and amenity considerations
- Contamination

7.2 **Development Plan Allocations/Designations – Employment Land and Mineral Safeguarding**
Loss of Employment Land

The NPPF makes it clear that the framework does not change the statutory status of the development plan as the starting point of decision making (paragraph 12, NPPF). The saved Lancaster District Local Plan, which forms part of the Development Plan, allocates Halton Mills as a rural employment site (EC7). The policy states that proposals for comprehensive employment based mixed use development including housing and informal recreational uses will be permitted provided that a number of criteria are met, but in particular that the proposal results in a mixed use of the site which employment is the dominant use. The planning history reflects the current and permitted uses for the site and is a material consideration in the determination of this application. This history demonstrates that despite the policy intentions a comprehensive mixed use proposal for the site has not succeeded as originally envisaged and that there has been a significant number of residential proposals accepted on the site – a number of them on appeal contrary to the employment land allocation. The Inspector when granting consents for residential development (on the sites now occupied by Barratt Homes) acknowledged the lack of employment development in relation to the sites in question but accepted that there were remaining parcels of land that could deliver employment development and that it was for the Council to ensure adequate land is remaining to provide the required level of employment land (para 29 of APP/A23335/A/07/2042851). The proposed application site would have been land that the Inspector at that time considered reasonable remaining land (along with other land).

7.3 The redevelopment of the land in question for non-employment purposes would therefore constitute a departure from the Development Plan. Assessing whether a departure would be acceptable and appropriate would be through consideration of whether the proposal meets the requirements of adopted Policy DM15 of the Development Management DPD which sets out the requirements for proposals which involve the loss of non-allocated employment land, along with partially saved policy EC16.

7.4 Policy EC16 sets out that non-employment development will only be permitted on employment sites in the rural area where it can be shown that there is no demand for employment; or the site's location or surroundings are clearly unsuited to employment use; and the proposal would bring about clear environmental benefits; or the proposal is part of a mixed-use scheme in which employment use is dominant. A similar approach is taken in policy DM15 which refers to the loss of employment land for alternative non-employment uses. This sets out that schemes will only be permitted where: it has been demonstrated through a robust marketing exercise that the ongoing employment use of the premises is no longer appropriate or viable; or the location has such exceptionally severe site restrictions; or the re-use of the land meets the wider regeneration objectives set out in the Local Plan or where the benefits of the proposal outweigh the loss of the site for employment purposes.

- 7.5 At this juncture it should be noted that in the emerging Land Allocations DPD Halton Mills is considered an opportunity site for mixed use development incorporating residential and employment uses. Amongst a number of criteria this draft policy suggests that additional residential development in excess of what has already been approved will not be supported. This emerging DPD is in draft form and therefore carries limited weight in the determination of the application.
- 7.6 In order to satisfy the requirements of policy DM15, the applicant has submitted a commercial appraisal of the development site together with a letter and copy of an advert from when the site was advertised back in 2009 by the previous land owners/administrators. The commercial appraisal has been carried out by Fisher Wrathall (local commercial agents) and claims that there is little demand for employment on the existing site and that any new employment development could potentially threaten the success of employment uses on Halton Mills. It also claims that there is little likelihood of successfully attracting further large scale commercial investment to the site and that the opening of the M6 link will not alter this situation. This appraisal sets out the level of vacant office accommodation and industrial floorspace in the District (totals to 428,000 sq ft).
- 7.7 The Council's own employment evidence base indicates that the District has sufficient land to meet demand for industrial development over the plan period, but not for office needs. A number of recommendations are made to safeguard existing employment sites for employment needs and in particular office needs, including recommendations on the future delivery new allocations for office premises, though the advice suggests such allocations are likely to be strongest on sites close to the M6. At a more local level, and specific to the application site, the employment land study suggests there is a need to retain and expand Halton Mills, as it is generally responsive to local employment need and demand. The remaining parcels of land identified on Halton Mills in the employment study are considered to have market appeal to start-up businesses and local small/medium enterprises (SMEs) of B1 and B2 uses. In light of our own evidence base Officers need to ensure robust evidence is provided to adequately justify a departure from the employment land allocation. Officers therefore sought further additional information from the applicant to satisfy the first test of policy DM15. This additional evidence has now been provided and does not convince Officers that this first test of Policy DM15 has been adequately satisfied. This evidence demonstrates that the site has been marketed for employment/mixed uses but not recently. In fact there is no evidence to demonstrate the site has been actively marketed for employment purposes in the past 5 years. All the marketing undertaken was before the current land owner purchased the site in 2011. This would conflict with the requirements of this element of the policy.
- 7.8 As matters currently stand the applicant's marketing evidence is not at all robust but there is some evidence presented that suggests the site is not particularly attractive to commercial operations, such as accessibility to the major road networks, which Officers do accept to a certain extent. It is also evident to most who know the area that up until recently the site has laid vacant for a considerable number of years and the only development that has taken place on site has been predominantly residential. In addition, it should be noted that there remains a relatively good proportion of employment development on Halton Mills including the two large employment units to the east of the application site, a long established business known as "Out of the Woods and Halton Mill" which was developed by the Co-Housing community alongside their residential development. There are also two remaining parcels of land that could also potentially meet some employment needs. This includes the land that is subject to the nursing home application and the former lawnmower site.
- 7.9 The second test of policy DM15 does not apply as the location is an acceptable location for employment development and is served by an appropriate access off Low Road. The third test relates to meeting wider regeneration benefits. Saved policy EC7 seeks employment based mixed use development that provides for an expansion of business activity; removes problems of dereliction and contamination, and results in development in which employment is the dominant use. The proposed development would remove a parcel of land that has laid derelict for some time (until recently when it has been used as a site compound). The redevelopment of the site will also address known contamination issues on site. In this sense there are some regeneration benefits. The conflict arises as it is not employment development. In terms of site specific circumstances, there are some benefits in the use of the site being developed for residential purposes over employment purposes, particularly in relation to the compatibility of neighbouring land uses. This proposal, unlike historic proposals, retains the belt of trees running along the eastern boundary.

This has environmental benefits but also provides an opportunity to create a buffer between residential development and potential future employment development. Notwithstanding the above employment policy concerns, supporting employment development on the application site would have its own complications; namely securing appropriate employment uses (so B1 uses over B2/B8 uses) so close to existing residential development. In this regard, the third test of DM15 could be satisfied. The final test states that proposals which involve the use of employment land for alternative uses such as residential will only be permitted where the benefits of the proposal outweigh the loss of the site for employment purposes.

7.10 Whilst the NPPF places considerable weight on the need to support sustainable economic growth, it equally emphasises that planning policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purposes. The Council's draft Land Allocation policy OPP4 does give an indication of the Council's direction of travel and that a slightly more flexible approach to mixed uses is likely to be forthcoming on the wider Halton Mills site. Overall the lack of full compliance with policy DM15 (market exercise) would need to be weighed against the benefits of the proposal (discussed below).

7.11 Mineral Safeguarding

The application site along with surrounding land is allocated for Mineral Safeguarding under Lancashire's Waste and Minerals Local Plan. This constraint sweeps across the majority of the rural area surrounding the village including the River Lune. It does not, however, extend across the entire application site. Policy M2 of the Waste and Minerals Plan states that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals. The policy sets out circumstances where the Local Planning Authority may accept incompatible development, for example where there is an overriding need for the incompatible development that outweighs the need to avoid mineral sterilisation. The NPPF states that local planning authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes.

7.12 The applicant has made no reference to this policy constraint in their submission. However, the fact that Halton Mills is an allocated employment site in the saved Local Plan and is previously developed land with a historical consent for its comprehensive redevelopment, it would be reasonable to suggest the mineral safeguarding area would not be a constraint to the future development of the site. Furthermore given its proximity to existing development (both residential and commercial) together with its close proximity to the River Lune Biological Heritage Site and the relatively small area of land affected, it is contended that the site is unlikely to attract any significant commercial interest in the land for mineral extraction. Similarly, it is considered that pursuing extraction of the minerals as part of the development would not be appropriate in this location given the potential adverse environmental impacts likely to arise in this location.

7.13 **Principle of Residential Development**

Core Strategy Policy SC1 requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport between the site and homes, workplaces and a host of facilities and services. DM DPD Policy DM20 sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 identifies a number of settlements where the Council will look to encourage new residential development. Halton is listed as one of the settlements where new housing will be supported. This settlement has a range of services including a primary school, doctor's surgery, public house, shops, regular bus services, community centre, sports facilities and good cycle links to the wider area, including Lancaster, making it more locationally sustainable than most rural settlements within the District. Thus, despite public comments to the contrary, the principle of new residential development in Halton is acceptable and can be supported, provided it complies with the criteria set out in policy DM42 in relation to whether it is well related to the existing built form, proportionate to the existing scale of the settlement, located where infrastructure can cope with expansion and demonstrate good design.

7.14 Notwithstanding the employment land allocation, the reuse of previously developed land within the wider Halton Mills site which is positioned alongside other existing and consented residential development with good access to local services and facilities within the village, is regarded well-related to the existing built form. The proposal is considered small scale residential development and would not in any way represent disproportionate development given the size and scale of the

existing settlement.

7.15 **Housing Need**

The NPPF requires local authorities to significantly boost the supply of housing especially in situations of noted undersupply. The most recent housing land supply and delivery position for the District is described in the 2014 Housing Land Monitoring Report (HLMR) and accompanying Housing Land Supply Statement 2014. This has a base date of 1 April 2014. Allowing for existing commitment, past housing completions, the requirement for a 20% NPPF buffer and the Sedgefield methodology for calculating future supply the Housing Land Supply Statement identifies a five year supply position of 3.2 years against its adopted housing requirement of 400 dwellings per annum set out in Core Strategy policy SC4. In light of the current under supply, it should also be noted that as part of the Council's preparation of its Land Allocations DPD, the emerging evidence base in relation to addressing the District's objectively assessed housing needs (Strategic Housing Market Assessment, SHMAA and the Strategic Housing Land Availability Assessment, SHLAA) which identifies a gap of approximately 5,000 dwellings, includes Halton Mills as a suitable for residential development (ref: SHLAA_162).

7.16 The NPPF introduces a requirement for local planning authorities to meet their full, objectively assessed need for market and affordable housing in their area and to identify a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. Within Lancaster it is apparent that even in consideration of all sources of housing supply, it may be the case that sufficient development may not come forward within the next 5 year period to fully satisfy delivery of its full 5 year housing requirement. In such circumstances the NPPF states that the District's policies relating to the supply of housing may be considered to be out-of-date (paragraph 49, NPPF). As such, the NPPF stipulates that planning in such circumstances must be undertaken in accordance with a presumption in favour of sustainable development (paragraph 14, NPPF). For decision making this means:

Where the development plan, in relation to its housing supply, is assessed as being out of date, granting planning permission unless:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies of the NPPF as a whole; or*
- *Specific policies in the NPPF indicate development should be restricted.*

7.17 As a consequence there is a clear expectation that unless material considerations imply otherwise sites that offer the opportunity for housing delivery should be considered favourably.

7.18 **Affordable Housing**

Policy DM41 of the DM DPD states that residential development will be supported where it represents sustainable development, which echoes Core Strategy policy SC1 and the NPPF. It requires new residential development to use land effectively, be appropriately located so that infrastructure can cope with expansion and provide an appropriate dwelling mix that meets local housing needs. The Council's Meeting Housing Needs SPD indicates that the market housing need in Halton is for predominately 2-bedroom (and some 4-bedroom) bungalows, detached and terraced properties and an affordable housing need of predominately 2-bedroom (and some 1-bedroom) terraced/semi-detached properties.

7.19 The scheme initially submitted proposed 20 three-bedroom dwellings, of which 6 would be for affordable housing. Whilst the market housing needs are not completely compliant with the evidence in the SPD, the provision of 3-bedroom family homes would still contribute to the District's housing need. This is a clear benefit which would outweigh any concerns over the type of housing proposed. With regards the affordable housing, the application initially failed to offer an affordable housing scheme that was compliant with policy or offered sufficient reassurances that the proposed development (layout/house type/housing mix) would attract a Registered Provider (RP). In this regard Officer concerns were compounded due to the planning history associated on the existing adjacent site where the developer has evidenced that they could not attract an RP to deliver on-site affordable homes and has subsequently recently secured amendments to the original s106 to vary the affordable housing provision to a contribution in lieu of on-site provision. Planning policy for schemes of this scale should be delivering on-site provision. Off-site contributions are not something the Council wishes to support or encourage unless in very exceptional circumstances. As a consequence amendments have been secured reducing 6 of the

dwelling to two-storey 2-bedroom units, thus potentially creating more opportunities to attract a Registered Provider and better meeting the local housing need. The applicant has also confirmed that the units will have a tenure split that complies with the Council's SPD (50:50 split between social rented and intermediate housing) and that the provision of this on-site affordable housing will be secured by legal agreement.

- 7.20 In conclusion, the proposal will make a small but valuable contribution to the District's housing need in addition to providing 30% affordable housing on site. In this regard the proposal should be considered in the context of the presumption in favour of sustainable development and great weight should be attached to this consideration.
- 7.21 **Design and Amenity**
The NPPF makes it clear that good design is a key aspect of sustainable development and this is echoed in policy DM35 of the DM DPD. One of the key thrusts in local and national planning policy is to ensure new development positively contributes to the character and identity of an area and provides a good standard of amenity for existing and future occupants.
- 7.22 Policy DM35 sets out a number of design principles that should be followed to ensure proposals adequately comply with policy and deliver sustainable development. This includes, for example, garden sizes and separation distances. The proposed development has been purposefully designed to appear as an extension to the existing residential development located in the central core of the Halton Mills site. In the circumstances, this approach is considered appropriate and will maintain design continuity with the wider site. The most significant difference from the implemented scheme and the proposed development is the incorporation of a greater number of two-storey units fronting Forge Lane. However, the fenestration to these units has been designed to reflect the adjacent townhouses and are considered acceptable from a visual amenity perspective. The drop in height is a positive addition to the development and would reflect other development on the site (Barratt Homes and Co-housing). Historically the Parish and the wider community have had concerns over the height of the development, so hopefully the incorporation of some two-storey dwellings is a welcomed amendment to the scheme.
- 7.23 The layout of the scheme follows the pattern and layout of the adjacent development so that in most cases building lines are maintained. As noted above this approach is supported, however, it does mean that there are some circumstances where the separation distances are below the recommended standards and garden sizes are smaller than what we would seek to achieve on new residential development. If Officers negotiated amendments to achieve the recommended design standards, the layout of the development would be at odds with the built form of the existing development and in design terms not something that would positively reflect the local character and identity of the area. In this regard, the principle of adopting the same design/layout approach to that already built in this location would outweigh any concerns over the impact on the amenity of future occupants of the new development. However, to further safeguard the amenity of future and existing occupants, and the design of the development as a whole, permitted development rights will be removed in relation to extensions, outbuildings and alterations to the roof.
- 7.24 The proposal incorporates an area of amenity space and landscaping to the east of the proposed new access road where the existing belt of trees will be retained and protected. This land will be retained and managed by the developer or a management company at all times thereafter. The applicant has agreed to secure the provision of a management company within their legal agreement. The retention of the trees (now protected woodland) is a clear benefit to the overall design of the site and will contribute to greening of the wider complex and have biodiversity benefits also. Previous schemes have seen these trees removed. This element of the scheme accords with policies DM29 and DM35.
- 7.25 The access, internal highway layout and parking provision is regarded acceptable from a planning point of view. The Highway Authority has raised no objection to the initial scheme submitted but highlighted the roads to the site are unadopted. The developer has confirmed that the roads within the development would not be adopted and would remain private. Details of cycle parking shall be conditioned in relation to the 2-bed units in particular as the 3-bed units have garages of sufficient size to accommodate cycle parking. The affordable units have 1 space per dwelling with 3 visitor spaces (150%). This is below the car parking standards set out in the DM DPD. However, the car parking standards are maximum standards and given that Halton is regarded in locational terms as relatively sustainable with good access to the cycle network (especially to Lancaster) and public

transport, that this slight under provision is considered acceptable. Two car parking spaces for each of the three-bedroom units is acceptable in principle, though one space is accommodated within the integral garages. It is generally quite difficult to insist people use their garages for parking a vehicle but a planning condition to ensure the garage is not used for living space can ensure the properties have adequate parking to comply with policy without causing significant additional on-street parking to the detriment of highway safety. The proposal is considered compliant with DM20-22 and paragraph 32 of the NPPF.

7.26 The site is accessed via a made road which at present remains unadopted. If it is in private hands it is the responsibility of the developer to secure access and legal rights over such land. From a planning perspective, the site can be accessed without highway safety concerns. The Council is trying to assist the various landowners on site to make the roads capable of being adopted. This was reported at the Committee meeting last month. It is hoped that between the existing landowners, ourselves and the County Council Forge Lane and Mill Lane can be adopted in due course.

7.27 **Contamination/Flood Risk/Biodiversity**

The site lies within land identified as flood zone 1 where residential development can be supported in principle. A Flood Risk Statement has been provided which confirms that the new properties fronting Mill Lane will have internal floor levels set between 12.9 – 13.01m AOD. The other dwellings will be higher than this as the land rises and as such the floor levels are set above the 1:100 year flood risk level. The applicant's Utilities Statement confirms that the surface water will drain to two outfalls to the River Lune consented by the Environment Agency as part of the whole Halton Mills development and so no problems with surface water are envisaged. The Environment Agency and Lead Local Flood Authority have raised no objections subject to conditions relating to finished floor levels and a scheme for site drainage. Our own drainage engineer had sought further information pre-determination in respect of the drainage scheme, though Officers contend in this case, given the historic consents on site and that there is space within the development site to appropriately accommodate any attenuation needed (mainly because the roads and amenity space remain in private hands), it would be reasonable to condition the details.

7.28 In terms of biodiversity, the site lies within close proximity to the River Lune which is designated as a Biological Heritage Site (BHS). However, the site is previously developed land and is currently used as a site compound for the adjacent development, offering limited biodiversity value. The site is also separated from the BHS by other sites currently in the process of being developed. The main source of biodiversity within the development site is the retained belt of trees running along the eastern boundary, which are now protected. These trees are proposed to be retained (unlike on previous schemes) so the impact on biodiversity is minimal. Conditions will be required to ensure the trees are adequately protected during the course of development.

8.0 Planning Obligations

8.1 In accordance with planning policy, the proposal includes the provision of 30% on-site affordable housing. This will be delivered by the developer in conjunction with a Registered Provider. At this stage, the developer has not sought to make any viability case that this cannot be achieved and as such the provision of affordable housing and its delivery shall be secured via a s106 legal agreement in accordance with paragraph 204 of the NPPF. The developer has muted some viability concerns, but despite being given the opportunity to evidence a viability case from the outset, has agreed to pursue the proposal as presented. The developer is aware that they can later apply to vary the legal agreement in relation to the affordable housing provision only at any time and with appropriate viability justification. This is relatively recent legislation that central Government have introduced.

8.2 County Education has responded to the application and have provided an assessment of the proposal and its impacts on school places in the catchment. A contribution of £36,089 has been requested by the Education Authority in accordance with their adopted methodology. The Council's policy (DM42) seeks to ensure proposals for new residential development are located where the environment and infrastructure can accommodate the impacts of expansion. This contribution will help ensure this is the case. The applicant has confirmed that they would pay this contribution and that it would be secured via a planning obligation.

- 8.3 The final matter relates to securing the long term management and maintenance of the private (non-domestic) space within the scheme, such as the roads, amenity space and landscaping. The developer has indicated this space would be managed via a management company, which is typical of most residential schemes nowadays. The establishment and setting up of a management company shall also be secured by legal agreement.

9.0 Conclusions

- 9.1 The critical concern with this application is the loss of employment land and the need to avoid sterilisation of identified mineral resources. Despite the submission of some valuable evidence the applicant has failed to satisfy all the tests set out in policy DM15 of the DM DPD in relation to the loss of employment land. However, one of the tests clearly states that non-employment development may be permitted on employment sites where the benefits of the proposal outweigh the loss of the site for employment purposes. This report considers the implications of the loss of employment land and acknowledges that in this case there are some benefits of the land being used for residential purposes given the proximity of the site to existing residential development, but also that the wider site has retained a good proportion of employment uses with remaining parcels of land capable of being used for such purposes. With this in mind and the fact that housing proposals should be considered in the context of the presumption in favour of sustainable development, on balance the delivery of market and affordable homes in a location recognised as a sustainable rural settlement would outweigh the conflicts with the site's land allocations. On this basis, Members are recommended to support the proposal subject to the developer signing their legal agreement without delay and the conditions listed below. If the developer fails to sign the legal agreement within the agreed period (to be determined by Officers), Officers seek delegation to refuse the application within the agreed period for determination.

Recommendation

That Planning Permission **BE GRANTED** subject to the and the signing and completing of a legal agreement to secure:

- 30% provision of on-site affordable housing;
- the education contribution; and
- the setting up of a management company to maintain/manage the amenity space and the roads that are to remain unadopted

and the following conditions:

1. Time limit
2. Approved plans list
3. Hours of construction
4. CMS (wheel washing/road sweep, dust/noise control/site compound location/parking and deliveries, water management (pre-commencement condition)
5. Drainage scheme (pre-commencement)
6. Site Investigation (pre-commencement)
7. Tree Protection Plan to be agreed (pre-any site activity)
8. Tree Works Schedule and AMS (pre-commencement)
9. No changes to ground levels in RPAs
10. Internal estate road to be constructed to base course level before the construction of the dwellings unless otherwise agreed with LPA (to allow for any phasing)
11. Access to be provided in full before first occupation
12. Parking provision to be provided in full
13. Garage use restriction
14. External materials, stonework detailing, window type/colour to match the adjacent development
15. Details of refuse storage
16. Code Level 3
17. Removal of PD rights (extensions, alterations to roof, outbuildings)

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

Human Rights Act

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

Background Papers

None

| | | |
|---|---------------------------------------|--|
| Agenda Item A11 | Committee Date 29 June 2015 | Application Number 14/01280/FUL |
| Application Site Land At Fenham Carr Lane/Wyresdale Road Lancaster Lancashire | | Proposal Erection of 31 dwellings with associated access |
| Name of Applicant Wainhomes North West Limited | | Name of Agent Mr Tony McAteer |
| Decision Target Date 1 July 2015 | | Reason For Delay None |
| Case Officer | Mrs Eleanor Fawcett | |
| Departure | No | |
| Summary of Recommendation | Refusal | |

1.0 The Site and its Surroundings

- 1.1 This application relates to an area of undeveloped land located on the eastern edge of Lancaster, approximately 1 hectare in area. It bounds both Wyresdale Road and Fenham Carr Lane, the latter being privately maintained. The boundaries with both highways comprise stone walls, with post and wire fences along the northern and eastern boundaries. The land slopes gradually downwards away from Fenham Carr Lane, to the east, towards an open watercourse adjacent to the eastern boundary. There is an existing gated access into the field from Fenham Carr Lane.
- 1.2 To the north west of the site is Williamson Park which is a Registered Park and Garden and provides the setting for the Grade I Listed Ashton Memorial. The part of the Park closest to the site is wooded and slopes upwards away from the road and marks the boundary of the Williamson Park Conservation Area. The field adjoining the north east boundary of the site is designated as a Biological Heritage Site. On the opposite side of the road to this, close to the northern corner of the site, is a row of four detached dwellings fronting onto Fenham Carr Lane. To the east of the site are fields which rise gradually from the site boundary, with a farm complex located approximately 250 metres from the site boundary. To the south, on the opposite side of Wyresdale Road in an auction mart and abattoir.
- 1.3 Most of the site is within a Mineral Safeguarding Area and the area adjacent to the watercourse is identified as being at a high risk of surface water flooding. The site is identified as Key Urban Landscape and a Woodland opportunity Area, along with the adjacent fields to the north and east up to the line of the M6 motorway. A public sewer crosses the whole length of the site towards the eastern boundary.

2.0 The Proposal

- 2.1 Planning permission is sought for the erection of 31 dwellings with the creation of a new access from Fenham Car Lane. 8 of the dwellings are proposed to front onto this road with the remainder arranged around a new internal access road. All of the open-market dwellings are proposed to be detached, with two rows of terraced properties in the north east corner of the site proposed as the affordable units. In total, there are 6 five bed, 16 four bed, 4 three bed and 5 two bed dwellings

proposed. All dwellings will be two-storey, with some larger units having accommodation in the roof space, and will be finished in brick & render with tiled roofs and white UPVC windows, fascias and gutters. All of the open market dwellings will have their own off street parking to the front, and the affordable units will have a shared parking area. No public amenity space is proposed within the site.

3.0 Site History

3.1 There is limited planning history on the site, the only application being for a similar development which was never made valid.

| Application Number | Proposal | Decision |
|--------------------|--|----------|
| 13/01193/FUL | Erection of 31 dwellings and associated infrastructure | Invalid |

4.0 Consultation Responses

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

| Consultee | Response |
|---|---|
| Environmental Health | Standard land contamination conditions are requested; a condition requiring the glazing/ventilation specification to mitigate traffic noise. Some air quality mitigation should be applied. The odour assessment however is insufficient and object on the grounds of the potential odour impact from nearby uses. |
| Tree Protection Officer | No objection subject to conditions requiring submission of: a Tree Protection Plan; landscaping scheme with 10 year maintenance; and Arboricultural Method Statement. It would be beneficial in terms of public amenity value and wildlife value to incorporate an element of public open space with appropriate green infrastructure into the design. |
| Engineers | Will need significant amendments for it to be acceptable from a flood risk perspective because part of the site is currently the flood plain for the watercourse and at significant risk of flooding; existing flood capacity will be lost increasing flood risk elsewhere, including to the site; development is proposed to take place right up to the top of bank of the watercourse; the existing drainage regime will not be mimicked; flood risk from the watercourse including that arising from the culvert immediately downstream from the site has not be sufficiently considered; and habitat and maintenance in and of the watercourse has not been accounted for sufficiently. |
| Conservation | Object. The development would cause harm to the setting of the Ashton Memorial and Williamson Park, and would have a negative visual impact on their significance contrary to Policy DM32 of the DM DPD. The public benefits of providing 31 new houses would not outweigh the loss of the attractive setting of the Ashton Memorial and Williamson Park. The design, form, materials, layout and boundary treatments are unacceptable and inappropriate for use on such a sensitive and prominent site. |
| Public Realm Officer | Comments - An appropriate level of amenity space should be provided on-site. Off-site contributions to improve facilities for young people within Williamson Park and to cater for increased demand on the park would equate to £8022. There should be good, safe access from the development to Williamson Park. |
| County Highways | No objection in principle. Design accords with principles of "Manual for Streets". Proposed lengths of footway/carriageway within the development could not be adopted under Highways Act as accessed from a privately-maintained road. Parking provision is considered less than adequate for the anticipated level of use. A development of this scale will lead to an increased frequency of pedestrian/vehicular movements along Fenham Carr Lane and Wyresdale Road. Recommends: a linked pedestrian point of access via the sites frontage onto Wyresdale Road; a safe and appropriate means of pedestrian / vehicular access / egress to Fenham Carr Lane from properties with frontage to the same; improved pedestrian access from within the site as a whole through a slight extension of internal site footways; and creation and protection of a requisite view line envelope extending to 2.4 x 43 metres. |
| County Council Minerals Planning | No objection. However, may wish to consider the opportunity that any waste stone produced as a result of groundworks may contribute or enhance the local vernacular. |
| County Planning (Education) | The application has been assessed by the Education team, and has not resulted in a request for a planning contribution. |

| | |
|--|--|
| Lead Local Flood Authority | No comments received - To be reported verbally. |
| County Archaeology | Comments - Any surviving archaeological features or finds of this period would be considered to be at least of regional significance, whilst human remains and any associated settlement could, depending on their state of preservation, be considered to be of national significance, recommend that a pre-determination archaeological field evaluation is undertaken. This would enable the nature, extent and significance of any archaeological deposits on the site to be determined and an appropriate mitigation strategy to be formulated if necessary. |
| Greater Manchester Ecology Unit | No overall objections , however some form of mitigation and/or compensation should be sought for the loss of the plant diversity on the site. Suggestions include – <ul style="list-style-type: none"> • Reducing house numbers to allow for an area to be set aside for grassland management. • Seeking a contribution for positive management of the adjacent BHS (e.g. knotweed control). • Seeking a contribution towards positive grassland management in other parts of the City. Other recommendations – <ul style="list-style-type: none"> • Robust fencing erected and maintained between the site and the BHS. • Measures to prevent the disturbance of Japanese knotweed stands growing on adjacent land. • The adjacent watercourse should be protected from possible pollution. • Groundworks commence outside bird nesting season (March to July inclusive). |
| Natural England | No objection in relation to statutory nature conservation sites. |
| Historic England | Object. The development of housing on the land directly to the east of the Grade II registered Williamson Park would be very harmful to the setting of the Grade I listed Ashton Memorial and set a precedent for the development of land between Williamson Park and the M6, which would be difficult to resist and cause further harm. |
| Environment Agency | No objection subject to a conditions requiring: mitigation set out in the flood risk assessment - limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm and finished floor levels set 1500mm above finished ground level; and submission of surface water drainage scheme. |
| United Utilities | Comments - A public sewer crosses this site and will not permit building over it. Require an access strip width of six metres, three metres either side of the centre line of the sewer, therefore a modification of the site layout, or a diversion of the affected public sewer may be necessary. Request condition requiring submission of a scheme for the disposal of foul and surface water. |
| Lancaster Civic Society | Object. The layout and design of individual houses is unimaginative, the existing Standen Park development should be adopted as a benchmark, the density is too great, there is a lack of open space for a play area and there is a lack of clarity about the building materials proposed. Further thought should be given to the overall design and layout and to the suitability of the site for housing development as opposed to retaining it as open space wetland. |
| Lancashire Constabulary | Comments - In order to reduce the risk of crime affecting the residents, visitors and local community, recommend: more appropriate boundary treatments; doors and windows to an adequate security standard if not protected by adequate boundary treatments; access into alleys restricted by a 1.8metres gate; garages to not have windows; and external doors to have low energy dusk to dawn lighting. |

5.0 Neighbour Representations

5.1 4 pieces of correspondence have been received raising an objection to the scheme with the following concerns:

- Increase in vehicle movements on to Fenham Carr Lane/Wyresdale Road
- Access is from a privately maintained road; issues over maintenance
- Density and layout
- Lack of appropriate recreation space within the site
- Insufficient parking
- Loss of the existing wall along almost the full length of Fenham Carr Lane
- Contrary to Local Development Plan

- Impact of Building Works on residential amenity
- Japanese knotweed along boundary
- Inaccuracies in submission

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
Paragraph 32 – Access and Transport
Paragraphs 49 and 50 - Delivering Housing
Paragraphs 56, 58 and 60 – Requiring Good Design
Paragraphs 100 – 103 – Flooding
Paragraphs 109 – Valued landscapes
Paragraph 118 – Conserving and Enhancing Biodiversity
Paragraphs 120 -125 – Pollution and Contaminated Land
Paragraphs 128, 131 – 134 and 137 – Designated Heritage Assets
Paragraph 173 – Ensuring viability and deliverability

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC2 – Urban Concentration
SC4 – Meeting Housing Requirements
SC5 – Achieving Quality in Design
SC6 – Crime and Safety

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

E27 – Woodland Opportunity Area
E31 – Key Urban Landscape

6.4 Development Management Development Plan Document (DM DPD)

DM20 – Enhancing Accessibility and Transport Linkages
DM25 – Green Infrastructure
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM31 – Development Affecting Conservation Areas
DM32 – The Setting of Designated Heritage Assets
DM34 – Archaeological Features and Scheduled Monuments
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM39 – Surface Water Run-Off and Sustainable Drainage
DM41 – New Residential dwellings

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

M2 – Safeguarding Minerals

6.6 Other Material Considerations

- Meeting Housing Needs Supplementary Planning Document
- Landscape Assessment of Emerging Site Options (Woolerton Dodwell, November 2012)
- Review of Key Urban Landscape Allocations in Lancaster District (Woolerton Dodwell, November 2012.
- Landscape Strategy for Lancashire 2000

7.0 Comment and Analysis

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

- Principle of Development
- Landscape and Visual Impact
- Impact on Heritage Assets
- Scale, Layout and Design
- Access and highway impacts
- Residential Amenity
- Ecological Impacts
- Flooding and drainage
- Affordable Housing
- Open Space provision
- United Utilities Infrastructure

7.2 Principle of Development

7.2.1 The site is located on the edge of Lancaster on land allocated as Key Urban Landscape and a Woodland Opportunity Area on the adopted Local Plan Proposals Map. The Key Urban Landscape designation recognises that identified areas perform an important role in defining the character of the district with many of the landscapes providing the setting for significant areas and features and together contribute and define the character of the district's urban area. Key Urban Landscapes are protected under DM DPD Policy DM28 'Development and Landscape Impact'. This states that such areas will be conserved and important natural features safeguarded. The policy goes on to state that within these areas the council will only support development that preserves the open nature of the area and the character of its surroundings. The development relates to the erection of 31 dwellings and as such would impact on the open nature of the area and the character and appearance of its surroundings contrary to the purpose of the designation.

7.2.2 Saved Local Plan Policy E27, in relation to Woodland Opportunity Areas is also relevant. This states that within identified areas the Council will seek to establish new areas of woodland allowing where practical for public access and the protection and enhancement of nature conservation interests. It goes on to state that development which would prejudice the establishment of new woodland areas will not be permitted. This policy is supplemented by DM DPD Policy DM29 'Protection of Trees, Hedgerows and Woodlands'.

7.2.3 The Council is continuing to progress preparation of its Land Allocations DPD which raises a number of considerations relevant to this application. Preferred Options were approved for consultation by Full Council in September 2012. This was prepared in the context of the adopted policy position of urban concentration described in the Core Strategy. The document recognised that the ability of the Council to deliver its housing needs was challenged by the economic climate at the time impacting on the viability and delivery of brownfield sites in the district. In view of this, the council proposed the allocation of three Greenfield sites on the edge of the urban area. Land at Grab Lane, immediately to the east of the application site, was included as one of the three greenfield sites.

7.2.4 Importantly the application site is not part of this allocation site put forward. This was intentionally left, along with the adjacent BHS, to provide an undeveloped buffer between Ashton Memorial and the proposed Grab Lane allocation. The buffer recognised the ecological and heritage value of this area as well as drainage constraints. With mounting pressure to progress preparation of its Preferred Options document, it was published in advance of the completion of some elements of the evidence base, with a number of significant studies still being developed. The intention here was to make rapid progress on the plan and take account of the findings of the completed evidence base when refining the draft document. Of relevance to this application is the Woolerton Dodwell 'Review of Key Urban Landscape Allocations in Lancaster District' Study (November, 2012). This study was commissioned by the Council to assess the continued appropriateness of the Key Urban Landscape designation. It concluded that Key Urban Landscapes continued to perform an important role in defining the character of the district. In relation to this site the study recognises that the area is within the setting of Ashton Memorial and Williamsons Park, and the Conservation Area, and concludes that the open character, variations in landform, the textures of Fenham Carr woodland and the historic pattern of walls within the area combine to confer intrinsic scenic quality which is significantly enhanced in some views by the backdrop provided by the wooded ridge within Williamsons Park and

the iconic Ashton Memorial. The role of the area in providing a 'naturalistic part' of the setting to the Ashton Memorial is noted to be rare.

- 7.2.5 In addition to the above landscape work the council also commissioned further landscape assessments for the three greenfield extension sites being proposed. The Grab Lane assessment looked at only the proposed allocation and did not include this application site. The study noted that the area makes a special contribution to the setting of the urban area and Ashton Memorial. It notes that unlike in other parts of the setting, it provides unrivalled opportunities to view and experience the Grade I Listed Building within a largely undeveloped context that appears to have changed little over time. The study goes on to state how the simple, 'natural' qualities of woodland and farmland within the site and beyond contrast with and complement the ornate dome constructed on the Memorial. Views of the Memorial are noted to be important because they feature a heritage asset of 'exceptional interest' and because they are experienced by relatively large numbers of people, including those passing Lancaster on the M6 motorway. The study concludes that the valley floor farmland and the rolling drumlin farmland are both considered to be highly sensitive to changes in their existing open character. This is because they both contribute to an area of farmland that provides an undeveloped open setting to the nationally important Ashton Memorial, to other important heritage assets, and to urban development in the eastern part of Lancaster that are valued highly in a national and local context. The study goes on to report that the development of the Grab Lane site for housing would result in unavoidably fundamental changes in existing open character and in some existing views and would compromise at least partially the reasons why value is attached to the site through its designation as a Key Urban Landscape. It goes on to highlight potential mitigation measures. This includes the establishment of undeveloped buffer zones of land located within views towards Ashton Memorial or where the visual exposure of land and/or steepness of landform is judged to be sensitive to the effects of housing development.
- 7.2.6 Since 2012 the Council has continued to investigate opportunities for new housing development in the district. The review of the Core Strategy has meant that this assessment is no longer restricted by the policy of urban concentration with the Council now able to investigate alternative sources of supply, with potential for environmentally preferable alternative sites being identified. As identified above the context of the 2012 Preferred Options document has changed. New evidence together with a review of the spatial strategy mean that sites which were previously indicated for development may no longer be preferable when considered against environmental preferable alternatives. This work is ongoing. It should be noted that this site has been assessed as being undeliverable in the council's SHLAA and has not been included as part of the council's anticipated future housing land supply. In view of these developments, it is considered that very little weight can be afforded to the 2012 Preferred Options Land Allocations document.
- 7.2.7 The most recent housing land supply and delivery position for the district is described in the 2014 Housing Land Monitoring Report and accompanying Housing Land Supply Statement 2014. This identifies a five year supply position of 3.2 years against its adopted housing requirement of 400 dwellings per annum. The NPPF introduces a requirement for local planning authorities to meet their full, objectively assessed need for market and affordable housing in their area and to identify a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. Within Lancaster it is apparent that even in consideration of all sources of housing supply, in the context of the current policy of urban concentration, it may be the case that sufficient development may not come forward within the next 5 year period to fully satisfy delivery of its full 5 year housing requirement. In such circumstances the NPPF states that the district's policies relating to the supply of housing may be considered to be out-of-date.
- 7.2.8 Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. For decision making this means granting planning permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies of the NPPF; or
 - Specific policies in the NPPF indicate development should be restricted.

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

basis of the above, it is still considered that the principle of the development on this site remains contrary to the adopted Development Plan and the council's emerging evidence base. Other material considerations are set out below.

7.3 Landscape and Visual Impact

- 7.3.1 The site is located within an area designated as Key Urban Landscape and the proposed development conflicts with designation. The landscape impact and relevant studies are discussed above in some detail. It is considered that the site forms an important part of an open and gently undulating landscape which extends up to the motorway corridor. The Landscape Character of this area is identified as Drumlin Field, sub-type 13c Docker-Kellet-Lancaster. This drumlin field has a distinctive north-east, south-west grain and runs from the edge of Lancaster northwards into Cumbria. The area is underlain by limestone and is distinguished by large scale undulating hills of pasture, some formed from glacial till and others which are outcrops of limestone, or reef knolls. The smooth rolling scenery is emphasised by the network of stone walls. Woodlands are often associated with designed landscapes and built development takes advantage of views from the hill tops, for example the Ashton Memorial on the edge of Lancaster which sits atop a drumlin and is a landmark for miles around. The drumlins create a setting for the City of Lancaster and its university.
- 7.3.2 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. Within this it sets out that the site to the east of the site is allocated for housing, however as set out above, this is not the case. It does however set out that the development will change the character of the area, with a loss of open, rural land. The report goes on to say that the site is prominent when viewed from the east and its development is likely to have an effect on the public perception of the landscape character. Given the open nature of the site and adjoining fields, it is considered that the proposal will be detrimental to the character and appearance of the landscape. The proximity to the nearby heritage assets is also of relevance and will be discussed separately below.

7.4 Impact on Heritage Assets

- 7.4.1 The site is located in close proximity to Williamson Park which is a Grade II Registered Park and Garden and provides the setting for the Ashton Memorial which is Grade I Listed. It is also covered by a Conservation Area. The NPPF underlines the importance of sustaining and enhancing the significance of heritage assets, and acknowledges the importance of their settings. The importance of a setting lies in what it contributes to the significance of a heritage asset. Whilst the immediate setting of the Ashton Memorial is provided by Williamson Park, the Memorial itself was clearly designed to be highly visible and, given its location on an elevated site, makes it a landmark for the surrounding area. Its wider setting is therefore no less important.
- 7.4.2 It is accepted that the proposed scheme would not impact upon views *from* Williamson Park or the Ashton Memorial. However, it is considered that the scheme would cause harm *to* views of the Memorial and Park experienced from the east of Lancaster. The open fields and farmland at the foot of the wooded hill provide an attractive foreground and contrast to the Park and, as Marion Barter (Architectural History Practice) states in the Grab Lane Setting Study (commissioned by Lancaster City Council in 2012). This setting emphasises the Memorial's height, status and heritage value. *"The valley floor's fields provide a foil or contrast to the wooded hill of the Park and are a key part of the setting for the Memorial, particularly in views from the east. The fields have an open, quiet, rural character, used for farming for grazing horses. They are not public access land, but are edged by roads which provide public access and opportunities for viewing the park and Ashton Memorial. The fields also provide the countryside setting on the edge of the city."* (p.16, January 2013).
- 7.4.3 Described in the most recent edition of the *Lancashire:North* Pevsner as *"an eyecatcher extraordinaire which can be seen from all around, as much as part of the character of the city as its castle"* (p.412, 2009). The Ashton Memorial's biggest audience can be found on the M6, passing Lancaster. The proposal site is highly visible from this vantage point, as is the boundary wall to the park at the foot of the wooded slope which appears to envelop the trees within the Park and provides an attractive seam to the open fields. The development of the site in question would result in the loss of this view. This undeveloped area provides a break from the built development to its south and north, as experienced from the M6. However, the existing housing developments should not be seen to set a precedent. As Historic England's *Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets* states, *"Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF*

policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting..." (p.4, March 2015). A similar view, though more elevated, can be found on Newlands Road, a popular local route, which runs broadly parallel with the M6.

7.4.4 Wyresdale Road is a significant local route from the Trough of Bowland into Lancaster. The views of the Park and Memorial in the context of the development site are transient here, due to the variations in landform, and they also change with the seasons. Where, from certain vantage points the trees found on either side of Grab Lane, near the Wyresdale Road junction, can be seen to provide some 'screening', they clearly do not during the winter months when the site is highly visible. The impact of this proposal on the setting of these heritage assets clearly needs to be considered in isolation in this instance since it would be presumptuous to assume that the Grab Lane site will be developed. However, it has been considered together with the Grab Lane allocation in Marion Barter's 2013 study, in terms of the cumulative impact. This study concluded that, "*Building houses on the fields west of Grab Lane will damage this setting and permanently take away the fields' role as a neutral visual foil to the wooded east slopes of the park, the setting of the grade I Ashton Memorial. The Park would be seen over a foreground of housing development...New lighting on the development will affect views across the site after dark, which could affect the visual impact of floodlighting the Memorial.*" (p.31, Jan. 2013).

7.4.5 The Planning (Listed Buildings and Conservation Areas) Act 1990 states that "*In considering whether to grant planning permission for development which affects a listed building or its setting, the LPA... shall have special regard to the desirability or preserving the building or its setting...*" (Section 66). Paragraph 132 of the NPPF states that, "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting...*". It is considered that the proposed development would cause harm to the setting of the Ashton Memorial and Williamson Park, and therefore would have a negative visual impact on their significance. As such it is contrary to Policy DM32 of the adopted Development Management DPD. It is not considered that the public benefits of providing 31 new houses would outweigh the loss of the attractive setting of the Ashton Memorial and Williamson Park. The response from Historic England shares this view.

7.4.6 An Archaeological Desk-based Assessment has been submitted. County Archaeology confirms the potential for prehistoric human activity dating to the Bronze Age, and has recommended that the site be the subject of further assessment in the form of an archaeological field evaluation by means of the excavation of a number of archaeological trial trenches. The Archaeology Service have recommended a pre-determination archaeological field evaluation of the proposed development site to enable the nature, extent and significance of any archaeological deposits to be determined and an appropriate mitigation strategy to be formulated if necessary. Such mitigation might range from preservation in situ, and could result in a recommendation for refusal of planning permission, to detailed open-area excavation or a less formal archaeological presence during construction. The proposal currently fails to identify the extent and nature of ecological deposits so that any impacts can be fully assessed and mitigated if necessary. The proposal therefore fails to comply with paragraph 128 of the NPPF and Policy DM34 of the Development Management DPD.

7.5 Scale, Layout and Design

7.5.1 Policies DM35 'Key Design Principles', Policy DM36 'Sustainable Design' and Policy DM41 'New Residential Development' of the DM DPD seek to ensure that development is as sustainable as possible and that new development makes a positive contribution to the surrounding landscape and townscape of the area. The scheme proposes the development of 31 dwellings on a site with an area of approximately 1 hectare. It will be predominantly detached dwellings, with the exception of two rows of terraced properties to the north east of the site. All the properties will have car parking spaces to the front with no ability to park a vehicle at the side (with the exception of two properties). This will result in a very car-dominated layout limiting the amount landscaping that can be provided to the front of dwellings. In addition, no public open space has been proposed which contributes to the poor layout and overall design of the scheme.

7.5.2 In addition to the above, there are significant concerns regarding the design of the dwellings, which are the developer's standard house type. It is not considered that there take into account the local

characteristics and distinctiveness of the area and the sensitive location of the site adjacent to a Conservation Area, registered Park and Garden and setting to a Grade I Listed building. There is also some contradiction between the submitted site plan and elevation plan. The former sets out that the dwellings will be finished in brick and render while the latter states brick or artstone detail. The proposal also removes the majority of the boundary wall adjacent to Fenham Carr Lane which will have a significant impact on the character and appearance of the site. Other boundaries are proposed to be post and wire fences which are also not considered to be appropriate. It is considered that the design, form, materials, layout, boundary treatments and lack of open space are unacceptable and inappropriate for use on such a sensitive and prominent site.

7.5.3 Some concerns have also been raised by the Lancashire Constabulary with regards to crime in the area and measures that could be taken to reduce the risks to future occupiers. This mainly relates to boundary treatments, the positioning of windows and access to alleys which could be dealt with by way of condition.

7.6 Access and Highway Impacts

7.6.1 The Highways Officer has raised no objections in principle but has raised some concerns. Fenham Carr Lane is a privately maintained road and as such the Highways authority would not adopt the internal access road. They have advised that there should be an emphasis on careful driving at low speeds through the use of appropriate traffic calming measures and use of alternative surfacing materials incorporating visually and physically contrasting construction measures into the overall carriageway surface treatment. The main concern relates to the level of parking provision which is considered to be less than adequate for the sites anticipated level of use. However, the impact of this is most likely to be felt on Fenham Carr Lane, with little or no significant bearing on the surrounding public highway network.

7.6.2 The Highways Authority recommend that a linked pedestrian point of access is considered via the site's frontage onto Wyresdale Road such that individuals living on the site could have improved access to existing bus stop facilities and the wider public transport network as a whole. It has also been advised that there is an overall reduction in boundary walling along Fenham Carr Lane to provide unimpeded forward visibility when egressing any of the afore-mentioned properties. Improved pedestrian access from within the site as a whole could be achieved through a slight extension of internal site footways, particularly at the sites junction with Fenham Carr Lane such as to allow the creation of a safe and appropriate pedestrian drop crossing point prior crossing onto an existing length of Fenham Carr Lane northerly pedestrian footway. Visibility splays of 2.4 x 43m have also been requested. Subject to these aspects being taken into account, no objections have been raised. Despite this, the level of parking provision will also enhance the car dominated aspect of the scheme, with vehicles parked on roads within and adjacent to site.

7.6.3 Given the cumulative nature of air quality impacts, Environmental Health have recommended some mitigation to include: facilities for cycle storage and path infrastructure to support cycling; incorporation of charging points for electric vehicles at each dwelling; installation of very low NOx gas boilers, and operation of a low emission vehicle car club. The site is not located within or adjacent to the Lancaster Air Quality Management Area (AQMA). Given the scale of development and distance from an AQMA it would be difficult to substantiate mitigation in this instance.

6.7 Residential amenity

6.7.1 The nearest neighbouring residential property is located on the opposite site of Fenham Carr Lane, approximately 23m between the nearest existing and proposed dwelling. As such it is not considered that there will be an adverse impact on the amenities of the nearby residential dwellings.

6.7.2 A Noise Assessment has been submitted with the application and concludes that noise associated with road traffic can be adequately mitigated for all plots upgraded thermal glazing together with a trickle vent which should be combined with mechanical Extract Ventilation or Passive Extract Ventilation. This could be controlled by condition.

6.7.3 The site is located in close proximity to the Auction Mart and the abattoir. In terms of the odour assessment, the submitted survey consisted of only two observations in August and September 2014. Environmental Health has advised that this is considered insufficient to establish whether there is an odour issue or not. Also the times did not represent any of the mores active periods for

the abattoir or significantly odorous events (blood/animal waste removal). It is acknowledged that it is difficult to survey this type of odour source given that odours are both dependant on environmental/weather conditions and also by their nature can be intermittent. It is however considered that the survey undertaken does not adequately address/resolve the indication given by the ongoing complaint history that odour from the surrounding uses may be a nuisance issue for future occupiers. There is therefore a potential odour impact on future occupiers of the proposed development, from nearby uses that has not been fully assessed in the submission.

6.8 Ecological Impacts

- 6.8.1 The application site lies adjacent to the Lancaster Moor Hospital Grassland Biological Heritage Site (BHS). There is a simple post and wire stock fence separating the site from the BHS, with sheep grazing the application site. The BHS is designated for its high floristic diversity, resulting in part from previous land uses which have resulted in varying substrates. The site shares many plant species with the BHS, albeit in some cases in lower densities, but the BHS is apparently not grazed and therefore shows a more advanced stage of succession from grassland to scrub, with more dominant tall herbs, bramble and scrub. The application site appears to have variable substrate, ranging from semi-improved neutral grassland to wet grassland to more calcareous grassland in a patchy habitat mosaic. There is a small brook running alongside one boundary with wet grassland at the margins. This diversity of substrate has led to the development of a relatively diverse plant community. The stone walls forming the boundary of the site on two sides also support a diverse range of plants, including ivy-leaved toadflax, maidenhair spleenwort, wall rue and wall speedwell. The site has greater plant diversity than other nearby agricultural fields and the Council's ecology consultant therefore considers it to have at least local (site-based) nature conservation value. The site supports breeding Garden Tiger Moth, a priority species for conservation in the UK. The stone walls forming part of the site boundaries have some local landscape character and will also have some habitat value as refuges for invertebrates, small mammals and possibly nesting birds.
- 6.8.2 The development will not cause any direct land-take of the BHS, will not lead to changes in substrates or hydrology of the BHS and will not cause any shading. Although there is a small possibility of the development causing indirect pressures on the BHS resulting from unauthorised access and/or garden waste tipping, in practice these impacts can be avoided by ensuring that the BHS is properly fenced from. The current condition of the BHS and the proximity of the Park will reduce the possibility of people using the BHS as either 'active' or 'passive' open space. Therefore it is not considered that the development will have any harmful impact on the special interest of the BHS.
- 6.8.3 The whole of the site is proposed for development and, as such, much of the current plant diversity will be lost. No compensatory habitat management or planting appears to have been proposed, although some of the stone walls at the site boundaries will be retained. The Garden Tiger Moth is a species in decline but which remains widespread. However, the species readily makes use of gardens and the adjacent BHS and the Park support good habitat for the species and therefore it is not considered that there needs to be specific mitigation for this species. The site may have some value for foraging bats, although given the extent of alternative excellent bat feeding habitat close to the site, not least the mature woodland in the Park and the adjacent BHS, it is not considered that the loss of the area of open grassland will have any significant impact on local bat populations. Extensive stands of Japanese knotweed are present on the adjacent BHS grassland. Under the terms of the Wildlife and Countryside Act 1981 it is an offence to cause this plant to spread in the wild. The development has some potential to cause the plant to spread, although it would be possible to take simple precautions to prevent this from happening.
- 6.8.4 The Council's ecology consultant has recommended that some form of mitigation and/or compensation be sought for the loss of the plant diversity on the site. Their suggestions are included in Section 4 of this Committee Report.
- 6.8.5 Some matters could be adequately controlled by appropriate conditions attached to any planning consent. However the loss of plant diversity on the site could only be compensated for by altering the layout or providing a contribution towards enhancements elsewhere. The first suggestion would require an amended site layout and no financial contribution has been put forward in the submission. As such, the current scheme fails to adequately compensate for the loss of biodiversity within the application site. NPPF Paragraph 118 sets out that local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided

(through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

6.9 Flooding and Drainage

6.9.1 The eastern boundary of the site is located adjacent a watercourse. Part of the site is currently the flood plain for this and is at significant risk of flooding. The Council's drainage engineer has provided some comments in relation to the proposed scheme. Suggestions that the site will not flood because it is not within a Flood Zone or because ground levels/finished floor levels will be raised is not acceptable. Existing flood capacity will be lost increasing flood risk elsewhere, including to the application site and the development is proposed to take place right up to the top of bank of the watercourse. The existing drainage regime will not be mimicked and flood risk from the watercourse, including that arising from the culvert immediately downstream from the site, has not be sufficiently considered. It is also not considered that habitat and maintenance in and of the watercourse has been accounted for sufficiently. It has been advised that the proposed layout needs amending to remove development close to the watercourse. An area of green open space could be created in the area at highest risk of flooding, however ideally the area shown as 1 in 100 year flood event should be left clear. This is not just to avoid flooding on the proposed development site, but also to manage flood risk both up and downstream. This would significantly reduce the developable area of the site.

6.9.2 The current scheme does not adequately address the risk of flooding to the application site or the implications of the proposal on flooding downstream. Policy DM38, in relation to development and flood risk, sets out that new development proposed within defined areas of flood risk, including from local sources of flooding, must ensure: that suitable and appropriate flood prevention and mitigation measures are agreed, implemented and maintained to ensure that development is appropriately flood resilient and resistant; and that there will be no net increase of flooding to properties within the locality as a result of the development (such as increases in surface water run-off or the reduction in the capacity of flood storage areas) unless suitable and appropriate compensation or mitigation measures exist or can be agreed, implemented and maintained. In addition, Policy DM39 sets out that new development should seek to demonstrate that there is no increase in on-site or off-site surface water run-off rates upon completion and, where practical and feasible to do so, that reductions in surface water run-off are achieved to the relevant standards. For the reasons set out above, the proposed development is therefore contrary to both these policies in addition to the NPPF which sets out that local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant; and it gives priority to the use of sustainable drainage systems.

6.10 Affordable Housing

6.10.1 There appears to be little information in the submission with regards to the provision of affordable housing. It sets out that the development will provide 30% of the dwellings as affordable so as to meet the identified needs of local people in accordance with Council policy. Nine dwellings are proposed in the form of two sets of terraced properties which will be a mix of two and three bedroom properties. No indication of the proposed tenure has been given.

6.10.2 Policy DM41 of the DM DPD sets out the level of affordable housing provision that would be expected for new development. For proposals comprising 15 or more dwellings in urban areas on greenfield sites, up to 40% on-site provision is expected. Where compelling and detailed evidence demonstrates that the provision of affordable housing in accordance with this would have a disproportionate and unwarranted negative impact on the viability of a proposed development, applicants may seek to provide fewer affordable dwellings than would be ordinarily acceptable. No financial viability information has been submitted to justify why only 29% affordable housing provision is being proposed instead of 40%. The proposal therefore fails to comply with this policy, in addition to the Housing Needs SPD, and the NPPF.

6.11 Open Space Provision

6.11.1 Policy DM25 of the DM DPD relates to green infrastructure and Policy DM26 relates to open space, sports and recreational facilities. Development proposals should incorporate new and/or enhanced green spaces of an appropriate type, standard, size and reflect the needs for the area as set out

within the council's 'PPG17 Open Space Assessment' or successor documents. Where on-site provision has been demonstrated not to be possible, or the council is satisfied that on-site provision is not beneficial or appropriate, financial contributions will be sought towards the creation of new facilities off-site or to enhance and improve existing provision to meet the needs of the community.

6.11.2 No open space is being provided within the site and would be expected to be provided for the health and wellbeing of future residents. Given the proximity to Williamson's Park this would just need to be in the form of amenity space with no play equipment required. However, the Public Realm Officer has identified that a financial contribution is required to improve facilities for young people within Williamson Park, amounting to £18,540, and to cater for increased demand on the park, £8,022, with a total contribution of £26,562. It would also be a requirement to ensure there is good, safe access from the development to Williamson Park. The submission does not set out that any contribution would be provided.

6.12 United Utilities Infrastructure

6.12.1 United Utilities have confirmed that a public sewer crosses this site (see section 4) and United Utilities have confirmed that they will not permit building over it. This would appear to require the removal or relocation of at least three of the dwellings. Therefore a modification of the site layout, or a diversion of the affected public sewer is necessary. There would still be scope to develop within the site but it would likely involve the reduction in the number of units. Therefore it is not considered that the current layout is deliverable.

8.0 Planning Obligations

8.1 A Section 106 Agreement would be required to ensure the following:

- Up to 40% onsite affordable housing provision
- Financial contribution of £25,562 towards improving facilities for young people within Williamson Park, and to cater for increased demand on the park
- Onsite amenity space maintained in perpetuity

The current scheme does not provide this, as set out in the assessment above.

9.0 Conclusions

9.1 In the context of an inability to demonstrate a five-year supply of housing proposals, residential development opportunities in Lancaster are generally welcomed subject to site-specific matters being acceptable. In this instance however, this site is allocated as Key Urban Landscape in the Local Plan and as such is not somewhere where the Council would ordinarily support development. In addition, the scheme would have a detrimental impact on nearby heritage assets, it fails to fully investigate potential archaeology, it has a poor design and layout, it would impact on ecological assets and flood risk, it fails to fully assess impacts on the amenities of future occupiers from nearby commercial uses, it does not provide a sufficient level of affordable housing and it is undeliverable given the United Utilities sewer crossing the site which the proposal fails to address.

9.2 Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. For decision making this means granting planning permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies of the NPPF; or
- Specific policies in the NPPF indicate development should be restricted.

As a consequence there is a clear expectation that unless material considerations imply otherwise, sites that offer opportunity to deliver housing should be considered favourably. However, it is considered that the adverse impacts of developing this site, as set out above, would significantly and demonstrably outweigh the benefits.

Recommendation

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

1. The site is located within an area designated as Key Urban Landscape and the development of 31 dwellings would impact on the open nature of the area and the character and appearance of its surroundings contrary to the purpose of the designation. The proposal therefore fails to comply with the Core Planning Principles and Section 11 of the National Planning Policy Framework in addition to Policy DM28 of the Lancaster District Development Management Development Plan Document.
2. The proposed development would cause harm to the setting of the Grade I Listed Ashton Memorial and Williamson Park, which is a Grade II Registered Park and garden and is within a Conservation Area, and therefore would have a negative visual impact on their significance. The proposal also fails to adequately identify and assess the nature, extent and significance of any archaeological deposits on the site in order to form an appropriate mitigation strategy. As such it is contrary to the aims and objectives of the Core Planning Principles and Section 12 of the National Planning Policy Framework in addition to Policies DM31, DM32 and DM34 of the Lancaster District Development Management Development Plan Document.
3. The current scheme fails to respect the character of the built form and its wider setting as a result the design, form, materials, layout, boundary treatments, lack of open space and level of offsite parking, particularly given the sensitive and prominent nature of the site. It is therefore considered that the proposal does not represent high quality design and will not preserve or enhance the character of the adjacent Conservation Area. As such, the development is contrary to the aims and objectives of the National Planning policy Framework, in particular the Core Planning Principles and Sections 7 and 12, Policy SC5 of the Lancaster District Core Strategy and policies DM25, DM31, DM32 and DM35 of the Development Management Development Plan Document.
4. The proposal fails to adequately address the potential for adverse impacts on the amenities of the future occupiers of the development as a result of odours from the nearby commercial uses. It is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 7, and Policy DM35 Development Management Development Plan Document.
5. As a result of the scale of the development, the proposal will result in a loss of the majority of plant diversity within the site, which is considered to be of at least local nature conservation value, without adequately mitigation or compensation for this loss. The development is therefore contrary to the aims and objectives of the Core Planning Principles and Section 11 of the National Planning Policy Framework and Policy DM27 of the Lancaster District Development management Development Plan Document.
6. Part of the site forms the flood plain for the adjacent watercourse and is therefore at significant risk of flooding. Existing flood capacity will be lost as a result of the development, increasing flood risk elsewhere and within the site, which has not been adequately addressed by the application. The proposal therefore fails to comply with Section 10 of the National Planning Policy Framework and Policies DM38 and DM39 of the Lancaster District Development Management Development Plan Document.
7. The proposal fails to provide an appropriate level of affordable housing without a financial viability assessment to justify the reduced amount proposed. It is therefore contrary to Section 6 of the National Planning Policy Framework, Policy DM41 of the Lancaster District Development Management Development Plan Document and the Meeting Housing Needs Supplementary Planning Document.
8. The proposed development would cross a public sewer and as such would not comply with current United Utilities guidance in relation to separation distances set out within 'Sewers for Adoption' and does not propose a diversion. The proposal would therefore not be deliverable and as such does not comply with paragraph 173 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.

Human Rights Act

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

Background Papers

None.

| | | |
|--|--|---|
| Agenda Item A12 | Committee Date 29 June 2015 | Application Number 15/00248/FUL |
| Application Site Grove Street Depot Grove Street Morecambe Lancashire | Proposal Demolition of existing depot and erection of two three-storey residential buildings comprising a total of 21 self-contained one-bedroom supported living apartments with associated open space and car parking. | |
| Name of Applicant HB Villages Development Ltd | Name of Agent Mr Michael Gilbert | |
| Decision Target Date 29 June 2015 | Reason For Delay N/A | |
| Case Officer | Mr Andrew Holden | |
| Departure | No | |
| Summary of Recommendation | Approval | |

1.0 The Site and its Surroundings

- 1.1 Grove Street Depot is situated to the north of the West End adjacent to the Frontierland site. The site fronts Grove Street, which is accessed off West End Road, and backs onto no.10 Highfield Crescent. It also abuts Back West End Road North, an alley that is utilised to serve the rear of the properties on West End Road and Highfield Crescent. Whilst Frontierland, to the north, has previously been used for leisure facilities and now has consent for a retail scheme, the immediate area to the west, south and east of the site is in residential use.
- 1.2 The application site falls within the Morecambe Area Action Plan and adjacent to West End Conservation Area. There is a group of protected trees immediately to the north of the site.

2.0 The Proposal

- 2.1 The application seeks planning permission for the demolition of the existing depot and erection of two 3 storey buildings comprising 9 and 12 self-contained apartments respectively both with associated office and additional overnight bedroom accommodation for staff. The properties would be constructed with brick and rendered walls under a concrete tiled pitched roof. Externally the apartment buildings would be served by communal garden space, bin and scooter stores. The properties would be accessed from Grove Street with 14 car parking spaces proposed perpendicular to the road.

3.0 Site History

- 3.1 The planning history of this site in recent decades relates to the building's previous use and the principle of redevelopment for residential purposes:

| Application Number | Proposal | Decision |
|---------------------------|---|-----------------|
| 87/00893/HST | Change of use for storage repair maintenance and refurbishment of amusement devices | Permitted |

| | | |
|--------------|--|-----------|
| 05/00774/OUT | Outline application for the erection of eight three-storey town houses | Permitted |
|--------------|--|-----------|

4.0 Consultation Responses

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

| Consultee | Response |
|---------------------------|---|
| County Highways | No objection - the impact of additional vehicular movements and parking pressures due to the influence of the development are unlikely to have a significant effect on the surrounding public highway network. A condition relating to drop kerbs is requested. |
| Natural England | No objection |
| Environmental Health | No objection subject to conditions relating to dust control, hours of construction and contamination conditions |
| Conservation Officer | No comments received |
| Strategic Housing Officer | Concerns relating to lack of available information over demand and therefore the lack of associated strategic support from relevant Commission Managers |
| Police | No objection. Suggestions that the development should be built to Secured by Design standards and incorporate CCTV, external lighting, secure boundary treatments and other security measures to openings |
| Fire and Rescue | It should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations. |

5.0 Neighbour Representations

5.1 No correspondence has been received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

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

Paragraph **17** – 12 core land-use planning principles
 Paragraphs **56** and **58** – good design
 Paragraphs **129**, **131**, **132** and **134** – conservation

6.2 Core Strategy

SC1 – Sustainable development
SC2 – Urban concentration
SC4 – Meeting housing requirements
SC5 – Achieving quality in design

6.3 Development Management DPD

DM22 – Parking
DM29 – Trees
DM32 – Setting of heritage assets
DM35 – Key design principles
DM41 – New residential development
DM45 – Housing for vulnerable communities

6.4 Morecambe Area Action Plan DPD

AS2 – Improve the condition of buildings and encourage beneficial occupancy

7.0 Comment and Analysis

7.1 The key material considerations arising from this application are:

- Principle of supported living (residential) development in this location;
- Impact on the Conservation Area and other design considerations; and
- Impact on residential amenity.

7.2 Principle of supported living (residential) development in this location

7.2.1 The principle of a residential development of this site has been previously established in 2005. The site is situated in a very sustainable location within the urban area of Morecambe. This particular form of residential accommodation is for supported living, specialised accommodation for vulnerable adults with disabilities, to be managed and operated by Inclusion Housing (who manage the properties) and Lifeways Group (who provide the on-site support for the residents). The latter offers a wide range of services to support disabled people in many different ways; their expertise includes providing support and personalised care in people's own homes to assist residents to live as independently as possible, and to increase their independency over time.

7.2.2 Applications of this type should only normally be considered where there is clear support against evidenced local need from the relevant Commissioning Managers for mental health with the District housing lead's input and the model has been fully agreed in principle in advance of planning applications being made. This is particularly relevant at the present time given that the County Council has not yet finalised its commissioning plans for vulnerable groups or determined the future commissioning model that applies with clear information about the level of local need that needs to be met. As things stand, there is no real evidence to suggest that there is or is not a local need for the development. The Commissioning Managers have not categorically stated the level of need or made it clear to what extent they support this development. Whilst the accommodation intends to provide long term housing for people with learning difficulties, the units for those with enduring mental illness are of a more short-term nature with an expectation that individuals will move on into mainstream accommodation when they are ready to live independently. It has neither been made clear what prioritisation scheme will be applied when filling vacancies, nor what provision would be in place for appropriate move on accommodation. There can be no expectation that the Council will facilitate move-on accommodation and this has been made very clear to the applicant by the Strategic Housing Officer from the outset. It would have been helpful if the applicant could have clarified the process of filling vacancies and whether this is going to be formally agreed through a nomination arrangement with the mental health/learning disability teams.

7.2.3 Policy DM44 outlines the policy in relation to accommodation for vulnerable communities. The information submitted with the application is a bit light on detail, so it is difficult to assess the application against the policy's criteria. The pre-amble to the policy sets out a requirement that any new accommodation for people with learning difficulties should normally be delivered through a Registered Provider. It is understood that Inclusion Housing are a Community Interest Company with Registered Provider status and therefore satisfy this requirement. However, it should be noted that the rents proposed for this scheme are considerably higher than any of the other schemes locally operated by Registered Providers. The Learning Disabilities Commissioning Team, to the Strategic Housing Officer's knowledge, have not formally commented on the proposals, though the Officer is aware that the former Commissioning Manager for Mental Health is in support of the scheme. That said, the Learning Disabilities Commissioning Manager for Lancaster did express a number of initial concerns about the proposed development both in terms of the suitability of the area (high levels of vulnerable and marginalised people in the West End) and demand for a scheme situated in the West End of Morecambe.

7.2.4 All in all, there is a lack of information regarding the demand for such development, and if it does exist, whether that demand should be met in the West End of Morecambe and if that demand can afford the rents being proposed. Likewise there is a deficiency of detail relating to the occupancy prioritisation process and then provision of move on accommodation at the end of the tenancy. This makes the assessment of this proposal very difficult. However, in conclusion both Housing and Planning Officers consider the proposal to be acceptable in principle but require the imposition of a

condition to ensure that the form of housing being proposed is actually delivered. 1-bed apartments are not encouraged within local policy documents within the West End. Given the housing market that exists in that area and the positive work that has already been undertaken to try and balance the local housing market, 21 one-bed apartments would not normally be supported. An exemption can be made due to the form of care being proposed, but to ensure that the care is included (in other words this is not an open C3 use for any prospective resident) a condition is required.

7.3 Impact on the Conservation Area and other design considerations

7.3.1 The depot does little preserve the setting of the Conservation Area, and could be easily argued to detract from it. The proposal is to demolish the depot building and replace it with 2 new residential buildings, both 3-storey in height. The principle of 3-storey properties on this site has been previously established in 2005, and continues to be acceptable given the scale of most of the residential development in the immediate area. The loss of the depot will remove the bland frontage at the end of Highfield Crescent and the side of Back West End Road North, which will enhance the appearance of the Conservation Area boundary, subject to agreeing suitable site boundary treatments with the applicant. This can be conditioned. Whilst the northern block is proposed to have no openings on its rear elevation, which faces the end of Highfield Crescent, it is set back from the road and has a rear projection that will help to animate this elevation. Likewise the eastern elevation of the southern block lacks openings, but its length is broken up by staggered gable elevations. Overall, it is anticipated that the proposal will enhance the setting and boundary of the Conservation Area.

7.3.2 The existing depot building is constructed of brick and there are a few residential properties in the vicinity of brick construction. Therefore the use of brick and render, whilst not the predominant material in the local area, is acceptable. The use of an interlocking concrete tile is more concerning, with slate dominating the existing environment. However, natural slate could not be justified in this location. A slate grey coloured tile with a thin leading edge would be acceptable and reasonable, and this can be conditioned.

7.3.4 The depot building fills virtually the entire site, which the proposed 2 residential apartment blocks would not. This will improve the local setting, though it is disappointing to note the dominance of car parking to the site frontage along Grove Street. It is fully acknowledged that local streets are lined with parked cars and this scheme seeks to provide off street parking. It would have been preferable to screen the parking but given the constraints of the site such opportunities were very limited, especially given that the applicant has sought to achieve the maximum amount of parking to serve the development to alleviate pressure on the local streets. The only feasible solution is therefore to run a line of 14 spaces perpendicular to the road to the buildings' frontages. Likewise it is disappointing to note that the entrance to the northern apartment block is to the rear. Whilst this could be designed out, it is considered on balance not to be so detrimental to the scheme that a reason for refusal could be sustained. That said, it must be noted that the scheme has been enhanced since pre-application discussions took place to introduce some animation to the facades in the form of bay windows and the roof arrangement has been simplified and reduced in bulk. These are significant improvements to the scheme's design and improve the development's relationship with its neighbours.

7.4 Impact on residential amenity

7.4.1 The proposal has been designed to respect the neighbouring properties on Grove Street, Highfield Crescent and West End Road. Taking these groups of properties in order, the facades of the proposed apartment blocks are set back by at least 21m, with the exception of one staff office and overnight accommodation which is set back 19m. The adopted standard is 21m but given this is a built-up, urban area with existing terraces facing across highways at distances less than 19m, this is deemed to be acceptable. The end terraced property on Highfield Crescent will have an improved outlook from its frontage with the loss of the depot building to its eastern elevation. The side facing windows in its outrigger will also enjoy a clear view across the proposed gardens to the apartment blocks towards the gap between the 2 buildings. Lastly, the outriggers on the West End Road properties (nos. 44, 46 and 48) that face towards the application site have blank end elevations. Nos 42, 50 and 52 do have windows at the end of their outriggers but these will not be facing onto the side elevation on the proposed southern apartment block, but rather than rear garden or the parking to the front. Either way, the proposed development does not adversely impact these properties.

The local residents will also benefit from a non-intrusive end use on the application site as at present the depot building can be utilised for a light industrial use, albeit with some noise restrictions such as acoustic measures and hours of use as set out on the 1987 consent. A residential use is less likely to result in noise impacts.

7.4.2 The proposed apartments have generally been designed to meet or exceed the Council's adopted internal space standards for flats. However, 3 of the apartments in the northern block have bedrooms that fall 1 sq.m below the adopted standard, but due to the fenestration pattern on the front elevation there is no opportunity to extend the bedroom spaces without reconfiguring the internal arrangements in such a way that the flats' layouts would become convoluted. The slight lack of space in these bedrooms though is more than compensated for by the associated living spaces in those apartments exceeding the standards by over 5 sq.m. This is an acceptable compromise.

7.5 Other considerations

7.5.1 Parking

14 car parking space are proposed to serve the 21 apartments and associated staff accommodation. 3 of these 14 spaces are designed as disabled spaces. The Highway Authority has responded to this application concluding that this is sufficient number to serve the development. These spaces adjacent to each building must be provided ahead of occupation of that building, and retained at all times thereafter for the parking of vehicles.

7.5.2 Protected species

A bat survey has been submitted with the application. Further to a site inspection by a qualified ecologist, the survey concluded that the existing buildings had no or low potential to support a bat roost. No signs of bat activity were found and therefore it is very unlikely that this protected species utilise the depot. However, the bat survey suggests some precautionary measures, which relate to how parts of the depot are dismantled prior to demolition just in case bat are roosting within the existing structures. These should be conditioned accordingly.

7.5.3 Contamination

A geo-environmental report has been submitted with the application. The Contaminated land Officer has reviewed the report and raised no objection subject to 4 standard land contamination conditions. Given that it is not proposed to bring material onto site to raise land levels or the proposed use is likely to cause any contamination, only 2 of the requested conditions should be applied.

7.5.4 Trees

There is a group of protected trees to the north of the application site within the area known as Frontierland. However, there is a considerable level difference between the two sites and as such the proposed works to the application site are not going to affect the root protection areas of these trees. That said, it would be appropriate to require the developer to undertake some sensitive works to these trees' crowns and apply appropriate tree protection measures during construction. It should be noted though, that depending on whether planning permission is granted for this proposal and the associated commencement dates of the consent and Frontierland's planning permission, it may be that these trees will not be in situ when work starts on demolition of the depot as they are due to be removed to facilitate the retail scheme at Frontierland. The condition for tree works and protection is required in case the Frontierland scheme is not implemented or implemented in a different manner, in which case the trees should be appropriately retained.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application. As this property falls within the Morecambe Area Action Plan area, there is no requirement for affordable housing.

9.0 Conclusions

9.1 This application has been difficult to assess due to the lack of information provided both at the pre-application stage and within the submission relating to the need for this form of residential accommodation. The applicant has not been assisted either due to the lack of information at the current time from Learning Disabilities Commission Managers on the level of demand for such facilities, and if it exists where that demand should be met. Whilst the Housing and Planning Officers have some reservations about the proposal in terms of the housing needs, it is not deemed

substantial enough to sustain a reason for refusal. In all other regards the development is acceptable and therefore the application is recommended for approval.

Recommendation

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

1. Standard 3 year timescale
2. Development in accordance with approved plans
3. Prior to demolition – Construction Management Plan, including hours of works (Mon to Fri 0800-1800 and Sat 0800-1400 only), dust control, location of construction parking, equipment, materials, compound and waste, tree works and protection)
4. Prior to demolition – Standard land contamination condition
5. Prior to construction – Materials including colours and finishes (brick, render, tiles, rainwater goods, eaves/soffits/verges, windows, doors, sills/heads/string course)
6. Prior to occupation – Security measures including CCTV, external lighting, boundary treatments and gates, scooter and bin stores
7. Prior to occupation – Landscaping scheme and maintenance
8. Prior to occupation – Dropped kerb and car parking provided for each block and retained at all times thereafter
9. Precautionary measures set out in Section 4 of the Bat Survey
10. Supported living, specialised accommodation for vulnerable adults with disabilities – 24 hour, 7 days a week care to be provided
11. Bunding of tanks

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:

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

Human Rights Act

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

Background Papers

None

| | | |
|---|--|---|
| Agenda Item A13 | Committee Date 29 June 2015 | Application Number 15/00494/REM |
| Application Site Lancaster Moor Hospital Annex Quernmore Road Lancaster Lancashire | Proposal Reserved matters application for the fourth phase of the conversion of the Annex building into 33 residential units | |
| Name of Applicant Mr Andrew McMurtrie | Name of Agent | |
| Decision Target Date 4 August 2015 | Reason For Delay N/A | |
| Case Officer | Mr Andrew Drummond | |
| Departure | No | |
| Summary of Recommendation | Approval | |

1.0 The Site and its Surroundings

- 1.1 The wider Lancaster Moor site is located on the very eastern fringe of Lancaster approximately 1.5 miles from the City Centre. It is situated on the north side of Quernmore Road, from which it is accessed. The site is generally bounded by railings, stone walls, mature trees (many of which are subject to Tree Preservation Orders) and hedgerows and covers an area of approximately 16 hectares. The Listed structures of The Annexe and Campbell House dominate over the parkland, which is currently being developed with 197 new 3, 4 and 5-bed houses. The 2 Listed buildings are presently being converted into residential apartments. The application relates to the larger of these Listed Buildings, The Annexe.
- 1.2 The wider site is allocated primarily as a Housing Opportunity Site by saved policy H3 in the Lancaster District Local Plan. The Annexe building is also identified as a Business Opportunity Site by saved policy EC17. The existing cricket ground and bowling greens are identified as Outdoor Playing Space by saved policy R1 and the east and north margins of the site are identified as Urban Green Space by saved policy E29. The saved Supplementary Planning Guidance note (SPG2) sets out a Development Brief for the site.

2.0 The Proposal

- 2.1 The Reserved Matters application is seeking approval for 33 dwellings, associated car parking and landscaping. This fourth phase of conversion works comprises seven 1-bed, twenty-two 2-bed, three 3-bed and 1 4-bed apartments primarily within the southern section of the Annexe building. These are spread over 4 floors, with 7 units on the lower ground, 11 units on the ground, 12 units on the first and 3 units on the second. This is the only phase with a lower ground floor and that is simply because the external ground level drops away at this southern end of the site.
- 2.2 Access would be gained from the western gateway on Quernmore Road. The existing circular access road around The Annexe would be modified slightly to accommodate the proposed external works. 76 car parking spaces are proposed to the external areas on the western, southern and eastern sides of The Annexe to serve this phase and provide visitor spaces for the overall development. Existing trees are retained and additional planting and other landscaping features are

proposed. The internal road would have a tarmac surface with a similar finish for the parking bays.

- 2.3 2 large and 1 small bin stores are proposed to the western side of the building within the proposed car parking area.

3.0 Site History

- 3.1 The site has a long planning history with numerous applications submitted in recent years, but these are the most relevant to this application:

| Application Number | Proposal | Decision |
|---------------------------|---|-----------------|
| 14/01011/REM | Reserved Matters Application for the third phase of the conversion of the Annex building into 60 residential units | Approved |
| 14/00659/REM | Reserved matters application for the second phase of the conversion of the Annexe building to 51 dwellings, including associated landscaping and car parking | Approved |
| 13/00653/REM | Reserved matters application for the first phase of the conversion of the Annexe building to 34 dwellings, including associated landscaping and car parking | Approved |
| 12/01155/FUL | Upgrading of east and west access junctions, including repositioning of gate posts, walls and railings, and layout of access road and footpath to serve new housing development | Approved |
| 11/00379/RENU | Extension of time limit on application 07/00556/OUT for outline planning application for residential use (up to 440 dwellings) involving the residential conversion of the annexe and Campbell House, demolition of existing buildings and associated access, car parking and landscaping | Approved |

4.0 Consultation Responses

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

| Consultee | Response |
|-----------------------------|---|
| Environmental Health | No objection |
| Civic Society | No objection – this last phase of work is welcomed |
| Conservation | No objection – much of the work proposed follows the principles and detailing that has been agreed on earlier phases. A few clarifications and some additional detailing to be conditioned. |
| Tree Officer | Comments not available at the time of writing but they will be reported verbally to Committee. |

5.0 Neighbour Representations

- 5.1 No comments received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

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

Paragraph **17** - 12 core land-use planning principles
 Paragraphs **32**, **34** and **35** - transport

Paragraph **49 and 50** - housing
 Paragraphs **56, 58 and 60** - good design
 Paragraphs **131, 132 and 134** - heritage

6.2 Lancaster District Core Strategy

Policy **SC1** Sustainable Development
 Policy **SC2** Urban Concentration
 Policy **SC5** Achieving Quality in Design
 Policy **ER2** Regeneration Priority Areas

6.3 Development Management DPD

Policy **DM20** Enhancing Accessibility and Transport Linkages
 Policy **DM22** Vehicle Parking Provision
 Policy **DM30** Development affecting Listed buildings
 Policy **DM35** Key design principles
 Policy **DM41** New residential dwellings

6.4 Lancaster District Local Plan

Saved policy **H3** Housing Opportunity Sites is relevant.

6.5 Whilst Supplementary Planning Guidance and Documents (SPGs and SPDs) do not form part of the Development Plan, they are a material consideration. The Council's Supplementary Planning Guidance 2 (Lancaster Moor Development Brief - June 1998) is therefore relevant to the consideration of this application.

7.0 Comment and Analysis

7.1 The key issues to consider as part of this application are:

1. Housing provision
2. Impact on the heritage asset
3. Parking and access
4. Landscaping

7.2 Housing Provision

7.2.1 The principle of housing at Lancaster Moor is well established through planning policy and previous planning applications. The outline permission, which was renewed in 2011, granted consent for up to 440 dwellings across the wider site. Phase 1 of The Annexe was approved with 34 dwellings, Phase 2 with 51 and Phase 3 with 60. This last phase proposes 33, though please note that there were a few overlaps between earlier phases, reducing the numbers per phase to 32, 51, 59 and 33 respectively. With the Story Homes scheme for 197 dwellings, the Campbell House conversion to 7 dwellings and the new build permission for 23 dwellings along the western boundary are included within the figures it equates to 402. This falls well below the 440 threshold. The new housing across the site is a form of enabling development to fund the conversion works at The Annexe (Grade II Listed building). There is no capital available for the provision of affordable housing, so this is a 100% open market housing scheme; another principle that is well established.

7.2.2 If this application for Reserved Matters is approved, this fourth phase would complete the conversion of The Annexe building. The over housing mix would be:

| Phase | 1 bed | 2 bed | 3 bed | 4 bed | TOTAL |
|--------------|-------|-------|-------|-------|-------|
| 1 | 10 | 18 | 4 | 0 | 32 |
| 2 | 15 | 26 | 9 | 1 | 51 |
| 3 | 17 | 33 | 9 | 0 | 59 |
| 4 | 7 | 22 | 3 | 1 | 33 |
| TOTAL | 49 | 99 | 25 | 2 | 175 |

7.3 Heritage Impact

- 7.3.1 The Annexe building was designed in a gothic revival style. It is 3 storeys high and has a central tower of six storeys. The primary facade faces east. The building is symmetrical with a central corridor with the wards set at right angles. These wards have three bay canted front walls with hipped roofs dominated by smaller central towers. The Annexe is constructed of course red sandstone under a series of hipped and gabled roofs that are covered in Westmorland slates.
- 7.3.2 A series of alterations and additions have been made over the last century that have degraded the architectural character of the building. These include the addition of fire escapes and lift shafts, a kitchen and toilet blocks, alongside a number of smaller alterations to windows and door openings. Listed building consent has previously been secured for the demolition of some of these additional structures, and much demolition has already taken place, recycling the red sandstone for works to the retained Listed structure. Furthermore the conversion of these elements into accommodation would have also caused overlooking problems with the retained building, which would have severely compromised the privacy of both.
- 7.3.3 The proposed phase 4 conversion would be within the envelope of the retained Listed building. It is proposed to continue the envelope works, such as works to the roofs, cleaning of stone wall face and installation of new windows as this would enhance the building.
- 7.3.4 The existing entrances and corridor system will be used to enter and circulate throughout the building. The former main tower entrance will become the new principle entrance for all 4 phases (with the exception of the lower ground floor of this fourth phase which has an entrance on the south elevation). This historic entrance has steps within the porch leading up to the main door which cannot be adapted without detrimentally affecting the character and significance of the Listed building. However, alternative entrances on the ground floor plan would all have level access entrances and will enable access to all apartments within the 4 phases. These entrances will also offer easier access for some future residents to the allocated car parking areas.
- 7.3.5 The stripping of the roof has previously commenced to deal with the building's water penetration and associated dry rot. The roof will be made watertight and insulated to modern standards. The Westmorland slate will be carefully removed and reused during the reinstatement phase wherever possible. Slate salvaged from the parkland buildings prior to their demolition have been stored and will be reused on the Annexe. Any new roof covering will be used on inward facing slopes of the roof to minimise any visual impact. All lead work is also being assessed and replaced as required. The cleaning of the stone work has commenced and further cleaning will utilise the same approved methodology. Any defects will be repaired by a specialist stone mason. Similarly comprehensive new pointing is not required, but where patches do require attention the colour and material will match the existing pointing. Windows will be replaced throughout with doubled glazed windows, in a similar style to the originals, painted antique white, as previously agreed with the Senior Conservation Officer. External doors will be either refurbished or removed and replaced with sections to match the existing where necessary. All rainwater gutters, hoppers and down pipes will be replaced throughout with cast aluminium, again as previously agreed with the Senior Conservation Officer.
- 7.3.6 Whilst the exterior of the building is impressive, its interior is very institutional and lacks much character. However, wherever possible the proposal seeks to respect the building's existing fabric, including the re-use of existing openings. The load bearing structure of the internal layout, columns and spine walls will be retained. New internal walls will be constructed from timber or metal stud with single or double plaster board covering. A new floor will be created above the old with materials to be agreed with the Senior Conservation Officer. The staircases within the building will be retained with some modifications to meet modern building regulation standards. Again this will need to be agreed with the Senior Conservation Officer. There are few traditional internal doors remaining in the building, but most are modern replacement. Each door will be assessed on its merits and removed or refurbished as appropriate. Where timber lintels above doors and windows have been located, they have been replaced.
- 7.3.7 It is proposed, where possible, to give each apartment private amenity space in the form of a private terrace, garden or balcony. At ground floor level, these areas will be accessed via new doors created by extending existing window openings down to floor level. Any details relating to

these private external areas, such as privacy screens, will need to be conditioned. Whilst the proposed balconies and roof terraces are unfortunate interventions onto/into the envelope of the Listed building, their inclusion was accepted during the determination of applications on the earlier phases to provide some external space for the apartments on the upper floors. They are therefore acceptable subject to the agreement of details.

7.3.8 Subject to agreeing specific details, the principle of the development is acceptable. The proposal seeks to preserve, and in places enhance, the Listed building and is supported by both Planning and Conservation Officers.

7.4 Parking and Access

7.4.1 The wider site is accessed via two entrances off Quernmore Road to the south of the site. The western entrance links into a road system on the upper level that circles the Annexe building. This will be retained and modified to form part of a new one way system around the Annexe building. The eastern entrance links to a lower access road, serving Story Homes' "parkland" site and Campbell House. This lower road has been widened (under a different consent – 12/01155/FUL). This has become the main entrance to all 3 developments. An enhanced road through the trees links this lower road to the one way system on the upper level and will form a second access in case of emergencies. However, during the construction phases of the Annexe building the principle entrance for residents will be the lower road and the western entrance will be used for construction traffic.

7.4.2 It is proposed to allocate two parking spaces for each apartment with two or more bedrooms and one space for any one bedroom apartments. These parking spaces will be located around the Annexe building on land already largely covered by hardstanding (previously used for car parking during its former hospital use). Parking is to be made available for each resident prior to occupation, and with the exception of the 6 mobility and 12 visitor bays, the spaces will be allocated.

7.4.3 2 large and 1 small bin stores are proposed to the western side of the building within the proposed car parking area. The new structures will be constructed from stained timber posts and hit and miss boarding with a timber shingle roof covering. Whilst the detailing is acceptable, their location is not. They would dominant the views of the building when accessing the site from Quernmore Road, and would be slightly oppressive to 2 of the new dwellings being constructed along the western boundary. A revised layout is being sought in this regard. Other similar, albeit smaller, outbuildings have been proposed on earlier phases for bin and cycle storage. As previously reported those identified having a temporary cycle storage use would be utilised permanently as bin stores once the permanent cycle store is provided. This proposed fourth phase of development proposes a secure cycle store within the main building, with a capacity for 145 cycles.

7.4.4 The Travel Plan that accompanied the Phase 1 application expanded on the Framework Travel Plan submitted at the outline application stage and built upon the principles that it established. The Travel Plan sets out the key objectives for the Plan and measures proposed in order to achieve those objectives. The Plan also included proposals for monitoring and a delivery schedule of the measures and associated actions. The measures proposed in the Travel Plan included the appointment of a Travel Plan Co-ordinator, which has been done and the co-ordinator is communicating with the County's Travel Plan Officer regarding the implementation of the Travel Plan and future monitoring of it. Should Members be minded to grant Reserved Matters consent it is important that the permission includes a planning condition to secure the implementation of the Travel Plan for Phase 4.

7.5 Landscaping

7.5.1 This last phase of development also includes the established vegetation along the Quernmore Road frontage. Management of this area is required to preserve the Listed building's setting and to maintain the appearance of the streetscene. An arboricultural report, landscape and wildlife management plan and a landscaping scheme have been submitted in support of the application. These documents and drawings are currently being assessed by the Council's Tree Officer and a verbal update will be provided at the Committee meeting.

7.6 Other Matters

7.6.1 Sustainable construction

The developer proposes to insulate all elements including floors, walls and above ceilings to a high standard to reduce the heat loss through the fabric, achieving higher u-values than required by Building Regulations as required by the outline consent. In addition the developer would be replacing all the existing single glazed timber windows with double glazed fully draft sealed units with trickle vents. They propose to install a modern central heating system into each property including an efficient 'A' grade combi gas boiler reducing the heating costs for our future residents. Each boiler will require its own vent and therefore details will be required by condition to ensure that these arrangements do not adversely affect the character or appearance of the Listed building, or be detrimental to its historic fabric.

7.6.2 Contamination

Very little disturbance to the ground is proposed during the redevelopment of phase 4. Ground works will be limited to part of the access road and parking areas. The developer proposes to have a watching brief during the development works, and seek specialist advice if any unexpected ground conditions or substances are encountered. An extensive asbestos survey was undertaken in 2012 and its findings were submitted to the Local Planning Authority to satisfy a planning condition on the outline consent. A comprehensive asbestos removal exercise was employed in late 2012/early 2013 and now the building is asbestos free.

7.6.3 Noise impacts

The Lancaster Moor hospital site is in relatively close proximity to the M6 motorway. A Noise Assessment was previously prepared to accompany and inform outline planning application. It identified that the Annexe building falls within Category NEC B area of the site. Dwellings that fall within a Category B area will require the use of appropriate glazing, ventilation and strategic design layout to ensure an adequate level of protection against noise. It would be inappropriate and infeasible to install high acoustic barriers in front of the Annexe due to its Listed status and its elevated position. It is therefore proposed to follow the Assessment's recommendations and upgrade the current single glazed windows to double glazed and fit draft protectors and trickle vents.

7.6.4 Protected species

Bat surveys of the Annexe building were undertaken by qualified, competent persons and formed the basis of a Natural England Licence granted in December 2012 prior to the commencement of works on the site. Mitigation requirements for the building have already been undertaken including the installation of 25 Morris and ridge tiles, and three in-built "bat lofts". In addition, the proposed lighting of the building will be designed to be sensitive to bats to ensure that they are not prevented from using roosting areas within the building or surrounding area. As previously stated, external lighting details will be conditioned.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 This Reserved Matters application is the fourth of its type for The Annexe, with Phases 1, 2 and 3 already approved and conversion works currently proceeding. This proposal relates to Phase 4, but primarily repeats the principles previously established under the earlier Reserved Matters applications for Phases 1, 2 and 3, and therefore is acceptable.

Recommendation

That Approval of Reserved Matters **BE GRANTED** subject to the following conditions:

1. Standard Reserved Matters timescale
2. Development in accordance with approved plans
3. Details agreed - sash and case windows (excluding those serving the tower), stone cleaning, rainwater goods, hydraulic lime mortar, roof works (slates and leadwork), rooflights, porches (to match existing pattern), internal and external doors and door frames, privacy screens, vents/flues,

external lighting, external surface materials, canopies, balconies, works to retained staircases, new floors, bin stores, post and wire fencing, terrace and associated parapet wall, colour finish of exposed cast iron columns, new staircases and balustrades (and associated masonry work)

4. Details required – smoke vents, blind windows, glazing details for the internal terraces, windows to the tower, details of masonry detailing around the new openings on tower, drainage details (including rainwater hoppers and pipes) for the internal terraces, detailing where the existing verge coping and wall forms the end of the new roof terraces, detailing of existing structural columns where set into partition walls, locations of any extract vents and condensing boiler flues
5. Construction of a new floor over the lightwell and the building up of the existing lower ground floor windows - in stone to match existing
6. Construction Management Scheme, including dust control and wheel cleaning facilities
7. Noise mitigation measures – to be implemented in full
8. Hours of work (Mon to Fri 0800-1800 and Sat 0800-1400)
9. Travel Plan – to be implemented in full
10. Landscaping scheme and maintenance
11. Car parking provision – prior to occupation

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

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

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

Human Rights Act

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

Background Papers

None

| | | |
|--|--|---|
| <p>Agenda Item A14</p> | <p>Committee Date 29 June 2015</p> | <p>Application Number 15/00502/LB</p> |
| <p>Application Site Lancaster Moor Hospital Annex Quernmore Road Lancaster Lancashire</p> | | <p>Proposal Listed building application for the fourth phase of the conversion of the Annex building into 33 residential units</p> |
| <p>Name of Applicant Mr Andrew McMurtrie</p> | | <p>Name of Agent Andrew McMurtrie</p> |
| <p>Decision Target Date 30 June 2015</p> | | <p>Reason For Delay N/A</p> |
| <p>Case Officer</p> | | <p>Mr Andrew Drummond</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 wider Lancaster Moor site is located on the very eastern fringe of Lancaster approximately 1.5 miles from the City Centre. It is situated on the north side of Quernmore Road, from which it is accessed. The site is generally bounded by railings, stone walls, mature trees (many of which are subject to Tree Preservation Orders) and hedgerows and covers an area of approximately 16 hectares. The Listed structures of The Annexe and Campbell House dominate over the parkland, which is currently being developed with 197 new 3, 4 and 5-bed houses. The 2 Listed buildings are presently being converted into residential apartments. The application relates to the larger of these Listed buildings, The Annexe.
- 1.2 The wider site is allocated primarily as a Housing Opportunity Site by saved policy H3 in the Lancaster District Local Plan. The Annexe building is also identified as a Business Opportunity Site by saved policy EC17. The existing cricket ground and bowling greens are identified as Outdoor Playing Space by saved policy R1 and the east and north margins of the site are identified as Urban Green Space by saved policy E29. The saved Supplementary Planning Guidance note (SPG2) sets out a Development Brief for the site.

2.0 The Proposal

- 2.1 The application seeks Listed Building Consent for the conversion works to primarily the southern section of the Annexe building to create 33 dwellings. This fourth phase of conversion works comprises seven 1-bed, twenty-two 2-bed, three 3-bed and one 4-bed apartments. The significant works proposed as part of the conversion include installation of balconies, creation of terraces (especially at roof level) and the installation of rooflights. Various internal works will be required to create the floor plans proposed for each of the 33 dwellings along with associated service ducts and ventilation systems.

3.0 Site History

- 3.1 The site has a long planning history with numerous applications submitted in recent years, but these are the most relevant to this application:

| Application Number | Proposal | Decision |
|--------------------|---|-----------|
| 14/01015/LB | Listed Building Application for the third phase of the conversion of the Annex building into 60 residential units | Permitted |
| 14/00661/LB | Listed building application for the second phase of the conversion of the Annexe building to 51 dwellings | Permitted |
| 13/00722/LB | Listed building consent for the first phase of the conversion of the Annexe building to 34 dwellings | Permitted |
| 11/00379/RENU | Extension of time limit on application 07/00556/OUT for outline planning application for residential use (up to 440 dwellings) involving the residential conversion of the annexe and Campbell House, demolition of existing buildings and associated access, car parking and landscaping | Permitted |

4.0 Consultation Responses

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

| Consultee | Response |
|------------------|---|
| Historic England | The application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice. |
| Conservation | No objection – much of the work proposed follows the principles and detailing that has been agreed on earlier phases. A few clarifications and some additional detailing to be conditioned. |

5.0 Neighbour Representations

5.1 No comments received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

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

Paragraph **17** - 12 core land-use planning principles
Paragraphs **131, 132 and 134** - heritage

6.2 Development Management DPD

Policy **DM30** Development affecting Listed buildings is relevant.

6.3 Whilst Supplementary Planning Guidance and Documents (SPGs and SPDs) do not form part of the Development Plan, they are a material consideration. The Council's Supplementary Planning Guidance 2 (Lancaster Moor Development Brief - June 1998) is therefore relevant to the consideration of this application.

7.0 Comment and Analysis

7.1 The key issue to consider as part of this application is the impact on the heritage asset.

7.2 Impact on the heritage asset

7.2.1 The Annexe building was designed in a gothic revival style. It is 3 storeys high and has a central

tower of six storeys. The primary facade faces east. The building is symmetrical with a central corridor with the wards set at right angles. These wards have three bay canted front walls with hipped roofs dominated by smaller central towers. The Annexe is constructed of course red sandstone under a series of hipped and gabled roofs that are covered in Westmorland slates.

- 7.2.2 A series of alterations and additions have been made over the last century that have degraded the architectural character of the building. These include the addition of fire escapes and lift shafts, a kitchen and toilet blocks, alongside a number of smaller alterations to windows and door openings. Listed building consent has previously been secured for the demolition of some of these additional structures, and much demolition has already taken place, recycling the red sandstone for works to the retained Listed structure. Furthermore the conversion of these elements into accommodation would have also caused overlooking problems with the retained building, which would have severely compromised the privacy of both.
- 7.2.3 The proposed phase 4 conversion would be within the envelope of the retained Listed building. It is proposed to continue the envelope works, such as works to the roofs, cleaning of stone wall face and installation of new windows as this would enhance the building.
- 7.2.4 The existing entrances and corridor system will be used to enter and circulate throughout the building. The former main tower entrance will become the new principle entrance for all 4 phases (with the exception of the lower ground floor of this fourth phase which has an entrance on the south elevation). This historic entrance has steps within the porch leading up to the main door which cannot be adapted without detrimentally affecting the character and significance of the Listed building. However, alternative entrances on the ground floor plan would all have level access entrances and will enable access to all apartments within the 4 phases. These entrances will also offer easier access for some future residents to the allocated car parking areas.
- 7.2.5 The stripping of the roof has previously commenced to deal with the building's water penetration and associated dry rot. The roof is being made watertight and insulated to modern standards. The Westmorland slate is being carefully removed and reused during the reinstatement phase wherever possible. Slate salvaged from the parkland buildings prior to their demolition has been stored and will be reused on the Annexe. Any new (rather than reclaimed) roof covering will be used on inward facing slopes of the roof to minimise any visual impact. All lead work is also being assessed and replaced as required. The cleaning of the stone work has commenced and further cleaning will utilise the same approved methodology. Any defects will be repaired by a specialist stone mason. Similarly comprehensive new pointing is not required, but where patches do require attention the colour and material will match the existing pointing. Windows will be replaced throughout with doubled glazed windows, in a similar style to the originals, painted antique white, as previously agreed with the Senior Conservation Officer. Windows will also meet the requirements of the identified mitigation measures within the noise assessment. External doors will be either refurbished or removed and replaced with sections to match the existing where necessary. All rainwater gutters, hoppers and downpipes will be replaced throughout with cast aluminium, again as previously agreed with the Senior Conservation Officer.
- 7.2.6 Whilst the exterior of the building is impressive, its interior is very institutional and lacks much character. However, wherever possible the proposal seeks to respect the building's existing fabric, including the re-use of existing openings. The load bearing structure of the internal layout, columns and spine walls will be retained. New internal walls will be constructed from timber or metal stud with single or double plaster board covering. A new floor will be created above the old with materials to be agreed with the Senior Conservation Officer. The staircases within the building will be retained with some modifications to meet modern Building Regulation standards. Again this will need to be agreed. There are few traditional internal doors remaining in the building, but most are modern replacement. Each door will be assessed on its merits and removed or refurbished as appropriate. Where timber lintels above doors and windows have been located, they have been replaced.
- 7.2.7 It is proposed, where possible, to give each apartment private amenity space in the form of a private terrace, garden or balcony. At ground floor level, these areas will be accessed via new doors created by extending existing window openings down to floor level. Any details relating to these private external areas, such as privacy screens, will need to be conditioned. Whilst the proposed balconies and roof terraces are unfortunate interventions onto/into the envelope of the Listed building, their inclusion was accepted during earlier phases to provide some external space for the apartments on the upper floors. They are therefore acceptable subject to the agreement of details.

7.2.8 Subject to agreeing specific details, the principle of the development is acceptable. The proposal seeks to preserve, and in places enhance, the Listed building and is supported by both Planning and Conservation Officers.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The development proposal is well considered and appropriate for this impressive Listed building. Subject to conditions to agree specific details to protect the building's heritage status, the application is recommended for approval.

Recommendation

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

1. Standard Listed Building timescale
2. Development in accordance with approved plans
3. Details agreed - sash and case windows (excluding those serving the tower), stone cleaning, rainwater goods, hydraulic lime mortar, roof works (slates and leadwork), rooflights, porches (to match existing pattern), internal and external doors and door frames, privacy screens, vents/flues, external lighting, external surface materials, canopies, balconies, works to retained staircases, new floors, bin stores, post and wire fencing, terrace and associated parapet wall, colour finish of exposed cast iron columns, new staircases and balustrades (and associated masonry work)
4. Details required – smoke vents, blind windows, glazing details for the internal terraces, windows to the tower, details of masonry detailing around the new openings on tower, drainage details (including rainwater hoppers and pipes) for the internal terraces, detailing where the existing verge coping and wall forms the end of the new roof terraces, detailing of existing structural columns where set into partition walls, locations of any extract vents and condensing boiler flues
5. Construction of a new floor over the lightwell and the building up of the existing lower ground floor windows - in stone to match existing
6. Construction Management Scheme, including dust control and wheel cleaning facilities
7. Noise mitigation measures – to be implemented in full
8. Hours of work (Mon to Fri 0800-1800 and Sat 0800-1400)

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

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

Human Rights Act

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

Background Papers

None

| | | |
|--|---|--|
| <p>Agenda Item A15</p> | <p>Committee Date 29 June 2015</p> | <p>Application Number 15/00432/VCN</p> |
| <p>Application Site 119 Main Road Bolton Le Sands Lancashire LA5 8DX</p> | <p>Proposal Construction of 12 apartments (pursuant to the variation of condition 3 and removal of conditions 6 and 7 on planning permission 11/01037/RENU to amend the design and remove occupancy restrictions)</p> | |
| <p>Name of Applicant Daffodil Homes Ltd</p> | <p>Name of Agent Harrison Pitt Architects</p> | |
| <p>Decision Target Date 14 July 2015</p> | <p>Reason For Delay None</p> | |
| <p>Case Officer</p> | <p>Mrs Eleanor Fawcett</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 is located within the centre of Bolton-le-Sands on the east side of Main Road. It relates to part of the grounds associated with the former vicarage, situated to the north of the site. It was previously used a children's home before being converted to two dwellings. An additional dwelling was also constructed adjacent to this, to the north east of the site. The site and these properties are served by an access road which was created to serve these dwellings. The grounds of the former vicarage are enclosed by a tall boundary wall and contain a number of mature trees which are subject to a Tree Preservation Order. The site is also located within the Bolton-le-Sands Conservation Area and the District's Countryside Area, as identified on the Local Plan Proposals Map.

2.0 The Proposal

2.1 Consent is sought for the variation and removal of conditions on the previously approved application for 14 apartments on the site. There are some modifications in the design and layout, including the reduction in the number of units from 14 to 12, which require the variation of condition 3 relating to approved plans. Conditions 6 and 7, which are proposed for removal, relate to the restrictions of the accommodation to people over 55 and local occupancy.

3.0 Site History

3.1 The site has a limited planning history, because any alterations and extensions in association with the children's home would have been undertaken as permitted development by Lancashire County Council. The only recent application was an outline application for 16 houses submitted by Lancashire County Council in 2002 (02/00305/OUT). The application was refused in May 2002, on the grounds of poor highway layout, parking provision and the loss of trees/impact upon the Conservation Area.

More recent planning history is set out overleaf.

| Application Number | Proposal | Decision |
|--------------------|---|-----------|
| 07/01407/FUL | Conversion of former children's home to 2 dwellings, demolition of staff dwelling and erection of 1 dwelling | Approved |
| 08/00883/CU | Change of use of barn to office and garage | Approved |
| 08/00803/FUL | Construction of 14 no. apartments | Withdrawn |
| 08/01145/FUL | Construction of 14 no. apartments for use/sale to over 55s | Approved |
| 09/01003/FUL | Creation of 5 additional car parking spaces | Approved |
| 11/01037/RENU | Renewal of application 08/01145/FUL for the construction of 14 no. apartments for use/sale to over 55s | Approved |
| 14/01309/VCN | Construction of 12 apartments (pursuant to the variation of condition 3 by way of amended plans and the removal of conditions 4 and 5 in relation to affordable housing provision and removal of conditions 6 and 7 in relation to sheltered accommodation for people over 55 years on previously approved application 11/01037/RENU) | Refused |
| 15/00291/FUL | Erection of a single storey car port and bin store and erection of site entrance gates | Approved |

4.0 Consultation Responses

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

| Consultee | Response |
|--|---|
| Bolton le Sands Parish Council | No comments received |
| Environmental Health | No objection |
| Tree Protection Officer | No comments received |
| Conservation Officer | No impact on the character or significance of the Conservation Area or adjacent Listed Building |
| County Highways | No objection |
| Canal and River Trust | No comments to make |
| County Council Planning - Education | No comments received |
| County Council Minerals Planning | No comments received |
| Fire Safety Officer | It should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations. |

5.0 Neighbour Representations

5.1 No comments received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
 Paragraph 32 – Access and Transport
 Paragraphs 49 and 50 – Delivering Housing
 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
 SC5 – Achieving quality in Design

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

E4 – Countryside Area

6.4 Development Management Development Plan Document

DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
DM27 – Protection and Enhancement of Biodiversity
DM29 – Protection of Trees, Hedgerows and Woodland
DM31 – Development Affecting Conservation Areas
DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth
DM45 – Accommodation for Vulnerable communities

6.5 Other Material Considerations

Meeting Housing Needs Supplementary Planning Document

7.0 Comment and Analysis

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

- Removal of age restriction
- Local occupancy restriction
- Scale, design and impact on Conservation Area
- Impact on residential amenity
- Parking provision
- Impact on trees
- Education contribution

7.2 Removal of age restriction

7.2.1 The submission proposes to remove condition 6 which restricts occupancy of the units to 55 years and over. Although the Development Plan encourages the creation of accommodation to meet different needs, there is no policy justification for not allowing this condition to be removed given that Bolton-le-Sands is a location where new residential development is supported, as set out in policy DM42 of the Development Management DPD (DM DPD). As such the removal of this condition is acceptable but does potentially raise other issues.

7.3 Local Occupancy Restriction

7.3.1 Removal is also sought for Condition 7 which restricts all the units to local occupancy, limiting them solely to persons already permanently resident within the administrative District of Lancaster City Council, its adjoining local authorities or directly connected by current family links with the District. Bolton-le-Sands is a location where new residential development is supported by Development Plan Policy, and there is no current policy basis to restrict the dwellings to local occupancy. However, it would be expected that the affordable units would be subject to a local occupancy clause.

7.4 Scale, Design and Impact on Conservation Area

7.4.1 The application seeks consent for some alterations to the previously approved scheme. The development will consist of a main three storey building with a central glazed element, and smaller two storey elements at either end. Most of the apartments will be accessed via the central door with the exception of the outer units which will be accessed via individual doors and external steps, in the case of two of the second floor units. The building is a similar length to that previously approved but is slightly wider. The internal alteration has been changed to reduce the number of units from 14 to 12 which has increased the floor area of some of the apartments. The previously approved scheme had a smaller central three storey section with longer two storey elements at either end. The current application increases the length of the central element from 17m to 23m across the front elevation but reduces the length and height of the two storey elements. This makes the central section of the

building the much more dominant part. The building is still proposed to be finished in stone on the front and side elevations, with render on the rear, and have a slate roof. There are additional external stairs proposed on either side elevation to provide access to the end two storey apartments.

7.4.2 The site is located within the Conservation Area but is set back from the highway within the confines of the grounds of the former vicarage. As such, it is not considered that the changes to the design will be detrimental to the character or appearance of the Conservation Area or the area in general.

7.5 Impact on Residential Amenity

7.5.1 The proposed alterations to the approved plans include the creation of an external staircase on both side elevations to provide access to the end units on the first floor. The plans show these with a glazed balustrade leading onto a balcony/terrace. To the north east of the site is a residential property. The creation of this access and balcony is likely to result in a loss of privacy to this neighbouring property. Given this, an amended plan has now been submitted which increases the height of the balustrade to 1.8 metres and shows this with obscure glazing. As such, it is not considered that there will be a detrimental impact on the amenities of this property.

7.6 Parking Provision

7.6.1 The original application on the site proposed parking for 7 cars, 2 constructed to mobility standard and 5 designed to Lifetimes Homes Standard. This was considered to be an acceptable level of parking provision given the age restriction on the properties. An application was granted in 2009 for an additional 5 spaces to serve this development but these have not been created. The current application proposes the creation of 10 standard spaces to the front of the building, and 1 mobility space. An additional 4 spaces have recently been granted consent on the opposite side of the access track, in the location of the previously approved 5 additional spaces, in the form of a car port. These are outside the boundary of the original application and as such needed to be dealt with by a separate application, but a condition can be added to link it to this development as both application sites fall within the applicant's ownership.

7.7.2 Car parking standards set out in the DM DPD set a maximum of 2 spaces for 2 bedroom units. It would usually be expected that 1.5 spaces would be provided per unit to serve this development, which would result in 18 spaces. It is also noted that Main Road in the vicinity of the site is already congested with parked cars. The site is also very sensitive being located within the Conservation Area and containing a number of protected trees. As such, parking on the grassed areas within the grounds would be undesirable. The development would be served by a total of 15 spaces and no objections have been raised by County Highways. Although it is lower than would usually be expected, the Highways Officer does not consider that there will be a detrimental impact on highway safety and it would be difficult to resist the proposal on these grounds.

7.8 Impact on Trees

7.8.1 There are a number of trees covered by a Tree Preservation Order which are mainly towards the edges of the site and next to the access drive. The position of the building has moved slightly towards the rear of the site but is still a sufficient distance from the trees which are located on a raised banking. The site has also seen a number of tree removals since the original planning application submission in 2008. As already set out above, there is potential for overspill parking adjacent to the access road, on the grassed area. This not only has the potential to impact on the character and appearance of the site but also to impact on the trees. County Highways suggested that a double curb could be installed to discourage parking. Given the sensitive nature of the site, which is within a Conservation Area, something less intrusive would be more appropriate. The curb to the access has also already been created. A bollard and chain system would be more sensitive to the character of the site and area in general and less intrusive on the trees. This could be controlled by an additional condition added to the consent.

7.9 Education Contribution

7.9.1 No comments have yet been received from Lancashire County Council. However, on the previous submission they requested a contribution towards 1 primary school place given the removal of the age restriction. The response sets out that the contribution is directly linked to the development proposed and would be used in order to provide education places within a reasonable distance of

the development (within 3 miles) for a child expected to live at the development. This has been calculated at £12,029.62. The response goes on to say that failure to secure the contributions sought would mean that the County Council cannot guarantee that children living in this development would be able to access a school place within a reasonable distance from their homes. The agent has previously been made aware of the request but queried various aspects of this, including the methodology and how it relates to the development proposed. The County Council provided a response to this defending its methodology and how it meets the NPPF tests for planning obligations.

7.9.2 The previous application to remove conditions from the consent in 2011 included those relating to affordable housing. The application was refused on the grounds that insufficient information had been provided in order to robustly demonstrate that the provision of affordable housing was wholly unviable. However, it did not relate to the lack of provision towards education. As such it would be unreasonable to introduce this as a reason for refusal and would be difficult to defend as it had not been refused on this basis previously.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The alterations to the layout and design of the scheme, and the removal of the age restriction on the development, are considered to be acceptable. A financial contribution has not been proposed towards the provision of education places. However, as this was not part of the refusal reason for the previous application it is not considered to be a substantial reason to refuse the current proposal.

Recommendation

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

- 1 List of approved plans
- 2 Affordable Housing provision
- 3 Agreement covering provision and maintenance of affordable units
- 4 External finishes as agreed
- 5 Heads, eills, balconies, windows/doors, rainwater goods as agreed
- 6 Energy Efficiency
- 7 Level 3 code for Sustainable Homes
- 8 Provision of cycle and refuse stores (latter approved by 15/00291/FUL)
- 9 Car parking provided including that approved by 15/00291/FUL
- 10 Mortar specification
- 11 Hours of construction
- 12 Separate foul and surface water
- 13 Surface water management scheme
- 14 Wheel cleaning facilities
- 15 Retention of tree protection measures during construction works
- 16 Unforeseen soil contamination
- 17 Scheme to prevent parking on the grassed area within the site

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

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

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

Human Rights Act

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

Background Papers

None

| | | |
|---|--|--|
| <p>Agenda Item A16</p> | <p>Committee Date 29 June 2015</p> | <p>Application Number 14/01030/FUL</p> |
| <p>Application Site Agricultural Building Adj Disused Railway Station Road Hornby Lancashire</p> | <p>Proposal Erection of 9 dwellings and associated access</p> | |
| <p>Name of Applicant Mr Ian Beardsworth</p> | <p>Name of Agent Harrison Pitt Architects</p> | |
| <p>Decision Target Date 20 November 2014</p> | <p>Reason For Delay Negotiation of affordable housing</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 legal agreement details</p> | |

(i) Procedural Matters

This application was reported to Planning Committee on 8 December 2014 and it was resolved that consent be granted subject to the receipt of amended plans to address some design issues. Just prior to the December meeting the Government introduced guidance to reduce the burden of affordable housing on developers for smaller schemes. This sets out that, within Areas of Outstanding Natural Beauty, affordable housing should only be requested on residential schemes of over 5 units and this should be in the form of a financial contribution, paid after completion, if the scheme proposes between 6 and 10 units. As such, the applicant requested that the affordable housing takes the form of off-site provision in the form of a financial contribution. Following this, a financial appraisal has been submitted as the applicant has set out that there are extraordinary costs that would make that contribution unviable. As this differs from the determination in December, which required on-site provision of affordable housing, the application was reported back to Committee on 5 June 2015. Following concerns by Members regarding the level of contribution proposed, the item was deferred to allow this to be addressed.

1.0 The Site and its Surroundings

- 1.1 The application relates to land on the north east side of Station Road, at the southern edge of the village of Hornby. It is outside the Conservation Area but within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The site consists of a former agricultural building, which is used for storage, and the adjacent field to the east, which is roughly triangular in shape. There is a small yard area to the south west of the building and a well-established hedgerow along the boundary with the highway. The site slopes very gently downwards away from the highway towards the north east, with a more distinct change in levels adjacent to the northern boundary where it slopes downwards to a former railway line. Beyond this the land rises significantly up to Bee’s Head. On the adjacent highway, there is a narrow bridge over the dismantled railway which has no separate footpath – only a line on the south west side of the road demarcating the “carriageway” from the footway”.
- 1.2 To the north east and south east of the site is open farm land which undulates slightly and is enclosed by stone wall, hedges, and a metal fence at the corner of the nearby road junction. On the

south west side of the highway, opposite the site, is a row of residential properties known as Ingleborough Terrace. These comprise both terraced and semi-detached dwellings, with the middle terraced properties containing no off street parking. There is also a group of stone properties positioned around the crossroads to the south, at the junction of Station Road, the B6480 and Moor Lane. There is a footpath in front of the properties on Ingleborough Terrace which stops before the bridge. There is no formal footpath towards the village centre for approximately 150m. The site is approximately 400m from the nearest shop within the village and is on a bus route.

2.0 The Proposal

2.1 Planning permission is sought for the erection of nine dwellings. Outline permission has previously been approved for the erection of six dwellings on a smaller site. This proposal extends the site into the remainder of field to the north east. The development is proposed to be sited around a rectangular courtyard area with access from the highway located towards the southern end of the site frontage. A footway is proposed along the site frontage. The development will comprise 4 four bedroom dwellings, 3 three bedroom dwellings and 2 two bedroom dwellings. All but the two smaller properties are proposed to have garages. The buildings are proposed to be finished in stone with slate roofs and have timber framed windows and doors.

3.0 Site History

3.1 There is an extensive planning history on the site. The most relevant is set out below.

| Application Number | Proposal | Decision |
|---------------------------|---|-----------------|
| 14/00544/OUT | Outline application for the erection of 3 dwellings | Withdrawn |
| 13/01201/OUT | Outline application for the demolition of the existing barn and the erection of 6 residential dwellings | Approved |
| 13/00862/OUT | Outline application for the demolition of the existing barn and the erection of 4 residential dwellings | Withdrawn |

4.0 Consultation Responses

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

| Consultee | Response |
|--------------------------------|---|
| Parish Council | No objection subject to: <ul style="list-style-type: none"> • The complete removal of the hedgerow all of the way to the bridge; • Installation of a pavement in place of this hedge; and • Provision of 1 parking space each for the two houses opposite which do not have off-road parking. |
| Natural England | The proposal is unlikely to affect any statutorily protected sites or landscapes. |
| County Highways | No objection subject to conditions requiring: construction of internal mews court vehicular access to at least base course before any development takes place; visibility splays measuring 2.4m by 45 metres in each direction; wheel cleaning facilities; scheme for construction of means of access; a pedestrian hard surfaced length of footway extending from the sites point of access with Station Road and along its frontage to a point on the "red edge" of the site's northern boundary. |
| Environmental Health | No objection subject to standard contamination conditions and hours of construction and advice relating to dust control and construction code of practice. |
| Tree Protection Officer | No objection subject to conditions requiring: No tree within the site or on any immediately adjacent property or land shall be cut-down, up-rooted, topped, lopped or destroyed; Tree Works Schedule and Arboricultural Method Statement; Landscaping scheme; and Tree Protection Plan. |
| Public Realm Officer | Recommend that a contribution of £10,000 is provided to enable the parish council to make improvements to the village play area as required which will cater for children and young people (up to 14s). Suggest that the money is used to repair or replace the zip wire with similar or another item(s) catering for this age range in the future. |
| United Utilities | No comments received |

5.0 Neighbour Representations

5.1 11 pieces of correspondence (from 9 different residences) have been received which raise the following concerns:

- Increase in traffic and impact on highway safety including cyclists
- Loss of parking on street for existing properties at Ingleborough View
- Safety of proposed access
- Impact on the AONB
- Impact on the character of the village
- Loss of view for residents opposite
- Lack of safe footway to centre of village
- Does not meet the rural housing need
- Capacity of the sewerage system
- There has been other recent development in Hornby
- Density of development
- The site is outside the village boundary
- Inconsistency with highway comments in relation to development on same road
- Impacts of dust during construction

5.2 One letter of support has been received which gives no further comments.

6.0 Principal National and Development Plan Policies**6.1 National Planning Policy Framework (NPPF)**

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

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
 SC3 – Rural Communities
 SC4 – Meeting the District's Housing Requirements
 SC5 – Achieving Quality in Design

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

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

6.4 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
 DM22 – Vehicle Parking Provision
 DM26 – Open Space, Sports and Recreational Facilities
 DM27 – Protection and Enhancement of Biodiversity
 DM28 – Development and Landscape Impact
 DM29 – Protection of Trees, Hedgerows and Woodland
 DM35 – Key Design Principles
 DM41 – New Residential dwellings
 DM42 – Managing Rural Housing Growth

6.5 Other Material Considerations

7.0 Comment and Analysis

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

- Principle of development
- Scale, design, layout and impact on the AONB
- Access and highway impacts
- Impact on residential amenity
- Impact on trees and hedgerows
- Ecological impacts
- Affordable housing
- Drainage
- Contaminated land
- Open Space

7.2 Principle of Development

7.2.1 Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport between the site and homes, workplaces, shops, schools, health centres, recreation, leisure and community facilities. Policy E2 also emphasises that the Council will minimise the need to travel by car and Policy SC3 of the Core Strategy states that 10% of new homes will be allowed to meet local housing needs in villages, focussed in those that have five basic services. Hornby is identified as one such village and as such is considered to be a sustainable location for new residential development. This is also reflected in Development Management DPD policy DM42. The site is a mixture of brownfield and greenfield land as it includes both the storage building and part of the adjacent field. It is located towards the southern edge of the village, though slightly divorced from its centre by the former railway line, associated road bridge and rising land on the north east side of the road. On the south east side of the road is a row of residential properties, which continues on the other side of the bridge. The land on the north east side of the highway, between the site and the main built up area of Hornby, would be difficult to develop as it rises significantly from the road level.

7.2.2 The site is opposite existing residential properties and the proposal relates to a small scale development of nine houses. There is a regular bus service along Station Road, an employment site located approximately 200m to the north west and services within the village, including a shop, post office and nursery, approximately 400m from the site. There is a lack of a formal footway for around 150m of the road into the village centre which is a disadvantage to this location. However, given the need for the housing within the District, and that Hornby is a village which is considered suitable for growth, the development of this site is considered acceptable in principle as it relates well to existing development and is within walking distance of services. The principle of development on most of the site has already been established through the granting of consent for six dwellings in April 2014.

7.3 Scale, design, layout and impact on the Area of Outstanding Natural Beauty (AONB)

7.3.1 The land to the east and south east consists of relatively flat agricultural land, with rising land to the north. The proposal will replace the storage building and also occupy part of the adjacent field. There are dwellings on the opposite side of Station Road and as such the development will be viewed in the context of these buildings and against the rising land. It will be visible across the fields to the east. However, providing that the buildings are of a design which is in keeping with the character of the area and have appropriate boundary treatments and landscaping, the development of nine two storey dwellings is not considered to have a detrimental impact on the character or appearance of the designated area. The Forest of Bowland AONB Unit has been consulted and any comments will be reported at the Planning Committee meeting.

7.3.2 The dwellings are proposed to be positioned around an internal rectangular courtyard. The site plan shows this to be surfaced in tarmac, however the agent has indicated that the intention is for this to be surfaced in block paving, probably grey. Concerns were also raised with the agent regarding the extent of the hardstanding proposed as it will result in a very car dominated scheme. This has not been altered, however, an artist's impression has been submitted and this shows that most of this

would not be visible from the main highway. Some alterations have been made to the driveways to reduce the width and visual impact. Most of the buildings also include integral garages which are not considered to be in keeping with the rural character. Detached garages set back into the site, to allow for some parking behind the building line would be more appropriate. However, this aspect has not been altered and it is not considered that it has a significant adverse impact on the appearance of the scheme.

- 7.3.3 Some concerns were also raised regarding the design of some of the dwellings and it was not considered that they fully reflect the rural character of the area. A pair of 2-bed dwellings is proposed at the junction of Station Road and the new access road. Concerns were raised regarding the orientation of the properties facing onto the access road rather than the existing highway. However, it is appreciated that this will help retain the large hedge adjacent to the highway. The agent has indicated that a different orientation has been considered but there were issues with locating both the parking and garden areas adjacent to both dwellings. A dual frontage was suggested in order to improve its appearance from the main road. A larger bay window has been shown facing the main road which goes some way to addressing the concerns.
- 7.3.4 The house type containing the three bedrooms appears to have been designed to look like there is a two storey extension on the side. It was been advised that the design should be simplified, possibly including a simple pitched roof porch, chimney and detached garage. In relation to the four bedroom dwellings, the design was considered to be overly complicated and concerns were raised regarding the asymmetrical roof, and the central section on the front elevation. Changes have been made to the roof line on both these house types and asymmetrical elements have been altered with a more traditional frontage adopted. A few options were put forward for the three-bed dwellings in order to overcome the concerns regarding the addition to the side of the main part of the house. The most acceptable is considered to be the option that reduces the height of this element and includes a small pitched roof dormer to the front.
- 7.3.5 The overall layout of the proposed dwellings appears to be broadly acceptable. A few of the gardens have rear gardens which measure less than 10 metres in depth, although this is compensated by their width with the smallest area being approximately 96 square metres. They have been positioned to ensure adequate separation between facing windows and daylight to habitable rooms. The highest dwelling has been shown at 8.2 metres which is considered to be appropriate for this location. Finished floor levels can be requested as part of a condition. The dwellings are proposed to be finished in natural stone with a slate roof and boundary treatments will predominantly be hedgerows.
- 7.3.6 Given the amendments that have been made to the scheme, the development is considered to be acceptable in terms of its scale, siting and design and will not be detrimental to the character and appearance of the locality in general and the AONB.

7.4 Access and highway impacts

- 7.4.1 A new access is proposed onto Station Road which has a 20mph speed limit. Visibility splays of 2.4m by 45m have been shown at the point of access with some removal and trimming of the hedge adjacent the highway. County Highways is satisfied with the access and does not consider that it will be detrimental to highway safety. A courtyard area is proposed in the centre of the site which will provide sufficient turning for service vehicles. Each property has at least two parking spaces, although two of these rely on spaces within garages. This provision is considered to be acceptable. Some of the properties on Ingleborough View do not have off street parking and as such the location of the access point may prevent them parking outside their properties. However, as the proposal is not considered to be detrimental to highway safety, this is not considered to be a substantial reason to resist the application.
- 7.4.2 The main concern with regard to highway safety relates to the lack of a formal footpath between the site and the centre of the village for approximately 150m. There are markings on the highway over and at either side of the bridge. However, this provides a very narrow walkway with no physical separation from vehicles using the highway. The Highways Officer has requested the construction of a length of footway along the site's frontage with Station Road terminating at a point between the site's boundary and disused former railway line such as to future proof the creation of a safe and appropriate means of pedestrian access along Station Road and into the centre of Hornby while negating pedestrian use of the adjacent railway bridge. A strip of land has been identified on the

submitted plan where this could be located. If created this would not link to any other rights of way but there would be potential for it to be continued across the adjoining land to provide a link to the village in the future.

7.4.3 A concern has been raised by a neighbouring resident with regards to inconsistencies in responses from County Highways between this and another proposal on the same road. To clarify, the objection on the other application was due to the lack of adequate visibility splays, without relying on land outside the applicant's ownership, which is not the case with this proposal.

7.5 Impact on Residential Amenity

7.5.1 The nearest residential properties are those on Ingleborough View on the opposite side of the highway to the site. The closest relationship between on and offsite dwellings is approximately 23 metres. This is an acceptable distance to ensure that there would not be a detrimental impact, by way of loss of privacy or light, on the occupiers of the existing dwellings.

7.6 Impact on Tree and Hedgerows

7.6.1 A tree and hedgerow survey has been submitted with the application. There is a hedge along the boundary with the highway which will be partly removed to accommodate the access, and cut back to provide adequate visibility. There are some more significant trees to the north west of the site, mainly just outside the site boundary, which are to be retained. The loss of part of the hedge is not considered to have an adverse impact on the character and appearance of the area, providing that sufficient additional planting is provided.

7.6.2 The construction phase has significant potential to cause harm to trees. The Tree Protection Officer requested a detailed assessment is required in relation to BS 5837 (2012) to include a detailed Tree Survey, Tree Constraints Plan and Tree Protection Plan. Following receipt of this, the proposal is not considered to have a significant impact on trees subject to conditions set out in Section 4.

7.7 Ecological Impacts

7.7.1 An ecological appraisal has been submitted. This sets out that the site supports habitats which are of limited value to notable species, there are no past records of protected or notable species on the site, there is some potential for nesting birds in the hedgerow and scrub area adjacent to the highway, and some potential for birds and bats to be negatively affected by the proposals but those impacts will be negligible with mitigation. Mitigation has been set out in the report in relation to bats, badgers, nesting birds, reptiles and amphibians. This mainly relates to the timing of works, precautionary measures when removing vegetation and buildings and storage of materials. This mitigation is considered acceptable to prevent any harm to protected species and nesting birds.

7.8 Affordable Housing

7.8.1 The Meeting Housing Needs Supplementary Planning Document sets out that 20% affordable housing should be provided on rural sites where 5 to 9 houses are proposed. This equates to 1.8 units in relation to this proposal. The application previously proposed 2 dwellings for affordable rent on site. Following the change in Government guidance in relation to affordable housing provision, the applicant initially requested that this be provided in the form of a financial contribution instead of on-site provision. As the guidance sets out that on-site provision should not be required for schemes of 10 dwellings or less within AONBs, this approach is considered to be acceptable. This should be broadly equivalent to providing 20% affordable housing on site, calculated using the methodology in the Meeting Housing Needs SPD.

7.8.2 A Financial Viability Report was submitted which set out that it was not financially viable to provide a contribution towards affordable housing. However, prior to 5 June Committee a sum of £35,000 was offered (in addition to £10,000 towards off site open space). This was due to costs associated with the demolition of the building, some contamination remediation, the realignment of a public sewer and the installation of a pumping station on the foul sewer due to the ground levels. Some further information was requested in relation to the costs, which were only partially answered so ultimately Members deferred the determination of the application. Subsequent to the last Committee meeting, the applicant has offered £58,500 towards affordable housing (combining their improved offer of £48,500 with the £10,000 previously earmarked for the open space, as per Members' suggestion),

which equates to about 12.5%. This is only slightly less than the required amount due by the Council's affordable housing policy (20%) which is then discounted to take into consideration the Vacant Building Credit, which was recently introduced by central Government.

7.9 Drainage

7.9.1 The development is proposed to be connected to the existing mains drainage. United Utilities has been consulted but have not responded. In relation to surface water, a percolation test was undertaken on the site in July 2013 following the guidelines in Part H2 of the Building Regulations. The submission sets out that the site can be drained as per the Building Regulations requirements. Precise details in relation to surface water drainage can be requested as part of a condition if consent is granted.

7.10 Contaminated Land

7.10.1 No response has been received from the contaminated land officer. However, comments were received on the previously approved proposal to the submitted Preliminary Risk Assessment. It was confirmed that the initial assessment adequately characterises the potential contaminant setting of the site and standard contamination conditions were requested. The part of the site most likely to have potential for contamination was covered by the previous scheme. As such, the previous recommendations are considered appropriate to this scheme.

7.11 Open Space

7.11.1 The Public Realm Officer has assessed the application and set out that there is no provision for young people's facilities or allotments within the area and that the existing children's play space within the village is of poor quality. Although the layout plan shows a good allocation of outdoor space per dwelling and a development of this size would fall below the requirements of on-site provision of amenity space and a children's play area, it does attract off site contributions to children's and young people's facilities. A contribution of £10,000 has been requested to enable the Parish Council to make improvements to the village play area as required which will cater for children and young people. It has been suggested that the money is used to repair or replace the zip wire with similar or another item(s) catering for this age range in the future. However, the contribution now agreed by the applicant is such that this sum of £10,000 previously agreed for open space has now been combined with their improved offer for affordable housing and will go entirely towards the latter rather than the former.

8.0 Planning Obligations

8.1 A Unilateral Undertaking is required to secure the contributions towards off-site affordable housing does prove that the affordable housing provision in the District of £58,500.

9.0 Conclusions

9.1 The site is located within a village which is considered suitable for growth and, although it is slightly separated from the centre, it is considered to be sustainable and will help towards the provision of housing within the District. It is considered that the development will not have a detrimental impact on the AONB, the amenities of the neighbouring properties, ecology, trees or highway safety. As such, the development is in accordance with local and national policy.

Recommendation

That Planning Permission **BE GRANTED** subject to a legal agreement in relation to an affordable housing contribution of £58,500 and the following conditions:

1. Standard time condition
2. In accordance with plans
3. Scheme for construction of site access
4. Construction of internal mews court vehicular access to at least base course before any other development takes place
5. Visibility splays measuring 2.4 by 45 metres in each direction
6. Creation of pedestrian hard surfaced length of footway extending from the site's point of access with

- Station Road and along its frontage to a point on the "red edge" of the sites northern boundary
7. No tree within the site or on any immediately adjacent property or land shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut-down or grubbed out, other than those identified within the approved application, without the prior written approval of the local planning authority and before any site activity is commenced in association with the development.
 8. Landscaping scheme
 9. Tree Protection Plan
 10. Tree Works Schedule and Arboricultural Method Statement.
 11. Management scheme for the roadside hedgerow across site frontage and up to the railway bridge
 12. Details of materials including sample panel of stone with mortar
 13. Details of windows and doors
 14. Rainwater goods, eaves, verge and ridge details
 15. Surfacing materials
 16. Finished floor levels in relation to a fixed datum point
 17. Boundary treatments
 18. Scheme for the disposal of foul and surface water
 19. Investigation and remediation of contaminated land.
 20. Details in relation to the importation of soil, materials & hardcore
 21. Scheme for the prevention of new contamination
 22. Bunding of Tanks containing fuels/solvents
 23. Ecological mitigation set out in submitted report
 24. Hours of construction
 25. Construction Method Statement
 26. Creation and retention of parking
 27. Removal of permitted development rights in relation to fences, walls and gates

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

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

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

Human Rights Act

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

Background Papers

None.

| | | |
|---|---|--|
| <p>Agenda Item A17</p> | <p>Committee Date 29 June 2015</p> | <p>Application Number 15/00446/FUL</p> |
| <p>Application Site 64 Manor Road Slyne Lancaster Lancashire</p> | <p>Proposal Demolition of existing garage and erection of a single storey side/rear extension to form new garage and kitchen</p> | |
| <p>Name of Applicant Mr & Mrs R Sharkey</p> | <p>Name of Agent Thomas Gill</p> | |
| <p>Decision Target Date 11 June 2015</p> | <p>Reason For Delay Committee Cycle</p> | |
| <p>Case Officer</p> | <p>Mrs Kim Ireland</p> | |
| <p>Departure</p> | <p>No</p> | |
| <p>Summary of Recommendation</p> | <p>Approval</p> | |

(i) **Procedural Matters**

The proposed development would normally fall within the scheme of delegation. However, the applicant is an employee of Lancaster City Council and as such the proposal must be determined by the Planning Committee.

1.0 The Site and its Surroundings

1.1 The property which forms the subject of this application relates to a semi-detached bungalow with a detached garage which is located on Manor Road in Slyne, Lancaster. The surrounding area consists of residential dwellings.

1.2 The site is allocated as a Countryside Area in the Lancaster District Local Plan proposals map.

2.0 The Proposal

2.1 The application proposes the erection of a single storey extension to the side/rear elevation of the property. The proposed extension is to project from the existing north elevation of the property by approximately 6.1m, the width will be approximately 7.6m with a hipped roof. The materials that are to be used are rendered walls, under a concrete tiled roof with white upvc windows and doors. The proposed side/rear extension will provide a kitchen/dining room and a garage.

3.0 Site History

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

4.0 Consultation Responses

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

| Consultee | Response |
|-----------------|----------------------|
| Parish Council | No observations made |
| County Highways | No objection |

5.0 Neighbour Representations

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

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph 17 - 12 Core Principles
Paragraphs 56 and 57 – Requiring Good Design

6.2 Development Management DPD

DM35 – Key design principles

6.3 Lancaster District Local Plan – saved policies (adopted April 2004)

E4 – Countryside Area

7.0 Comment and Analysis

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

- General design
- Impacts upon residential amenity

7.2 General Design

The proposed extension has been designed and is made up of materials to reflect that of the existing dwelling. Whilst the proposed extension will change the appearance of the dwelling, the proposed ridge height is set down from the existing ridge height and is set back far from the existing front elevation and therefore will appear subservient and will have a minimal visual impact when viewed from Manor Road from the front.

7.3 Impacts upon Residential Amenity

The proposed development is not seen to have any adverse or detrimental impacts upon residential amenity. The property borders 66 Manor Road and 3 Warren Drive. However, there are existing garages and 2.6m high bushes along the boundary, which act as a screen and therefore will have a minimal impact to the residential amenities. The property also borders 62 Manor Road, which has a similar sized garage along the boundary which will act as a screen to the proposed development. The proposed development is sited 4.5m away from the boundary and therefore is not deemed to have a detrimental impact to the residential amenities of the neighbouring property.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The proposed extension has been found acceptable in terms of design and amenities of local residents. In respect of these matters, it is in compliance with the relevant Development Plan policies and the NPPF.

Recommendation

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

1. Standard 3 year timescale
2. Development to be carried out in accordance to approved plans

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 A18 | Committee Date 29 June 2015 | Application Number 15/00601/FUL |
| Application Site 93 Dale Street Lancaster Lancashire LA1 3AP | Proposal Erection of a single storey rear extension | |
| Name of Applicant Mr Ismail Thagia | Name of Agent Mr David Tarbun | |
| Decision Target Date 17 July 2015 | Reason For Delay N/A | |
| Case Officer | Mrs Kim Ireland | |
| Departure | No | |
| Summary of Recommendation | Approval | |

(i) Procedural Matters

The proposed development would normally fall within the scheme of delegation. However, the applicant is related to an employee of Lancaster City Council and as such the proposal must be determined by the Planning Committee.

1.0 The Site and its Surroundings

- 1.1 The property which forms the subject of this application relates to a three-storey mid-terrace located on Dale Street. The surrounding area mainly consists of terrace properties with a small number of commercial properties, which include hot and cold food takeaway, convenience shop, a laundrette and a public house.
- 1.2 The site is unallocated in the Lancaster District Local Plan proposals map.

2.0 The Proposal

- 2.1 The application proposes the erection of a single storey extension to the rear elevation of the property. The proposed extension is to project from the west elevation of the existing two storey outrigger by approximately 5.15m, the width will be approximately 3.05m with a hipped roof. The materials that are to be used are smooth painted render walls, under a slate roof with white upvc windows. The proposed rear extension will provide a larger kitchen.

3.0 Site History

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

4.0 Consultation Responses

- 4.1 No statutory consultees are affected by this proposal.

5.0 Neighbour Representations

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

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph 17 - 12 Core Principles
Paragraphs 56 and 57 – Requiring Good Design

6.2 Development Management DPD

DM35 – Key Design Principles

7.0 Comment and Analysis

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

- General design
- Impacts upon residential amenity

7.2 General Design

The proposed extension has been designed and is made up of materials to reflect that of the existing dwelling. The proposed extension will reduce the size of the rear yard. However, the property will have ample residual external amenity space. Whilst the proposed extension will change the appearance of the rear elevation the majority of the proposed extension will be screened by the existing 1.8m high boundary wall and will not have a visual impact on the streetscene when viewed from Dale Street. The proposed extension will be not be out of character as other properties within Dale Street have had similar extensions.

7.3 Impacts upon Residential Amenity

The proposed development is not seen to have any adverse or detrimental impacts upon residential amenity. The property borders 91 and 95 Dale Street. However, there are existing 1.8m walls along the boundaries, which will act as a screen and therefore will have a minimal impact to the residential amenities of the neighbouring properties. There are two side facing windows, which face 95 Dale Street, but as there is a 1.8m wall along the boundary this will screen the majority of the windows. The impact on the light to the window in the rear elevation of 91 Dale Street would nominal as the proposed eaves height of the extension is only an additional 0.3m in height compared to the existing boundary wall. Therefore it is deemed that the proposal would have a minimal impact upon the residential amenities of the neighbouring property.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The proposed erection of an extension has been found acceptable in terms of design and amenities of local residents. In respect of these matters, it is in compliance with the relevant Development Plan policies and the NPPF.

Recommendation

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

1. Standard 3 year timescale
2. Development to be carried out in accordance to approved plans

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

LANCASTER CITY COUNCIL

| APPLICATION NO | DETAILS | DECISION |
|----------------|--|-----------------------|
| 14/00097/DIS | Cinderbarrow Farm, Cinderbarrow Lane, Yealand Redmayne Discharge of condition 4 on approved application 14/00148/FUL for Mr Richard Clarke (Silverdale Ward) | Initial Response Sent |
| 14/00784/CU | Scale House Farm, Conder Green Road, Galgate Change of use and conversion of existing redundant barn to create 4 self contained holiday accommodation (C3) and conversion of existing outbuilding to create external storage area for Mr & Mrs Wilson (Ellel Ward) | Application Permitted |
| 14/00919/FUL | Land At Peel Avenue/Warren Road, Heysham, Lancashire Erection of boundary fencing and covered timber seat, siting of 2 steel storage container and a disabled composting toilet and creation of a new vehicular access and parking area for Mrs P Halkic (Heysham South Ward) | Application Permitted |
| 14/01275/ADV | Lancaster University, Bailrigg Lane, Lancaster Advertisement application for 2 internally illuminated welcome signs, and 5 non illuminated signs for Lancaster University (University Ward) | Application Refused |
| 14/01276/ADV | Lancaster University, Bailrigg Lane, Lancaster Advertisement application for 2 totem events signs incorporating removable panels for Lancaster University (University Ward) | Application Refused |
| 14/01288/OUT | Land East Of Cowan Bridge, Long Level, Ireby Outline application for the erection of one dwelling for Miss Karen Park (Upper Lune Valley Ward) | Application Refused |
| 14/01325/FUL | 8 Whinnysty Lane, Heysham, Morecambe Erection of an orangery to the rear and extension to existing garage including new raised roof for Mrs Jane Judd (Heysham Central Ward) | Application Permitted |
| 15/00008/FUL | Silverdale Golf Club, Red Bridge Lane, Silverdale Diversion and extension to existing access track and alterations to existing egress to form an access/egress arrangement for Dr Jerry Martin (Silverdale Ward) | Application Permitted |
| 15/00033/DIS | Land To The Side Of Willey Lane, Willey Lane, Cockerham Discharge of all conditions on approved application 13/01018/FUL for R P Tyson Construction Ltd (Ellel Ward) | Initial Response Sent |
| 15/00035/DIS | Former Police Station, Heysham Road, Heysham Discharge of conditions 3, 4, 9, 12, 14, 15, 18, 22, 23, 24, 25 and 26 on planning permission 14/00291/VCN for Daffodil Homes Ltd (Heysham South Ward) | Initial Response Sent |

LIST OF DELEGATED PLANNING DECISIONS

| | | |
|--------------|--|-----------------------|
| 15/00045/DIS | G And L Car Services, Wheatfield Street, Lancaster Discharge of conditions 3, 5, 6, 9, 11, 13, 15, 16, 17, 20, 21, 23 and 25 on approved application 14/01208/FUL for Mr Richard Harrison (Castle Ward) | Initial Response Sent |
| 15/00047/ADV | Ground Floor And Basement, 76 Church Street, Lancaster Advertisement consent for the display of a non-illuminated hanging sign for Mr Lee Fisher (Dukes Ward) | Application Permitted |
| 15/00047/DIS | Land Bounded By , Chatsworth Road, Albert Road, Westminster Road And Regent Road, Morecambe Discharge of conditions 6 and 8 on planning permission 13/01237/FUL for Mr David Skidmore (Harbour Ward) | Request Completed |
| 15/00048/LB | Ground Floor And Basement, 76 Church Street, Lancaster Listed building application for the fitting of a non-illuminated hanging sign for Mr Lee Fisher (Dukes Ward) | Application Permitted |
| 15/00049/DIS | 1 Aldcliffe Place, Lancaster, Lancashire Discharge of conditions 4 and 5 on planning permission 14/00418/CU for Mr Keith Clokey (Dukes Ward) | Request Completed |
| 15/00056/DIS | Street Record, Brindle Close, Lancaster Discharge of conditions 10, 11 and 16 on approved application 14/01018/FUL for Guinness Northern Counties (Skerton West Ward) | Request Completed |
| 15/00061/DIS | Extension Walney Wind Farm, Borrans Lane, Middleton Partial discharge of requirement 34 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward) | Request Completed |
| 15/00062/DIS | Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 36 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward) | Request Completed |
| 15/00064/DIS | Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 38 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward) | Request Completed |
| 15/00065/DIS | Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 24 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward) | Request Completed |
| 15/00068/FUL | Ripley St Thomas Church Of England Academy, Ashton Road, Lancaster Construction of car park, construction of a new footpath to replace existing footpath and raising of the existing boundary wall for Ripley St Thomas Church Of England Academy (Dukes Ward) | Application Permitted |

LIST OF DELEGATED PLANNING DECISIONS

| | | |
|--------------|---|-----------------------|
| 15/00073/REM | Birklands, Hest Bank Lane, Hest Bank Reserved matters application for 3 detached dwelling houses for Sherwood Homes (Slyne With Hest Ward) | Application Permitted |
| 15/00076/DIS | Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 25 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward) | Request Completed |
| 15/00085/DIS | Anchor Building, 1 Penrod Way, Heysham Discharge of condition 2 relating to landscaping on previously approved application 14/01236/FUL for Mrs Jane Watson (Heysham South Ward) | Request Completed |
| 15/00140/VLA | The Brooklands, Kirkby Lonsdale Road, Halton Variation of legal agreement on application 90/0974 to remove holiday let restriction to allow the use as two permanent residential dwellings for Mr Peter Gott (Halton With Aughton Ward) | Application Permitted |
| 15/00146/LB | 1 Bronte Cottages, Long Level, Cowan Bridge Listed building application for repointing work, replacing existing window frames and external door, removal of internal wall, installation of an external light, refurbishment of stone steps and rebuilding the existing W.C. and construction of a new roof for Mr & Mrs Martin Jebb (Upper Lune Valley Ward) | Application Permitted |
| 15/00237/ADV | The Greyhound, 10 Low Road, Halton Advertisement application for the display of 1 externally illuminated fascia sign, 1 externally illuminated fascia sign, 2 non-illuminated totem signs, 2 non-illuminated signs of individual letters, 1 non-illuminated amenity board, 1 non-illuminated menu case and 1 non-illuminated car park sign for STAR PUB (Halton With Aughton Ward) | Application Permitted |
| 15/00242/OUT | Bond Gate Farm, Abbeystead Road, Dolphinholme Outline application for the erection of 2 dwellings for Mr Iain Collinson (Ellel Ward) | Application Permitted |
| 15/00255/CU | Oakhead, Mewith Lane, Tatham Change of use of agricultural building to form ancillary accommodation for existing dwellinghouse (C3) for Mr And Mrs Longton (Lower Lune Valley Ward) | Application Permitted |
| 15/00256/FUL | 3 Summerside, 25 Oxcliffe Road, Heysham Erection of a single story rear extension for Mr Louise Dobson (Heysham Central Ward) | Application Permitted |
| 15/00261/LB | 2 Cross Cottages, Main Street, Whittington Listed building application for installation of 3 new rooflights, replacement of 1 rooflight, the removal of an internal wall and replacement of garage door with timber framed window to facilitate the conversion of the garage to ancillary accommodation associated with 2 Cross Cottages for Mr & Mrs Ian Hunter (Upper Lune Valley Ward) | Application Permitted |

LIST OF DELEGATED PLANNING DECISIONS

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| 15/00273/RCN | Land Off, Brindle Close, Lancaster Erection of 6 two-bed houses and 12 one-bed flats including internal road layout and associated parking and landscaping (pursuant to the removal of conditions 7, 8 and 9 on application no. 13/00659/FUL to regularise the existing footpath routes by a tree management scheme) for Melrose Construction Ltd. (Skerton West Ward) | Application Permitted |
| 15/00277/FUL | 3 West Drive, Lancaster, Lancashire Erection of a first floor rear extension for Mr Andrew Dickson (Skerton West Ward) | Application Permitted |
| 15/00291/FUL | 119 Main Road, Bolton Le Sands, Lancashire Erection of a single storey car port and bin store and erection of site entrance gates for Daffodil Homes Ltd (Bolton Le Sands Ward) | Application Permitted |
| 15/00314/FUL | Storrs Farm, 1 Silverdale Road, Yealand Redmayne Erection of a single storey extension to the rear and excavation of ground levels for Mr And Mrs Oldfield (Silverdale Ward) | Application Permitted |
| 15/00315/LB | Storrs Farm, 1 Silverdale Road, Yealand Redmayne Listed building application for the erection of a single storey extension to the rear for Mr And Mrs Oldfield (Silverdale Ward) | Application Permitted |
| 15/00317/FUL | 2 Campbell House, Campbell Drive, Lancaster Erection of a shed, creation of new steps, new gate, and alterations to and additional hardstanding for Mrs Sharon Buchan (Bulk Ward) | Application Permitted |
| 15/00322/FUL | Royal Lancaster Infirmary , Ashton Road, Lancaster Erection of a single storey extension to the north of the existing redundant operating theatre building for Mr Paul Coward (Dukes Ward) | Application Permitted |
| 15/00326/FUL | 4 Kings Crescent, Heysham, Morecambe Erection of a 2 storey side and rear extension for Ms Lisa Dilworth (Heysham North Ward) | Application Permitted |
| 15/00343/FUL | Abbotsons Farm, Cantsfield Road, Cantsfield Demolition of three agricultural buildings and erection of one replacement agricultural building for Mr Gary Atkinson (Upper Lune Valley Ward) | Application Permitted |
| 15/00344/FUL | 14 Longlands Lane, Heysham, Morecambe Demolition of existing conservatory and erection of single storey side and rear extension for Mr Ronnie Hadwin (Heysham South Ward) | Application Permitted |
| 15/00355/LB | 342 Marine Road Central, Morecambe, Lancashire Listed building application for the installation of secondary glazing to front windows at first and second floors for Mr Milner (Poulton Ward) | Application Permitted |
| 15/00361/CU | Hyning Home Farm, Milnthorpe Road, Warton Change of use and conversion of existing redundant barn to office (B1) for Mr Adrain Moeckell (Warton Ward) | Application Permitted |

LIST OF DELEGATED PLANNING DECISIONS

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| 15/00365/FUL | 1 The Hawthorns, Lancaster, Lancashire Demolition of existing conservatory and erection of single storey rear extension for Mr And Mrs Ian Hetherington (Scotforth East Ward) | Application Permitted |
| 15/00366/FUL | Land To The East Of The Old Vicarage, 56 Main Street, Hornby Demolition of existing outbuilding and erection of 2 detached three bedroom single storey dwellings and associated access for Mr Grant Jackson (Upper Lune Valley Ward) | Application Permitted |
| 15/00369/LB | 7 - 9 Chapel Street, Lancaster, Lancashire Listed building application for alterations to existing planter area for Mr Peter Hearne (Bulk Ward) | Application Permitted |
| 15/00371/FUL | Yew Trees, Church Brow, Halton Construction of a dormer window on the rear elevation for Mr D Stalker (Halton With Aughton Ward) | Application Permitted |
| 15/00374/FUL | 11 Borrowdale Grove, Morecambe, Lancashire Erection of a first floor side extension over existing garage and utility, construction of a canopy over the existing garage door and construction of a dormer window to the rear elevation for Mr Stuart Whiteley (Poulton Ward) | Application Permitted |
| 15/00388/FUL | 22 Kenilworth Road, Morecambe, Lancashire Construction of a dormer to the front elevation for Mr And Mrs J Wood (Westgate Ward) | Application Permitted |
| 15/00391/CU | 114 - 116 Aldcliffe Road, Lancaster, Lancashire Change of use of residential care home (C2) to dwellinghouse (C3) for Lancaster (Abbeyfield) Society Ltd (Castle Ward) | Application Permitted |
| 15/00398/PLDC | 23 Ashfield Avenue, Lancaster, Lancashire Proposed lawful development application for the erection of a single storey rear extension for Mrs LK Wong (Castle Ward) | Application Permitted |
| 15/00399/FUL | 2 Arna Wood Barn, Arna Wood Lane, Lancaster Installation of replacement windows and door to the front elevation for Mrs Fiona Abrahams (Scotforth West Ward) | Application Permitted |
| 15/00402/FUL | Lower Langthwaite Farm, Littlefell Lane, Lancaster Construction of a silage clamp for Mr Philip Wood (Ellel Ward) | Application Permitted |
| 15/00410/FUL | 66 Market Street, Lancaster, Lancashire Replacement of three windows to first floor front elevation for Mr Michael Baxter (Castle Ward) | Application Permitted |
| 15/00411/LB | 66 Market Street, Lancaster, Lancashire Listed building application for 3 replacement windows to first floor front elevation for Mr Michael Baxter (Castle Ward) | Application Permitted |
| 15/00417/FUL | 3 Wordsworth Avenue, Bolton Le Sands, Carnforth Demolition of existing garage and erection of a two storey side extension and a single storey front extension for Mr C. Dixon (Bolton Le Sands Ward) | Application Refused |

LIST OF DELEGATED PLANNING DECISIONS

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| 15/00418/FUL | 3 St Margarets Road, Morecambe, Lancashire Retrospective application for the demolition of a detached garage and erection of a replacement garden room for Mr & Mrs John Cross (Bare Ward) | Application Permitted |
| 15/00419/FUL | 18 Artlebeck Road, Caton, Lancaster Erection of single storey rear extension for C Liundi (Lower Lune Valley Ward) | Application Refused |
| 15/00424/CU | 3 Great John Street, Lancaster, Lancashire Change of use of ground floor music shop (A1) to dental surgery (D1) for Mr C Harrison (Dukes Ward) | Application Permitted |
| 15/00439/LB | The Barn Hipping Hall, Long Level, Cowan Bridge Listed building application for works to facilitate the change of use of dwellinghouse and garages (C3) to hotel accommodation (C1) for Casterton Leisure Ltd (Upper Lune Valley Ward) | Application Permitted |
| 15/00455/FUL | 21 Fairhope Avenue, Lancaster, Lancashire Erection of a single storey rear extension for Mr And Mrs Williams (Skerton East Ward) | Application Permitted |
| 15/00477/AD | Mill House, Sandside, Cockerham Agricultural Determination for the erection of a roof over sheep pens for Mr R Kellet (Ellel Ward) | Prior Approval Not Required |
| 15/00486/AD | Capernwray House Farm , Hobsons Lane, Capernwray Agricultural Determination for the erection of an agricultural building to store agricultural machinery for Mr R I Raw (Kellet Ward) | Prior Approval Not Required |
| 15/00487/PREONE | 12 New Street, Lancaster, Lancashire Change of use of empty ground floor retail shop (A1) to licensed cafe bar (A3/A4) for John Williamson + Max Halls (Dukes Ward) | Closed |
| 15/00498/NMA | Willow Cottage, Main Street, Arkholme Non-material amendment to planning permission 13/01207/FUL for alterations to the siting, roof detail, material finishes and fenestration detail of the rear extension and alterations to the fenestration detail of the side extension for Mr Richard Clark (Kellet Ward) | Application Permitted |
| 15/00503/FUL | 96 Aldcliffe Road, Lancaster, Lancashire Construction of a dormer window to the rear elevation for Mr & Mrs I MacGregor (Castle Ward) | Application Permitted |
| 15/00509/FUL | 55 Stankelt Road, Silverdale, Carnforth Erection of a 4 bed dwelling and garage and a replacement garage for the existing dwelling for Mrs Fiona Gray (Silverdale Ward) | Application Permitted |
| 15/00513/PREONE | Williamsland Farm, Hasty Brow Road, Slyne Subdivision of single dwelling to form 2 dwellings for Mr Gordon Owen (Slyne With Hest Ward) | Closed |
| 15/00514/PAM | Telephone Exchange British Telecom, Cawthorne Street, Lancaster Prior approval application for the installation of 3 antennas and 1 equipment cabinet for Arqiva Ltd (Dukes Ward) | Prior Approval Not Required |

LIST OF DELEGATED PLANNING DECISIONS

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| 15/00522/FUL | 24 Ashton Road, Lancaster, Lancashire Construction of a raised roof and dormer windows to the front and rear elevations for Mr Phillip Metcalf (Scotforth West Ward) | Application Refused |
| 15/00525/NMA | 47 Emesgate Lane, Silverdale, Carnforth Non-material amendment to planning permission 09/00055/FUL to reduce size of the raised balcony for Miss K Boss (Silverdale Ward) | Prior Approval Not Required |
| 15/00532/AD | Throstle Croft, Lancaster Road, Thurnham Agricultural Determination for the erection of an agricultural storage building for Mr R Ayrton (Ellel Ward) | Prior Approval Not Required |
| 15/00538/FUL | Swallow Barn, Kirkby Lonsdale Road, Newton Creation of an enclosed porch below the existing entrance canopy for Mrs Julie Graham-Clegg (Upper Lune Valley Ward) | Application Permitted |
| 15/00553/PRETWO | Land Adjacent Station Hotel, Hornby Road, Caton Residential development of up to 40 houses for Mr A Hodge (Lower Lune Valley Ward) | Closed |
| 15/00554/ELDC | 56A Main Road, Galgate, Lancaster Existing Lawful Development Certificate for continued use of property as house in multiple occupation for Mr Dennis Stamper (Ellel Ward) | Application Withdrawn |
| 15/00573/PLDC | 29 Grange Street, Morecambe, Lancashire Proposed Lawful Development Certificate for the construction of a dormer window to the rear elevation for Mr J. Atkinson (Bare Ward) | Application Permitted |
| 15/00574/PLDC | 2 Kenilworth Road, Morecambe, Lancashire Proposed Lawful Development Certificate for the construction of a dormer window to the rear elevation for Mr L. Dunphy (Westgate Ward) | Application Permitted |
| 15/00576/AD | Redfields, Wyresdale Road, Quernmore Agricultural Determination for the erection of a polytunnel for Mr Anthony Gardner (Lower Lune Valley Ward) | Prior Approval Is Required |
| 15/00595/PLDC | 7 Brantwood Drive, Lancaster, Lancashire Proposed Lawful Development Certificate for the demolition of existing detached garage and rear conservatory and erection of single storey side and rear extensions for Mrs Angela Seel (Scotforth East Ward) | Lawful Development Certificate Granted |
| 15/00597/PREONE | Shorefields Caravan Park, Carr Lane, Middleton Extension to existing shop to create visitor centre and cafe for Patrick Riley (Overton Ward) | Closed |
| 15/00598/PREONE | 2 St Nicholas Lane, Bolton Le Sands, Carnforth Erection of a single storey detached one-bedroom dwelling with off-street parking and garden area for Mr N Berry (Bolton Le Sands Ward) | Closed |
| 15/00631/CCC | Heysham To M6 Link Route, , The Lancashire County Council (Torrisholme to the M6 link (A683 completion of Heysham to M6 link road) Order 2013 schedule 2 - amendments to the general arrangements of Beaumont Gate retaining wall for Lancashire County Council | No Objections |

LIST OF DELEGATED PLANNING DECISIONS

15/00683/NMA

NTG Paper Mill, Lansil Way, Lancaster Non material amendment to planning permission 14/00929/FUL to change sill colour from white to gentian blue for Mr Frederico Vannini (Bulk Ward)

Application Permitted