



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: TUESDAY, 3 MAY 2016

Venue: LANCASTER TOWN HALL

Time: 10.30 A.M.

A G E N D A

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

1 Apologies for Absence

2 Minutes

Minutes of meeting held on 4th April 2016 (previously circulated).

3 Items of Urgent Business authorised by the Chairman

4 Declarations of Interest

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

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

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 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 16/00041/OUT	Higher Bond Gate, Abbeystead Road, Dolphinholme	Ellel Ward	(Pages 1 - 11)
		Outline application for the erection of 68 dwellings with creation of a new access for Mr & Mrs D Wallbank		
6	A6 16/00297/FUL	Silverdale Village Institute, Spring Bank, Silverdale	Silverdale Ward	(Pages 12 - 20)
		Construction of a multi-use skating/biking/scootering bowl and tennis court with associated fencing and footpaths for Silverdale Village Institute		
7	A7 16/00114/FUL	Land At, 3 Tithebarn Hill, Glasson Dock	Ellel Ward	(Pages 21 - 28)
		Erection of 3 holiday units raised on timber struts and creation of access and parking for Mrs C Woodward		
8	A8 16/00265/CU	Allotment Gardens, Exeter Avenue, Lancaster	John O'Gaunt Ward	(Pages 29 - 33)
		Change of use of land for the retention of a cabin for Mrs Joan Houghton		
9	A9 16/00159/VCN	Former Frontierland Site, Marine Road West, Morecambe	Harbour Ward	(Pages 34 - 40)
		Redevelopment of former amusement park to form retail units, restaurants, family pub/restaurant, hotel, associated car parking, landscaping and public art and new access (pursuant to the variations of condition 2, 3 and 4 on planning permission 14/00388/FUL to amend the approved plans, allow A1 use in zones 3, 4 and 7 and to allow the sale of ancillary convenience goods across the site) for Opus Land North		

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|-----------|-------------------------|--|------------------|------------------------|
| 10 | A10 16/00251/FUL | Land To The Rear 38 To 42 North Road, Nile Street, Lancaster | Bulk Ward | (Pages 41 - 48) |
| | | Erection of a 3 storey building for student accommodation comprising of one 4-bed cluster, two 5-bed clusters and four 1-bed studio flats for Bayt Ltd | | |

Category D Applications

Applications for development by the City Council

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|-----------|-------------------------|--|------------------|------------------------|
| 11 | A11 16/00189/FUL | 137A St Leonards Gate, Lancaster, Lancashire | Bulk Ward | (Pages 49 - 51) |
| | | Installation of new windows, removal of dormer and replacement rooflights for Lancaster City Council | | |
- 12 Quarterly Report - January to March 2016 (Pages 52 - 58)**
- 13 Delegated Planning Decisions (Pages 59 - 68)**

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), Abbott Bryning (Substitute), Mel Guilding (Substitute), Tim Hamilton-Cox (Substitute), Geoff Knight (Substitute), David Smith (Substitute) and Nicholas Wilkinson (Substitute)

(iii) Queries regarding this Agenda

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

(iv) Changes to Membership, substitutions or apologies

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

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

Published on Wednesday 20th April 2016.

Agenda Item A5	Committee Date 3 May 2016	Application Number 16/00041/OUT
Application Site Higher Bond Gate Abbeystead Road Dolphinholme Lancaster	Proposal Outline application for the erection of 68 dwellings with creation of a new access	
Name of Applicant Mr & Mrs D Wallbank	Name of Agent Mr Avnish Panchal	
Decision Target Date 23 May 2016	Reason For Delay N/A	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The application site is located to the north eastern fringe of the village of Dolphinholme, circa 8.5 km to the south of Lancaster City Centre. The site relates to a 3.9ha parcel of land that is bound by Abbeystead Road to the south, open fields to the north and east, and Brookside Drive to the west with residential properties beyond this. The site falls to the south being circa 105 metres above ordnance datum (AOD) in the north west corner of the site falling to 89 metres AOD to the south of the site where the proposed access is to be located. There is a shallow valley that runs from north to south close to the western boundary of the site. The site is bound by hedgerows to the south of the site and there is a hedgerow that runs in a south-west to north-east direction in the southern section of the site, there are isolated trees that run along the western boundary of the site, there is no boundary treatment to the north.
- 1.2 The site is relatively unconstrained; however it is within an area that is susceptible to groundwater flooding; a Tree Preservation Order (TPO 574 2016) covers a number of trees that exist within the site (notably along the boundaries); Lower Starbank Farm is Grade II listed and is located approximately 100 metres to the north of the development proposal. A watercourse is located on the western boundary of the site and Footpath 39 is located to the south of Abbeystead Road (20 metres away) and Footpath number 43 which is 100 metres to the north. The proposed development is approximately 350 metres to the north west of Dolphinholme Conservation Area and approximately 1km to the south west of the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

2.0 The Proposal

- 2.1 The proposed development is made in outline form for the erection of up to 68 dwellings (of which includes 27 affordable dwellings) with only the means of access being currently applied for. There is an existing bungalow on the site which is intended to remain. Matters associated with scale, layout, appearance and landscaping will be considered at reserved matters stage should a scheme be supported. The applicant has provided an indicative layout of how they consider the site could be developed. The applicants propose to connect Footpath 39 with Footpath number 43 with a new footway that would cross the site, and in April 2016 have proposed a new village convenience store

which would be located at the entrance of the site adjacent to Abbeystead Road. A foul pumping station is also proposed, with the details to be agreed as part of any subsequent reserved matters application.

2.2 The sites proposed means of access is off Abbeystead Road and the main spine access access will feature a 6 m wide access and the scheme proposes visibility splays in the region of 2.4m x 100m to the west and 2.4 m x 103 metres to the east.

3.0 Site History

3.1 The relevant history is noted below.

Application Number	Proposal	Decision
15/00907/PREONE	Pre-application Advice	Determined
11/00163/RCN	Removal of condition 2 on application 2/4/5244 relating to the limited occupation of the dwelling as an agricultural forestry worker	Refused

4.0 Consultation Responses

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

Consultee	Response
Forest of Bowland AONB Unit	Object , as the development would have a detrimental impact on the landscape and special qualities of the AONB and concerns over the content of the LVIA and overall conclusions.
County Highways	Unable to support the proposal ; (i) Raise concern that there are substantial adverse highway and transport related impacts associated with this development as presented; (ii) Raise issues associated with the content of the Transport Assessment submitted in support of the scheme and overall sustainability issues associated with the development of this site; (iii) The cumulative impact of the development has not been suitably assessed with the resulting residual impact severely impacting on the Galgate / Lancaster A6 corridor as well as the M6 junction 33 interchange. (iv) Concerns over the junction proposed and suggests amendments to the access in terms of visibility splays and radii improvements. (v) Lacks opportunities to cycle, walk or use other forms of transport which are not private car journeys.
Greater Manchester Ecological Unit	No objection , and recommends the ecological mitigation measures and enhancement measures are employed.
Public Realm Officer	No objection ; there should be 1316 m ² of open space provided on site; a play area will also be required; a financial contribution of up to £139,966 going towards potential improvements to the Village Bowling Green or Tennis Courts; contribution towards the kick about area in the village and a financial contribution to Williamson Park and Greaves Park.
United Utilities	No objection ; subject to conditions associated with foul and surface water on separate systems, the development being carried out in accordance with the FRA and the management and maintenance of the SUDs scheme.
Lancashire Police	No objection , matters associated with secured by design can be addressed at reserved matters stage.
Environment Agency	Objection as it involves the use of a non mains foul drainage system in a publicly sewered area. Further information has been provided and comments are awaited.
Lead Local Flood Authority	No objection , subject to conditions concerning a surface water drainage scheme and maintenance and management plan to be submitted for consideration.
Ellel Parish Council	Objection ; the scale of development will have a detrimental impact on the village, the development will result in the increase in traffic, the waste water system is not equipped for extra housing, there is flood risk associated with the development and lack of infrastructure to cater for this development.

Environmental Health	No objection and recommends conditions associated with land contamination, construction hours of work, dust suppression and provision of electric vehicle charging points.
County Strategic Planning (Education)	The development would result in the need for 15 primary school places and therefore a contribution of £183,141 is sought. With respect to secondary school provision this has not been determined given the distance to the nearest secondary school is 5.05 miles.
Local Plans Team	The site is located in the 'Open Countryside' on the edge of the Forest of Bowland AONB. Whilst development in principle is acceptable in such locations it needs to comply with other policies within the Development Plan and ultimately the delivery of sustainable development.
County Council (Mineral Safeguarding)	No observations received
Natural England	No objection , however recommends the views of the AONB Unit are sought.
National Grid	No observations received.
Strategic Housing Officer	No observations received.
Tree Protection Officer	Objection subject to the reconsideration of the design element of the scheme with regard to T6 and the adjacent dwelling and outdoor amenity space.
Ramblers Association	No observations received
Public Rights of Way Officer	No observations received
Fire Safety Officer	No objection
Wyre Borough Council	No observations received
Conservation Section	No observations received

5.0 Neighbour Representations

5.1 The application has been advertised in the press, by site notices and adjoining residents notified by letter. To date there has been 96 letters of objection received in response to the scheme raising concerns with the following main issues;

- Highway issues, including Increase in traffic in the village and on minor roads; poor visibility at sites junction; safety around the school at peak times and a general lack of footways;
- Sustainability issues, including no public transport, and lack of other infrastructure to support a scheme of this nature, such as school places and shops;
- Impact upon village life, erosion of countryside and loss of agricultural land;
- Drainage and flooding issues, including concerns regarding waste-water management and existing flooding from the brook adjacent to the site;
- The site should not have been included within the local plan as a potential development site;
- The development would have an adverse impact on the AONB;
- Detrimental to the ecological value of the site;
- The village is undertaking a Neighbourhood Plan and this development needs to be considered in this context;
- Number of errors contained within the application namely distances to Garstang and Lancaster and inconstancies within supporting documents; and,
- Affordable houses in an area with no services is pointless;

5.2 A petition has been received containing 365 signatures in opposition to the scheme.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles
 Paragraph 32, 34 and 38 Access and Transport
 Paragraphs 49, 50 and 55 - Delivering Housing

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Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design
Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities
Paragraph 103 – Flooding
Paragraphs 109, 115,117,118 – Conserving the Natural Environment
Paragraphs 128-134 – Conserving and Enhancing the Historic Environment
Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC4 – Meeting the District’s Housing Requirements
E2 – Transportation

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

E3 – Development within and adjacent to the AONB.
E4 – Countryside Area

6.4 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM23 – Transport Efficiency and Travel Plans
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM30 – Development affecting listed buildings
DM32 – The Setting of Designated Heritage Assets
DM34 – Archaeology
DM35 – Key Design Principles
DM37 – Air Quality Management and Pollution
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth
DM48 – Community Infrastructure
DM49 – Local Services

6.5 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council 2015 Housing Land Supply Statement;
- Planning Advice Note – Open Space Provision within New Residential Developments.
- Dolphinholme Neighbourhood Plan

7.0 Comment and Analysis

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

- Principle of development;
- Landscape;
- Layout and Design;
- Highways;
- Drainage;
- Ecology;
- Trees and Hedgerows;
- Education Provision;
- Open Space;

- Cultural Heritage Impacts.

7.1 Principle of development

7.1.1 The site is located on land outside of the main urban areas and is identified as 'Open Countryside' in the adopted Local Plan. The Council, via the Spatial Strategy described in the District Core Strategy and continued in the emerging Land Allocations document, would generally look to direct development to the main urban areas of the district. Whilst not precluding development outside such locations it would need to be demonstrated how the proposal complies with other policies within the Development Plan and ultimately the delivery of sustainable development.

7.1.2 Policy DM42 of the Development Management DPD seeks to promote wider opportunities for housing delivery within rural areas of the district, in accordance with the aims of national planning policy. Policy DM42 sets out a series of villages which the council would, in principle, support proposals for new housing. Policy DM42 identifies Dolphinholme as a village where housing proposals would be supported in principle. Whilst the principle of housing development in Dolphinholme is accepted, there are a number of considerations which need to be given to any planning application before concluding that residential development in this location would represent sustainable development. In particular reference should be made to paragraph 20.22 of the Development Management DPD which states; '*The council will support proposals for new housing development that contain or have good access to an appropriate range of local services that contribute to the vitality of these settlements. These services are local shops, education, health facilities and access to public transport and other valued community facilities. Proposals should demonstrate that they will have clear benefits to the local community and, in particular, will meet rural housing needs according to robust evidence (such as the Lancaster District Housing Needs Survey or other local housing needs survey)*'.

7.1.3 Given the site is identified as open countryside, Saved Policy E4 of the adopted Local Plan is relevant to this planning application. This requires proposals in the Open Countryside to be in scale and keeping with the character and natural beauty of the landscape; appropriate to its surroundings in terms of siting, scale, materials, external appearance and landscaping; not result in an adverse effect on nature conservation or geological interests and make satisfactory arrangements for access, servicing, cycle and car parking provision.

7.1.4 Notwithstanding the above, the Council is charged by Government (via national planning policy) with significantly boosting the supply of housing. This is supported by Policy DM41 of the Development Management DPD which states that residential development will be supported where it represents sustainable development. In supporting residential development the Policy states that proposals for new residential development should ensure that available land is used effectively taking into account the characteristics of different locations; be located where the environment, services and infrastructure can or could be made to accommodate the impacts of expansion; and provide an appropriate mix in accordance with the Lancaster District Housing Needs Survey or other robust evidence of local housing need.

7.1.5 It is fully acknowledged that the Local Authority cannot demonstrate a 5 year housing land supply, and Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. It goes on to say that Local Planning Authorities (LPA's) should approve development proposals which accord with the development plan without delay, and that where a development plan is absent, silent or relevant policies are out-of-date the LPA should grant permission unless:

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

As a consequence there is a clear expectation that, unless material consideration imply otherwise, opportunities for housing delivery should be considered favourably.

7.1.6 Many of the representations received in response to the application have raised significant concern regarding the wider plan-making process and the impact that this may have on the village of Dolphinholme. It should be stressed that development in Dolphinholme is *an option* (our emphasis) for delivering housing growth in the district. The basis why Dolphinholme was chosen as a village

expansion option was that it does not suffer from significant land use constraints such as being within a protected landscape or at significant risk of flooding as defined by Flood Zones.

- 7.1.7 Whilst the scheme is within the Open Countryside but it is contained within the Councils Strategic Housing Land Availability Assessment 2015 as a Strategic Site (SHLAA ref_130). It should be stressed that the application site occupies approximately half of the SHLAA allocation contained within SHLAA_130. The wider allocation has the potential for 150 dwellings. The Strategic Sites are sites that could; subject to further investigation, be potential contributors to the districts housing needs, but would require an overarching strategic approach in their delivery, to be considered under the Land Allocations Process. At the present moment in time it is not possible to conclude on their deliverability.
- 7.1.8 Policy DM42 of the Development Management DPD is especially relevant for this application and as noted above new development in Dolphinholme will be supported assuming the below criteria can be met;
- be well related to the existing built form of the settlement;
 - be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
 - be located where the environment can accommodate the impacts of the expansion;
 - demonstrate good siting and design in order to conserve and where possible enhance the quality of the landscape;
 - consider all relevant policies within the Arnside and Silverdale Area of Outstanding Natural Beauty DPD.
- 7.1.9 Dolphinholme is effectively split into two parts, Higher Dolphinholme and Lower Dolphinholme. The development is adjacent to residential properties along Brookside Drive and those that bound Abbeystead Road and therefore it is considered that the development has some form of geographical relationship to the existing built form of Dolphinholme. Matters must then turn to whether the development proposed is appropriate in terms of scale and character.
- 7.1.10 With respect to its relationship to the village in terms of scale and character, the proposed development is a large extension to a village which has in the region of 140 houses. It cannot therefore be considered that the scheme can be seen to be proportionate to the scale and character of the settlement and there are no exceptional circumstances other than the provision of 40% of the units to be affordable units, the contribution to meeting the housing needs of the district, and potentially the addition of a convenience store (which is a late addition to the planning application and lacks any detail).
- 7.1.11 For reasons contained in this report, the scheme has attracted objections from the likes of the Environment Agency and the County Council (as highways authority for the area). This is further expanded on in Paragraphs 7.5.2 and 7.4 respectively of this report. It is therefore not considered that the local infrastructure can currently accommodate the impacts of the scale of expansion sought by this scheme. For reasons contained in Paragraphs 7.2.1 - 7.2.4 officers have significant concerns over the landscape impact of the proposals.
- 7.1.12 As outlined in Paragraph 2.1 of this report the application is made in outline form and therefore layout, scale, appearance and landscaping are not being considered as part of this application; nevertheless the local planning authority needs to be convinced that the site has the potential to accommodate a scheme reflective of its rural surroundings and conserves and enhances the character and quality of the landscape. The applicant has submitted an indicative layout in support of the scheme to show how the site could be developed. Whilst layout is not being considered as part of this application there are concerns with the proposed layout in terms of the design proposed, such as rear-facing properties backing onto Abbeystead Road, the creation of parking courts and the provision of a long spine road running through the site is not entirely characteristic of the surrounding area, with this in mind the development as proposed would detract from the character and the quality of the landscape.
- 7.1.13 The scheme is proposing 40% of the units to be affordable, and this is afforded substantial weight in the planning balance argument, and something which is to be fully supported. Notwithstanding this it is considered that the development is contrary to Policy DM42 of the Development

Management DPD, and Dolphinholme does not contain a wide range of local services but it does have some (school, (nearby) public house, village hall, outsourced post office visiting 2 mornings a week and two churches). Furthermore access to other nearby services such as in Galgate are made more problematic due to the use of the minor roads in the area. Since the time of the submission the applicant has proposed a live/work unit (which was proposed a day before the committee report deadline) which would offer the opportunity as a new convenience store, however there is no detail regarding feasibility or delivery in this outline submission, and whilst this could be deemed to be a benefit to the local community and therefore needs to be weighed in the planning balance with significant weight, without detail, a full assessment cannot be made.

7.2 Landscape

7.2.1 The applicants have submitted a Landscape and Visual Assessment (LVIA) in support of the application. The resulting conclusions of the assessment relating to landscape character show that the whilst the sensitivity of the landscape here is high, the magnitude of change resulting from the proposal would be minor and the impact negligible, and from a visual impact perspective the impact on neighbouring properties would be low adverse and the overall significance would be minor adverse. With respect to views from the surrounding landscape and AONB, the overall significance would be negligible/minor beneficial.

7.2.2 Many residents are concerned regarding the landscape impact of the proposals and this view has been shared by the Forest of Bowland AONB Unit who of the view that the development would have a significant detrimental impact on the landscape and special qualities of the AONB and have raised concerns with the content and also the overall conclusions reached in the assessment.

7.2.3 It should be noted that the site is approximately 1km from the Forest of Bowland AONB, and whilst the comments are fully noted from the AONB unit, (as there would be some impact on the AONB) it is not considered that this is likely to be significant in its own right to warrant a refusal of this scheme given the development site is 1km away. The concern however is that this site is in a sensitive location and is an important gateway into and out of the AONB/Trough of Bowland and does have a feel and similar characteristics of being within the AONB. Notwithstanding this, the site is not within a protected landscape and therefore if land within the Forest of Bowland AONB is to be protected from development then sites with no landscape protection are those that are likely to be developed in the future (such as the application site).

7.2.4 Officers have serious misgivings about the conclusions contained within the LVIA. A development of this scale is not in keeping with the landscape character of the area, would have significant landscape effects (albeit localised), and the change from grazing land to a suburban housing estate of this scale will bring about landscape impacts which would be difficult to mitigate (albeit acknowledging the LVIA does contain a plan showing where landscaping could be provided for to try to mitigate the impact). In view of this it is the opinion of officers that the development is not in scale and keeping with the existing landscape character and whilst issues associated with layout, external appearance would be determined at a later stage, there is no confidence that a scheme of this scale could be found acceptable in this particular location and therefore the scheme fails to conform to Policies E4 of the Lancaster District Local Plan and Policies DM28, DM35 and DM42 of the Development Management DPD.

7.3 Layout and Design Issues

7.3.1 As noted in Section 7.1.12 officers have reservations regarding the layout that has been produced although fully understanding this is illustrative for the purposes of this application and members are to be only concerned at this point in time as to the principle of developing 68 units on this 3.9 hectares of land. Nevertheless, in the event Members wished to support the application it is considered that significant amendments would need to be made at the reserved matters stage.

7.4 Highways

7.4.1 The application is accompanied by a Transport Statement (TS) which examines the sustainability credentials of the application site, and the impact that the development may have on the local highway network. The report concludes that the site is not within the most accessible part of the district for non-car modes of transport, but concludes there are facilities nearby within walking distance and there are opportunities and facilities for prospective residents to cycle to nearby. The

TS has estimated that the development would generate around 39 two-way vehicle movements in the weekday morning peak period and 33 two-way movements in the weekday afternoon peak hour period, and considers this to be negligible and concludes that there are no highway reasons to refuse the scheme.

- 7.4.2 The County have concerns given the scale of the proposed development and the impact that this may have on Junction 33 of the M6, and in Galgate and South Lancaster. They note that many junctions operate at, or beyond capacity at certain times of the day, therefore in such circumstances where additional impact from development results in increased queuing and delay it will be expected the developer will be required to demonstrate the expected impact; and where necessary provide measures to mitigate the impacts. With respect to the TS, the County are concerned that there are serious deficiencies within it, such as the means of recording the vehicle speeds, and the outputs that have been used in the assessment which includes multi modal public transports to and from the site (even though there is no public transport provision).
- 7.4.3 The County raise concern that the only real near amenity is Dolphinholme Primary School and therefore to get to other services, whether that be doctors, shops or to work, the development will rely on private car journeys leading to an over reliance on private car journeys. They consider that the proposal therefore cannot be described as sustainable development in line with the NPPF.
- 7.4.4 With respect to public transport the proposed development is not on a bus route although it is does state within the applicant's TS that there is a bus service between Lancaster and Quernmore, (however this no longer operates). Whilst there is a bus service, this is only for school use. Given the number of dwellings proposed it is unlikely in the circumstances that a development of this nature would be able to contribute towards the provision of a bus service and even if it could this is likely to be limited in service in any event.
- 7.4.5 With respect to walking or cycling, there is little in the way of quality footway links connecting the site to the wider area, however it is possible to improve footpaths within the village, but the application contains no detail of potential off-site improvements and certain locations there could be an improvement to footway, but many of these pavements are unlit. Cycling has a part to play in reducing short car journeys however the location of the site does not promote cycling by virtue of a lack of continuous footways, unlit, poor carriageway alignment and because all roads are bound by established hedgerows and mature trees, this does not promote a safe environment to cycle.
- 7.4.6 The applicants have sought to address the County's concerns and addendum has been received (on the day of the report deadline) setting out the applicant's stance. The views of the County Council will be provided verbally to members. However, given the concerns that have been raised above, it is clear that there are weaknesses within the applicant's TS that need to be addressed to allow for a full technical appraisal of the impact that the development would have on the local highway network; for instance the County state that the cumulative impact of this development has not been suitably assessed as to whether there will be a severe impact on the Galgate/Lancaster A6 corridor as well as Junction 33 of the M6. Notwithstanding this the City Council shares the County's view that the development site is not in a sustainable location for a development of this scale and therefore it is considered that the development does not comprise Sustainable Development.

7.5 Drainage

- 7.5.1 Given the site is in excess of 1 hectare the proposal is accompanied by a Flood Risk Assessment (FRA). The applicant's hydrologist has assumed there would be approximately 6,000m² of impermeable surfacing provided on the site. Infiltration testing has not been undertaken and therefore it is unclear whether the ground will be suitable for soakaways. This is not uncommon on an outline application. Many of those objecting to the scheme have done so on the basis that surface water from the development site may lead to flooding elsewhere and that the stream that runs to the west of the site floods regularly. The site is not within a flood zone however there are elements of the site that do suffer from surface water flooding. Whilst the concerns are noted, the Lead Local Flood Authority have not objected to the development and have proposed a number of conditions to address how surface water could be managed on the site, and the information supplied to date would suggest that the site can be drained with SUDS (Sustainable Urban Drainage) principles in mind. It is considered that the proposal does conform to Policy DM39 of the DM DPD and therefore whilst the concerns of local residents are noted it is considered that the scheme can be drained and that flooding will not increase elsewhere in the event of the approval of this scheme.

7.5.2 The Environment Agency (EA) have objected to the proposed development as the development involves the use of a non-mains foul drainage system in a publicly-sewered area with no justification put forward for this. The applicants have responded to the request by producing a revised FRA in April 2016 which provides for connection into the public sewer within the village and given the change in level which is 10 metres lower; a pumping station will be constructed close to the site entrance and this will be constructed to the satisfaction of United Utilities with the pumping station connected to the head of the United Utilities public sewer via a rising main. Further consultation has occurred with the EA, however at the time of writing this report their views are not known. It should be stressed that United Utilities do not raise an objection and therefore assuming the EA are satisfied it is considered that there would be no adverse impacts associated with the development.

7.6 Ecology

7.6.1 The application is supported by an ecological appraisal of the site although this survey was undertaken outside of the ideal time for optimal survey conditions (December 2015). The survey was undertaken outside the survey season for water voles and therefore the results of the survey could be considered inconclusive; however the indicative layout does not show any encroachment into the streamside habitat, and assuming mitigation measures are adopted it is considered that there would be no impact on water voles or their habitat.

7.6.2 Concern has been raised via the representations received in response to the scheme that the site supports birds such as Curlew and Lapwing. These concerns are fully noted as during the officer's site visit there were a number of Lapwing utilising the site. Following further discussion with the Council's ecological advisors it is considered that the loss of the fields in isolation is unlikely to impact on wintering birds and therefore they raise no objection to the scheme and recommend the mitigation measures are undertaken in accordance with those recommended within the report. Natural England also offer no objection to the scheme and therefore it is considered that the development complies with Policy DM27 of the Development Management DPD.

7.7 Trees and Hedgerows

7.7.1 There are a number of trees and hedgerows that bound the site and the application is supported by an Arboriculture Implications Assessment. There are a total of 18 individual trees within the site and 8 groups of trees together with 11 hedgerows. The applicant proposes to remove 21 metres of hedgerow (H2) and 100m of hedgerow identified as H3. An Oak tree (T2) has been identified for removal given its poor overall condition however no other trees have been identified for removal. The Tree Protection Officer has no objection to loss of the proposed hedgerows and trees on the site however does raise concern with the potential conflict with a mature large oak tree. The application is in outline with layout not being applied for, whilst the comments of the Tree Protection Officer are noted it would be unreasonable to suggest an amendment to the layout on this basis.

7.7.2 The hedgerow that is proposed to be lost to create the required visibility splay notably to the east of the site towards Abbeystead does raise concerns as there would be a swathe of land (to the east of the access) which would need to be grassed and this is considered to be a significant weakness of the scheme. Regrettably there is no proposed detailed replanting plan for this hedgerow that would be lost which would allow a judgement to be made on its loss.

7.8 Education Provision

7.8.1 A justified concern amongst many of those that have made representation is whether there is sufficient education provision within the local area. On such matters the local planning authority always takes the advice of the County Council, who act as the education authority for the district. They recommend that there would be a need for 15 additional primary school places to be provided at Dolphinholme Church of England School which equates to a financial contribution of £183,141. The County have stated that to ascertain whether secondary school places would be needed would require further instruction from the local planning authority, given that the nearest secondary schools are more than 3 miles away. This has been requested, however as yet a response has not been forthcoming. Assuming the applicant would be amenable to entering into a Section 106 agreement to secure the provision of these monies to be put towards education places, it is considered that the development would meet the requirements of Policy DM48 of the Development Management DPD.

7.9 Open Space Provision

7.9.1 Whilst the layout it is indicative, the applicants have proposed pockets of open space across the site which also double up as surface water attenuation lagoons, this is adjacent to plots 1 and 2 and to the east of Plot 38. The Public Realm Officer has stated that 1316m² of open space needs to be provided on site and this should be mown informal space where young children can play. The ponds as proposed would not be included within this calculation, however as the scheme is indicative at present this does not present any issues. Given the scale of the development the Public Realm Officer has requested the provision of a play area to be provided on the site. Both the open space requirements and the need for an on-site play facility are considered appropriate.

7.9.2 A financial contribution of £139,966 has been requested by the Public Realm Officer and the rationale is to fund improvements to the bowling green or tennis courts (£79,806); the upgrading of the kick about area in the village (£37,600); together with a financial contribution towards Greaves and Williamson Parks located in Lancaster (£22,560). Planning obligations can only be sought where they are considered necessary to make developments acceptable, directly related to the development, and fair and reasonably related in scale and kind to the development that is being proposed. The application is made in outline form, and therefore whilst officers believe that a financial contribution could go towards the likes of upgrading the kick-about area in the village, it would not be considered reasonable to require a contribution towards the bowling green and tennis courts given there are no firm plans at present to undertake improvement works, and it is considered that it would not be reasonable to require a contribution towards Williamson Park (8km away and Greaves Park (7.8km away) simply based on the distance to these parks. Notwithstanding the above, should Members determine to approve the scheme it is recommended that the principle of seeking a financial contribution towards the upgrading of facilities within the Parish be sought by means of legal agreement to be further assessed should a reserved matters application be determined acceptable.

7.10 Cultural Heritage

7.10.1 The proposed development is approximately 100 metres to the south of Lower Starbank Farm which is a Grade II listed building, given the distance, and subject to appropriate design it is not considered that the setting will be unduly harmed. The views of the Conservation Officer are awaited and it is considered that the scheme complies with Policy DM30 of the DM DPD and that due regard has been paid to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990, it is considered that the heritage asset would be preserved on the basis of a scheme to be assessed at reserved matters stage. No response has been received from the County Council's Archaeologist and therefore in the absence of advice to the contrary, it is assumed that the site does not have the potential to contain any buried archaeology that would need to be preserved in situ.

8.0 Planning Obligations

8.1 If Members were minded to approve the scheme contrary to the recommendation, it is recommended that the following should be sought by way of legal agreement.

- The provision of up to 40% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be addressed at Reserved Matters stage based on local housing needs and viability);
- Education contribution of £183,141 for primary school places and secondary school contribution to be agreed;

These requirements are considered to meet the tests set out in Paragraph 204 of the NPPF. Given the scheme there would be a need for a number of works that would be undertaken under Section 278 of the Highways Act. These works could be conditioned.

9.0 Conclusions

9.1 Due to the scale of the proposed development relative to the size of Dolphinholme, it is considered that the proposal is disproportionate to the existing scale and character of the village, and as a consequence the development would have an unacceptable landscape impact. The Environment Agency has raised an objection to the proposal based on the foul water arrangements for the site and therefore it is questionable whether the infrastructure is in place for such a development of this

scale. Officers and the Highways Authority share the view that a development of this scale in the village cannot represent sustainable development, as the village has no bus service provision and travelling by other means of sustainable transport methods such as walking and cycling is prohibitive due to the make-up of the local roads. The highways authority have significant concerns regarding the quality of the submitted transport statement and due to this there may well be a severe impact on the local highway network as a result of this scheme.

- 9.2 Overall for the reasons above it is considered that the development is not sustainable development and therefore the presumption in favour of Sustainable Development does not apply in this case and the recommendation is that the application should be refused.

Recommendation

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

1. The development is not well related to the existing scale and character of Dolphinholme and it is not considered that exceptional circumstances exist, nor is it considered to be a site whereby the environment and infrastructure can accommodate the scale of the proposed development and it is considered that there would be a detrimental impact to the character and quality of the landscape. The proposed development is therefore not sustainable development and thus fails to adhere to Policies DM28, DM35, DM41, and DM42 of the Development Management DPD and Policy E4 of the Lancaster District Local Plan, Policy SC1 of the Lancaster Core Strategy and Paragraphs 7 and 14 of the National Planning Policy Framework.
2. The Transport Statement submitted in support of the application has been found to be lacking in detail and the local planning authority, in consultation with the highways authority, consider that the cumulative impact of the development has not been adequately assessed and therefore there could be a severe impact at Junction 33 of the M6 and the A6 corridor through Galgate to Lancaster and therefore the development is contrary to Policies DM20 and DM35 of the Development Management DPD, Policy E2 of the Lancaster District Core Strategy and Paragraph 32 of the National Planning Policy Framework.
3. The proposed development by virtue of its location and access to services renders the site unattractive to walk and travel by other sustainable means of transport between workplaces, shops, schools, health care centres, recreation, leisure and community facilities and therefore it is not considered the proposal represents sustainable development and fails to conform to Policy SC1 and E2 of the Lancaster Core Strategy, Policies DM20, DM21, DM28 and DM35 and DM42 of the Development Management DPD, and Paragraphs 7 and 14 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. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to liaise with the Case Officer in an attempt to resolve the reasons for refusal.

Human Rights Act

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

Background Papers

None

Agenda Item A6	Committee Date 3 May 2016	Application Number 16/00297/FUL
Application Site Silverdale Village Institute Spring Bank Silverdale Carnforth	Proposal Construction of a multi-use skating/biking/scootering bowl and tennis court with associated fencing and footpaths	
Name of Applicant Silverdale Village Institute	Name of Agent Mr Tim Stothert	
Decision Target Date Extension of time agreed until 6 May 2016	Reason For Delay Committee Cycle	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 This application relates to the recreational field located to the south of the village Institute in the centre of Silverdale. The site is accessed off Spring Bank which is a privately maintained, unadopted road, in addition to a public footpath, and also serves several residential properties. The field is located on the eastern side of the road, approximately 200 metres from the junction with Stankelt Road. The site comprises a relatively large grassed area with some movable goal posts. There is also a relatively small hard surfaced area close to the north western boundary. The boundary with the highway comprises a stone wall, approximately 1.2 metres high, a metal access gate and a small section of timber and wire fence. Adjacent to this, along the highway verge, is a row of mature trees which are covered by a Tree Preservation Order.
- 1.2 To the south and east of the field are a number of residential properties which share boundaries with the site. The two to the south are accessed from Spring Bank and comprise bungalows located in close proximity to the site boundary. The boundary treatments consist of a beech hedge and a low blockwork wall. Close to the south east corner of the field are two detached bungalows which front onto Levels Way and are at a higher level than the site. One of these shares a boundary with the site which comprises a stone retaining wall and a timber fence. To the north of these properties, also sharing boundaries with the site are two detached dwellings, one of which is accessed off Levens Way and a pair of semi-detached properties. The remainder of the eastern boundary comprises a continuation of the stone wall and fence and a stone wall, behind which is a row of mature trees,
- 1.3 The site is located within the Countryside Area, as identified on the Local Plan Proposals Map, and is within the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB).

2.0 The Proposal

- 2.1 Planning permission is sought for the construction of a concrete bowl, to be used by skateboarders, skaters, scooters and BMX cycles and for a tennis court. The concrete bowl would be sited towards the southeast corner of the site and would be approximately 25.5 metres long and 11.8 metres wide. The tennis court would be sited adjacent to this, to the west, and would be marked out and have facilities built in to allow it to be used for other sports such as netball and football. This is proposed to

be approximately 35 metres long and 17 metres wide and be enclosed by a three-metre high green metal welded mesh fencing. Some hard surfacing is proposed around the concrete bowl and the tennis court and would include the siting of cycle stands and picnic tables. Pedestrian and cycle access would be from the existing gated access into the field from Spring Bank. Some work is also proposed on the hardstanding adjacent to the Institute with the surfacing refurbished and spaces marked out with setts. Five additional parking spaces are proposed within the field, adjacent to the existing hardstanding, and would be reinforced grass. Some tree planting is proposed, predominantly close to the south and east boundaries adjacent to the proposed development. A grass running track is also proposed to be marked out to the north of the tennis court.

3.0 Site History

3.1 The only relevant history relates to a similar proposal on the site in 2015 which was withdrawn. The previous proposal included facilities for boules and croquet, in addition to a multi-use games area (MUGA), skate bowl and grass running track. The MUGA was proposed to be sited in a similar position to the concrete bowl currently proposed, and the skate bowl was proposed closer to the Institute building, adjacent to the eastern boundary.

Application Number	Proposal	Decision
15/00739/FUL	Construction of a skate park, multi-use games area and running track	Withdrawn

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Object due to the following concerns: <ul style="list-style-type: none"> • Significant impact on the amenity of surrounding properties due to noise and visual impact. No noise or visual impact analysis has been submitted. • Does not include any trial-hole information to inform of either the topography of the subsurface limestone rock or the drainage/permeability situation. • The limestone bedrock may prevent the Skate Bowl being significantly sunk into the ground and no specific finished surface level has been stated. • Access to the site is via a single track private road and there is also restricted visibility where the private road joins onto the public highway at Stankelt Road. • There is no plan included for control and supervision of the facilities.
County Highways	No objection subject to conditions requiring: assessment of the surface of the Spring Bank public right of way before development and within three months of completion and for the highway authority to make good any damage and agree a routine maintenance regime of the footpath during construction; display adequate signage on public rights of way during construction; layout to include provisions for vehicles to enter and leave the Institute in a forward gear; Traffic Regulation Order to control parking within the view line envelope of Stankelt Road at its junction with Spring Bank; details of secure cycle storage facilities; reduction in height of boundary wall with Spring Bank to 1 metre for a distance of 20 metres.
Public Rights of Way Officer	No objections , subject to the public footpath being open and available for safe use by the public at all times.
Environmental Health	Object. There is strong evidence available to suggest that within a quiet rural location as this, with a perceptibly low noise climate and both low daytime and night-time background noise levels, that noise associated with, and generated by the above recreational activities will have unacceptable impacts on local residents and that is a high likelihood of complaints. In view of the above, development of this nature in conjunction with its location and proximity to existing residents should be avoided.
Tree Protection Officer	No objection in principle, subject to the satisfactory submission and agreement in writing of a detailed Tree Protection Plan, Tree Constraints Plan, and detailed Arboriculture Method Statement where works are proposed within root protection areas. This information is required pre-determination.

Public Realm Officer	No objection subject to: the removal of the green space for parking, as a maximum amount of green space should be retained; permitted hours of usage are from dawn to dusk; the inclusion of cycle stands.
Lancashire Constabulary	No comments received.
Arnsdale and Silverdale AONB Unit	Comments - The provision of new sports and recreation facilities is, on overall terms, consistent with the AONB's Units objectives to support social and economic wellbeing of local communities within the AONB. While the new proposal in itself is not likely to result in a significant detrimental impact to the character of the AONB as a whole, there is likely to be an impact on the character of the immediate locality. The layout retains significantly less of the openness of the recreational field than the previous layout.
Sport England	Holding objection until further information is submitted to demonstrate: 1. The playing field is not required to meet a local pitch sport need; and 2. The sporting benefits that outweigh the loss of playing field Without this information the proposal does not meet the requirements of paragraph 74 of NPPF or Sport England's Playing Fields Policy.

5.0 Neighbour Representations

5.1 59 pieces of correspondence have been received raising objections to the proposal. These raise the following concerns:

- Major development out of character with the AONB
- Inappropriate/unsuitable access and egress along a narrow private access road with limited parking and limited access by public transport. The Institute has no vehicular access rights
- Impact on pedestrian safety of users of the public right of way
- Visual impact on the character of the area as a result of the high fencing, use of concrete, major earthworks, extensive hard landscaping
- Impact on residential amenity as a result of noise, which would not be mitigated by additional tree planting particularly where properties are on higher land, and disturbance from paths and lighting
- Disruption to wildlife
- No requirement for this type of facility from local residents, will only benefit a small proportion and there are other activities available
- Loss of green space (village green), reduces the area of the playing field limiting its use for other purposes, overdevelopment
- Damage to road, verges, trees and habitats during construction
- No supervision proposed, concerns regarding anti-social behaviour, health and safety implications, litter, hours of use and maintenance
- Close proximity to a substation which poses risk to life
- The land should be solely for the use of Silverdale residents
- Will contaminate the site
- Other appropriate sites in Silverdale and nearby urban areas
- Limited public consultation
- Loss of land for use by Air Ambulance in emergencies

5.2 9 pieces of correspondence have been received in support of the proposal and raise the following comments:

- Represents an opportunity for people of all ages to partake in sport and recreation
- There is a need for sports facilities in the village for young people in particular and there is no similar facility in the nearby area
- The land is already a designated recreational field
- Health benefits
- Will provide a safe area of children to play rather than on roads

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 and access to recreational facilities

Paragraphs 69, 70 and 73 – Promoting Healthy Communities

Paragraph 74 – Protecting Existing Open Space

Paragraph 115 and 116 – Conserving Landscape and Scenic Beauty in Areas of Outstanding Natural Beauty

Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008) (LDCS)

SC1 – Sustainable Development

SC5 – Achieving Quality in Design

SC6 – Crime and Community Safety

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

E3 – Areas of Outstanding Natural Beauty

E4 – Countryside Area

6.4 Development Management Development Plan Document (DM DPD)

DM20 – Enhancing Accessibility and Transport Linkages

DM27 – Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerows and Woodland

DM25 – Green Infrastructure

DM26 – Open Space, Sports and Recreational Facilities

DM27 – The Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerows and woodland

DM35 – Key Design Principles

DM39 – Surface Water Run-Off and Sustainable Drainage

6.5 Other Material Considerations

A Sporting Future for the Playing Fields of England – Sport England

7.0 Comment and Analysis

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

- Principle of development
- Impact on the AONB
- Siting, scale, design and visual impact
- Residential Amenity
- Access and highway impacts
- Impact on Trees and Ecology
- Other Issues

7.2 Principle of Development

7.2.1 The application proposes two main sports facilities on an existing area of amenity green space, adjacent to the Village Institute. The Council supports the development of appropriate and accessible outdoor facilities for the benefit of local communities. The field does not appear to have been used extensively for formal recreation, with no formal pitches marked out, but has been previously used by the cricket club before the creation of their facilities off Cove Road. Paragraph 74 of the NPPF sets out that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the development would be replaced by equivalent or better provision

in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 7.2.2 Sport England have been consulted on the proposal and have currently raised an objection. They have considered the application in light of the NPPF and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England'. The new sports facilities will result in the loss of a grass playing field with only a significantly reduced area being provided, which is not big enough for formal sports pitch but could be used as a kick-about area. Sport England's statutory remit is to protect natural turf playing field which is capable of being used for pitch sports even though it may not currently be used as such. Whilst they do not wish to discourage participation in other sports they set out that they require clear evidence that the playing field is not required to meet a need from another pitch sport and that the proposed non-pitch sports facilities will provide sporting benefits that outweigh the loss of playing field. For that reason the proposal must then meet paragraph 74 (iii) of NPPF and the following exception to Sport England policy: '*E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields*'.
- 7.2.3 Although the England and Wales Cricket Board has confirmed the site is no longer required to meet a cricket need no evidence has been provided that shows local sports clubs from football and rugby have been consulted to see if this site could meet an identified need. This evidence would normally be presented in a Playing Pitch Strategy. Lancaster City Council is in the process of preparing a Playing Pitch Strategy but Sport England have confirmed that this is not sufficiently advanced to help in this instance. The applicant has provided information that sets out consultation with local residents via a Village Survey which, although helpful, is not sufficient as local sports teams have not been consulted. In particular reference has been made to the tennis court being compliant with Lawn Tennis Association (LTA) standards but there is no information to suggest that the LTA has been consulted and are supportive. It would also be helpful if there was some indication of support from British Cycling who also cover BMX and the British Roller Sports Federation who cover skating. Unfortunately, there is no recognised body for Skateboarding.
- 7.2.4 Whilst the Local Authority is generally supportive of proposals which encourage different sports, it is considered that more information is required to justify the loss of part of the playing field. It has also been suggested by the Public Realm Officer that the proposed parking spaces are removed from the scheme as these encroach into the field, further reducing the usable area.
- 7.3 Impact on the Arnside and Silverdale AONB
- 7.3.1 The site is located within the AONB but is contained by existing development, which is predominantly residential. It is therefore only visible from limited public viewpoints. Paragraph 115 sets out that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 116 states that planning permission should be refused for major developments in these areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest.
- 7.3.2 The development proposed does not fall within the statutory definition of major development. However, the National Planning Practice Guidance sets out that it is a matter for the relevant decision taker, taking into account the proposal in question and the local context, to determine whether a development should be treated as major development (i.e. it is not simply based on land area/development footprint, but the impacts of the proposal). Given the nature and scale of the proposals and the relatively enclosed nature of the site, it is not considered that the proposal represents major development. It is likely that most of the impacts, as a result of the development, would be relatively localised. For these reasons it is also not considered that the proposal would have a significant adverse impact on the character and appearance of the AONB as a whole, a view which is shared by the Arnside and Silverdale AONB Unit.
- 7.4 Siting, scale, design and visual impact
- 7.4.1 The site is adjacent to a relatively narrow, privately maintained road, Spring Bank, which is also a public right of way. It is mainly surrounded by residential properties, with the exception of the Institute Building which lies to the north. Given this, the main public viewpoints are from Spring Bank and from within the field itself. There are a number of mature trees along the highway verge which

break up views of the land. This type of development is also not uncommon on areas of green open space within villages.

- 7.4.2 The part of the scheme closest to the road is the tennis court, which is also proposed to be used for other sports. This would be located 4.5 metres from the boundary wall with Spring Bank, at its closest, and 11 metres from the southern boundary. The concrete bowl is proposed to the east of this so would be partly screened from the highway by the tennis court. The court would be approximately 17 metres by 35 metres, surrounded by 3 metre high green metal welded mesh fencing. It would be surrounded by a path, finished in limestone chipping, with a small area paved in sets adjacent to the pedestrian access point. Clarification has been sought with regards to the position above ground level of the court and it has been confirmed that it would be on level ground. This is something that could be controlled by condition to ensure that the playing court level was not significantly raised from the existing ground level. Given its location towards one end of the field and the relatively enclosed nature of the site, it is not considered that this part of the proposal would have a detrimental impact on the character and appearance of the locality.
- 7.4.3 The concrete bowl would be approximately 25.5 metres long and 11.8 metres wide and would extend further to the north than the tennis court. It would be surrounded by a strip of hardstanding surfaced in bitmac. The bowl is proposed to be generally 1.4 metres deep, with a lower section at 1.8 metres, and would have three areas that extend above the rim of the bowl. The highest of these would project 0.45 metres. Clarification has been sought regarding the height of the bowl above ground level and sections were requested. The agent has set out that they would hope to sink the bowl into the ground so that it finishes at ground level and is 1.4 metres below the surface. However, much of the bedrock is limestone. They have not been able to carry out trial bore holes at this stage but have pushed rods into the ground and think that there would be a possibility of digging down to 60–100cms. The agent has set out that digging through limestone is possible, but expensive and they would need to find extra money to do this. It has also been stated that they would try to bury this as much as possible, whilst allowing for the drainage, and however much is above the surface could be built around with bunds.
- 7.4.4 From the information provided, there is a lot of uncertainty about how far the concrete bowl will project above the ground level and the visual impact of this. The land could be built up to provide a landscaped mound in which it would be set, to help soften its appearance. Given its location it is unlikely that it would have a significant adverse visual impact, but it needs to be clear what this impact would be before the application could be positively determined. A sketch has been provided of how a bund could be used, but it is not clear how high this would need to be and the site plans currently show the bowl surrounded by bitmac. Therefore, it is not considered that there is sufficient information to be able to fully assess, with confidence, the visual impact of this part of the proposal. This is clearly to the detriment of the current submission.

7.5 Residential Amenity

- 7.5.1 There are a number of residential properties in close proximity to the application site. The multi-use court is proposed to be sited approximately 11 metres from the boundary with the nearest residential properties to the south, The Chestnuts and The Ashes, and approximately 15 metres from the nearest wall of the dwellings. These are both bungalows and The Ashes has a number of windows in the north elevation, facing towards the site, and the boundary wall comprises a relatively low blockwork wall. It would also be approximately 20 metres from the nearest properties to the west, 25 and 27 Spring Bank. The concrete bowl is proposed to be sited approximately 10 metres from the boundary with the dwellings to the east on Levens Way, 18 and 21, although the hard surfaced area would bring this approximately 2.5 metres closer. The bungalow at 21 Levens Way is set back from the boundary by approximately 6.5 metres and has its main garden area at this side of the building. The dwelling at 18 Levens Way is two storey and is set back from the boundary by approximately 21 metres. There is another detached dwelling to the north of this that would be approximately 22 metres from the concrete bowl but the boundary would be within approximately 5 metres.
- 7.5.2 It is clear from the above that the site is heavily constrained by existing residential properties, with the closest generally having relatively short gardens separating them from the field. Although there are no set separation distances for this type of development and residential properties, there are several guidance documents which have been referred to by residents. Sport England's publication '*A Guide to the Design Specification & Construction of Multi Use Games Areas*' sets out that it is normally advisable to locate a Multi-Use Games Area (MUGA) (especially floodlit ones) at least 12m,

and ideally at least 30m from other residences. The Fields In Trust Guidance for Outdoor Sport and Play recommends a minimum separation distance of 30 metres between MUGAs and skateboard parks and the boundary of dwellings. These are a useful guide, but every application must be determined on its own merits with the site circumstances taken into consideration.

7.5.3 The site is in a particularly quiet location, set away from the main road, with very little background noise. The Environmental Health Officer has advised that there is strong evidence available to suggest that within a quiet rural location as this, with a perceptibly low noise climate and both low daytime and night-time background noise levels, that noise associated with, and generated by the proposed recreational activities will have unacceptable impacts on local residents and that is a high likelihood of complaints. There would be limited scope for designing out the noise characteristics associated with this development and, post development, little or no scope for noise mitigation. Given the constraints of the site, it is unlikely that there would be anywhere on the field where the proposed development would not result in a significant detrimental impact on residential amenity. The agent has suggested that 2 metre high acoustic fencing could be erected. It is not considered that this would overcome the concerns, given the close proximity of the residential properties, and the higher level of those on Levens Way. Added to this is the uncertainty about the height of the concrete bowl above ground level which would likely increase any noise nuisance and potentially result in overlooking given the raised level.

7.6 Access and highway impacts

7.6.1 The site is accessed from Spring Bank which is a privately-maintained road but also a public footpath. County Highways have raised no objections but have requested that a Traffic Regulation Order (TRO) be pursued to restrict parking on Stankelt Road close to the junction with Spring Bank to provide better visibility for vehicles leaving Spring Bank. It has also been recommended that a survey of the road is carried out before and after construction and that any damage caused as a result of the development is made good, given that it is a public right of way.

7.6.2 Five parking spaces, in addition to the existing hard surfaced area at the Institute, have been proposed which would encroach onto the field. There are concerns regarding this, as set out above and it would be preferable if these were removed. It is not clear if these are essential to make the development acceptable, and this can be clarified with the Highways Officer. One of the neighbouring residents has set out that the Institute does not have vehicular access rights on Spring Bank, however the agent has set out that they do. The facility is proposed to serve the local community and it would be expected that users would be accessing the site either on foot or by bike. However, it is inevitable that some people will drive. Cycle stands have been indicated on the plan which would encourage their use.

7.7 Impact on Trees and Ecology

7.7.1 The trees established adjacent to the western boundary and Spring Bank are subject to Tree Preservation Order and as such, they are protected in law. There are no trees within the site proposed for development. There are however, a relatively large number of early-mature and mature off-site trees established to the north-east, east, and western boundaries. These make a significant contribution to the character and appearance of the site and the wider locality. Collectively, they provide important greening and screening between the village institute grounds and that of the immediately adjacent private residential properties.

7.7.2 A Tree Report has been submitted with the application which does not recommend the removal of any trees. A total of 24 individual trees and 1 hedge have been identified within the submitted information. Generally trees and hedge are in good overall condition with long periods of useful remaining life potential. Development of the existing landscape buffer zone to the east and western boundaries would inevitably make a positive contribution to the improved amenity and wildlife benefit. The submitted tree report includes a Tree Protection Plan (TPP). However, trees established immediately adjacent to the existing public highway have been plotted as the radius of a circle. Root from these trees will inevitably be constrained by the close proximity of the highway. As such, root protection areas must be plotted as an area equivalent to the calculated root protection area. The TPP requires amendment to comply with BS 5837 (2012). Inevitably, there will be a requirement to reconsider the encroachment of the development into the revised root protection areas of affected trees. Where works are proposed within root protection areas, only "no dig" and "root friendly" methods and materials will be accepted, for example a three dimensional load bearing

material where increased traffic, pedestrian or otherwise is likely to adversely affect the solid structure over root systems, i.e. running track, car parking facility, hard surfaces. Subject to the satisfactory submission and agreement in writing of a detailed TPP, Tree Constraints Plan, and detailed Arboriculture Method Statement where works are proposed within root protection areas, it is not considered that the development will have a detrimental impact on trees. However, this information should be provided before the application is determined.

7.7.3 With regards to ecology, the trees around the site boundaries provide the most important habitat. Trees within the site have the potential to provide habitat and foraging opportunities for wildlife. Certain habitats and species, including nesting birds and bats are subject to protection as laid out in the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. There are no works proposed to any of these trees. The site relates to an open field used for recreation and the proposal would result in the loss of some of the grassed area. However, given the existing use of the site, it is not considered that the development would have a significant adverse impact on biodiversity.

7.8 Other Issues

7.8.1 A number of other issues have been raised in response to the application. Drainage has been raised as a concern, however information has been provided to demonstrate how this could be dealt with and this could be controlled by condition. Health and safety issues and lack of supervision have also been raised. It is quite common with this type of facility that supervision would not be provided, similar to other types of play equipment. An increase in anti-social behavior has been raised, however the Lancashire Constabulary raised no objections to the first application and set out that the proposal would benefit from natural surveillance. They did advise that a number of litter bins should be installed, and this could be controlled by condition. Hours of usage for such a facility would usually be from dawn to dusk and with no additional lighting to light access paths, the Public Realm Officer has advised that this should be implemented. The applicant could also consider applying for a by-law to legally implement this if it becomes a problem, providing the police with enforcement powers.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The local authority is generally supportive of new proposals for sport and recreational facilities where they are located within existing settlements and of an appropriate scale. Unfortunately, in this instance, there are a number of residential properties in close proximity to the site. As such, it is considered that there would be an unacceptable adverse impact on the amenity of residents as a result of noise associated with the use of the proposed facilities, and it is not considered that this could be adequately mitigated. There are a number of other concerns with regards to the loss of the use of part of the playing field, and the uncertainty over the height of the concrete bowl. However, it is more likely that these could be overcome, whereas it is unlikely that any position within the field would be appropriate given the particularly quiet and constrained nature of the site. It is not therefore considered that the proposal can be supported.

Recommendation

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

1. As a result of the close proximity to a number of residential properties and the particularly low background noise levels at the site, the development would have an unacceptable adverse impact on the amenity of residents as a result of noise associated with the use of the proposed facilities, and it is not considered that this could be adequately mitigated. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 7 and policies DM26, DM35 of the Lancaster District Development Management Development Plan Document.
2. Insufficient information has been provided in relation to the position of the concrete bowl in relation to the ground level and it is therefore not possible to fully assess the visual impacts of this and consider

appropriate mitigation or whether this would lead to overlooking of the nearest residential properties. Therefore, the proposal fails to comply with the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 7 and policies DM26, DM35 of the Lancaster District Development Management Development Plan Document.

3. Insufficient information has been provided to demonstrate that the benefits of the proposed facilities outweigh the loss of a proportion of the existing playing field. As a consequence, the proposal is contrary to the National Planning Policy Framework, in particular Section 8, and Policy DM26 of the Lancaster District Development Management Development Plan Document.

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

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

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

Human Rights Act

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

Background Papers

None

Agenda Item A7	Committee Date 3 May 2016	Application Number 16/00114/FUL
Application Site Land At 3 Tithebarn Hill Glasson Dock Lancaster	Proposal Erection of 3 holiday units raised on timber struts and creation of access and parking	
Name of Applicant Mrs C Woodward	Name of Agent Mr Avnish Panchal	
Decision Target Date 19 April 2016	Reason For Delay Committee Cycle	
Case Officer	Mrs Kim Ireland	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Matters

The proposed development would normally fall within the scheme of delegation. However, Councillor Charles has requested it be referred to the Planning Committee for a decision on grounds of the development's increased level of traffic on access roads, effect on wildlife in the vicinity, inappropriate design in relation to the existing properties in the area and on the Conservation Area and the visual impact on the area.

1.0 The Site and its Surroundings

- 1.1 The land which forms the subject of this application relates to land to the south of nos. 3 to 11 Tithebarn Hill in Glasson Dock. The surrounding area consists of residential properties to the north and west of the site and Glasson Dock Marina is located to the south and east of the site.
- 1.2 The site is allocated as a countryside area in the Lancaster District Local proposals map and is situated within the Glasson Dock Conservation Area. It also falls immediately adjacent to a Biological Heritage Site (marina and canal).

2.0 The Proposal

- 2.1 The application proposes the erection of three holiday units raised on timber struts and creation of access and parking. The three holiday units are to be sited to the south of the site, all overlooking the Glasson Dock Marina. They are to be 13.7m in length, 7m in width, 3.3m in height to the eaves and 5.85m in height to the ridge, including 0.9m high timber struts. The holiday units are to be made up of vertical cladding/treated timber composite, under a dark grey powder coated aluminium profiled roof, with dark grey upvc windows. The proposed access is to be established from Bowland View, which leads to the proposed holiday units with a car parking space for each holiday unit and a turning head.

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
Thurnham Parish Council	Objection on the grounds of increased traffic; disturbance and noise during construction; adverse impacts on wildlife; contrary to open space policies; increased foul and surface water drainage on existing “overloaded” infrastructure; inappropriate design/visual impact in relation to the existing properties; saturation of existing holiday accommodation in the immediate vicinity; and visual impact and possible precedent.
County Highways	No objection. It is noted that the holiday park be defined as holiday accommodation only, as the surrounding lengths of highway network are not conducive to anything other than the movements of low volumes of traffic, and that further details are required for communal secure and lockable cycle rack facilities and measures are included to formalise the point of access.
Environmental Health	No objections , subject to condition restricting the hours of construction.
Conservation Officer	Objection - It has not been defined in the heritage statement the character of the area or analysed to what extent the character will be implicated by the proposed development. Additionally the design, siting, scale, height and materials of the holiday units do not respect the surrounding built characteristics of the Conservation Area and the waterside chalets would ultimately appear incongruous with this historic industrial interest, contrary to DPD Policy DM31.
Environment Agency	No objections , subject to condition requiring the finished floor levels are set no lower than 7.23m Above Ordnance Datum
Public Open Space Officer	No comments to make on the application as the site is not within an area of public open space.
Canal and River Trust	No objection
Lancaster Canal Trust	No objection
Tree Protection Officer	No objections , subject to conditions requiring an Arboricultural Implications Assessment, a scheme indicating type and distribution of all new trees, a tree works schedule and an arboricultural method statement.
Natural England	No objection
The Wildlife Trust for Lancashire	No objection
Ramblers	Objection on the grounds that the proposed holiday units will impact on the public footpath application round the basin; and the design is inappropriate to the location in both structural design and materials.

5.0 Neighbour Representations

5.1 Seven pieces of correspondence supporting the application have been received. The reasons for support include the following:

- The holiday accommodation is suitable for disabled people, due to its accessibility;
- The site lends itself to this business venture and development;
- It would be a great benefit to Glasson Dock;
- They would bring more support to local businesses; and,
- It is unlikely to cause any disruption with increased traffic once the units have been built.

5.2 Twenty nine letters of correspondence objecting to the application have been received. The reasons for opposition include the following:

- The existing drainage cannot cope with the added pressure of more properties;
- There would be an increase on traffic on Bowland View that could make the street unsafe;
- The appearance is out of character with the surrounding properties and Conservation Area;
- The units are large in structure and obstruct views/outlook onto Glasson Dock Marina;
- Overdevelopment of site;

- Overlooks into the neighbouring properties;
- There will be increase in noise and light pollution from the units;
- Adversely affect the wildlife within the basin;
- Close proximity to historic monuments; and
- The site is within a geological heritage site.

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:

Paragraphs 7 and 17 – Sustainable Development and Core Principles

Paragraph 28 – Supporting a prosperous rural economy

Paragraph 29 – Promoting Sustainable Transport

Paragraphs 56, 57, 58, 59 and 64 – Requiring Good Design

Paragraphs 100, 101, 102 and 103 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Paragraphs 115 and 118 – Conserving and Enhancing the Natural Environment

Paragraphs 126, 128, 131 and 133 – Conserving and Enhancing the Historic Environment

6.2 Development Management DPD

DM7 – Economic Development in Rural Areas

DM14 – Caravan Sites, Chalets and Log Cabins

DM20 – Enhancing Accessibility and Transport Linkages

DM27 – Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

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

6.3 Lancaster District Core Strategy (adopted July 2008)

SC5 – Achieving Quality in Design

ER6 – Developing Tourism

6.4 Lancaster District Local Plan Saved Policies

E4 – Development within the Countryside

7.0 Comment and Analysis

7.1

- Principle of development
- Landscape and Visual Impact
- Impact on Heritage Assets
- Flooding
- Access and highway impacts
- Ecological Impacts
- Impact on residential amenity
- Drainage

7.2 Principle of Development

7.2.1 The application relates to a relatively small area of land for which permission is sought for the siting of three holiday units.

- 7.2.2 Policy DM14 of the Development Management DPD sets out that proposals for chalets, log cabins and purpose built holiday accommodation will be supported in principle within the District, subject to the following criteria:
- Be of a scale and design appropriate to the locality and does not have any detrimental impacts on the local landscape, particularly in Areas of Outstanding Beauty;
 - Makes use of appropriate materials which are sympathetic to its locality;
 - Priority is given to previously developed sites and, where greenfield sites are identified, it should be demonstrated that no alternative, suitable brownfield sites exist in the locality;
 - The proposal does not have an adverse impact on surrounding residential amenity; and
 - The proposal is in an accessible location and has no adverse impact on the capacity of the highway network or on highway safety.
- 7.2.3 Therefore holiday units will be supported where they satisfy the above criteria, and this report now seeks to assess the characteristics of the proposal in turn. It is acknowledged that the site is in a particularly sensitive location, given it is within the Conservation Area and is on the edge of marina. It does comprise greenfield land and there has been no evidence put forward to demonstrate that there are no suitable alternatives in the locality. However, the local authority is not aware of any such sites in Glasson.
- 7.3 Landscape and Visual Impact
- 7.3.1 There are six trees and three hedges to the north west and north east boundaries of the site. In addition, there is only a post and wire fence along the south and west of the site, which makes the site very open to various views points around the marina.
- 7.3.2 The DPD Policy DM28 also states that the development proposals should, through their siting, scale, massing, materials and design seek to contribute positively to the conservation and enhancement of the protected landscape. The site is located within Glasson Dock's Conservation Area and is therefore considered as a protected landscape, as it positively contributes to the wider local area.
- 7.3.3 There are no high boundary treatments along the boundary of the site and therefore it is highly visible from within viewpoints. The design and appearance of the holiday units are not in keeping with the surrounding properties and consequently the proposed holiday units are thought to have a detrimental impact upon the visual amenity when viewed from various viewpoints, both within and beyond the Conservation Area. The proposed holiday units are not thought to through the siting, scale and materials to contribute positively to the conservation and enhancement of the protected landscape and therefore is contrary to Policy DM28.
- 7.4 Impact on Heritage Assets
- 7.4.1 The site is located within Glasson Dock's Conservation Area and is in close proximity to areas of archaeological interest, such as the Canal Basin which dates from 1823-25. The historic and architectural interest of Glasson Dock relates to its 18th century development as a dock and many of its buildings are characterised by their construction in traditional materials, such as sandstone and slate. The setting of the Conservation Area comprises a flat relief with views along the canal and of the Lune estuary.
- 7.4.2 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. At the local level, Policy DM31 sets out that new buildings within Conservation Areas will only be permitted where it has been demonstrated that:
- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
 - Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
 - Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

7.4.3 Given the relative openness of the site, it is considered that the proposal as it currently stands will have a detrimental impact on the setting and visual amenity of the Conservation Area. Many of the heritage assets in the Conservation Area are characterised by their sandstone construction, slate roofs and close verge gable ends. Whilst contemporary design is to be encouraged, the applicant's Heritage Statement has failed to satisfactorily define the character of the area or successfully analysed the extent that the character of the area will be implicated by the proposed development. This view is shared by the Conservation Officer, who has objected to the proposal on the grounds that the design, siting, scale, height and materials of the holiday units do not respect the surrounding built characteristics of the Conservation Area, and the waterside chalets would ultimately appear incongruous with the historic heritage assets built for the area's industrial growth. As a result the proposal is contrary to DPD Policy DM31, and it will neither preserve nor enhance the character of the area.

7.4.4 This proposal fails to meet these requirements and therefore is contrary to the provisions of the Act, relevant paragraphs of the National Planning Policy Framework and the policy requirements of DM31 of the Development Management DPD.

7.5 Flooding

7.5.1 The site is located within Flood Zone 3 which is defined as having a high probability of flooding in the National Planning Practice Guidance (NPPG). Given the location of the proposed scheme, a Sequential Test is required to assess whether more appropriate locations for the proposed development exist which are in areas which are at lower risk of flooding. The need and importance of the Sequential Test is set out in NPPF Paragraph 101, which states that "*The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development with a lower probability of flooding*". The NPPG is clear in Paragraph 33 that for individual planning applications where there has been no previous sequential testing via the local development plan that a Sequential Test will be required. If it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should be applied. For this to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk; and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall.

7.5.2 It is for the Local Planning Authority to determine whether or not the proposals satisfy the Sequential Test as defined in paragraph 101 of the NPPF and, where necessary, the requirements of the Exception Test as set out in paragraph 102. A Sequential Test has been included in the Flood Risk Assessment. However, the sites that have been identified as comparable, are for large scale development and land that has been deemed acceptable for housing, and consequently are not seen as equivalent. Given that there are many locations within the District which are on land outside Flood Zones 2 and 3, it is considered unlikely that there would not be reasonably available sites elsewhere at a lower risk of flooding which could accommodate the proposed development. Even within the locality there are areas within Flood Zone 1 located approximately 170 metres to the west. It is therefore not considered that the proposal satisfies the Sequential Test.

7.5.3 It is the role of the Environment Agency to consider whether or not the proposals satisfy the requirements of the second part of the Exception Test and paragraph 103 of the NPPF. They have advised that their comments are only applicable if the Local Planning Authority is satisfied that the Sequential Test has been met. The response sets out that the development would be acceptable, in terms of its flood resilience and resistance, providing that the finished floor levels are set no lower than 7.23m Above Ordnance Datum (AOD) and this is secured by condition.

7.6 Access and highway impacts

7.6.1 The application proposes access is to be established from Bowland View, which leads to the proposed holiday units with a car parking space for each holiday unit and a turning head. Given the road is currently used by a number of properties on Bowland View, it is considered that the addition of 3 holiday units would not have an adverse impact on highway safety. This is echoed by County Highways who have raised no objections to the proposal, given that the proposal is for holiday accommodation only, parking is provided on site, and visibility can be achieved from the site onto Bowland View.

7.6.2 There have been a number of objections received from neighbouring properties on the grounds that there will be an increase of traffic on Bowland View and consequently this will make the street unsafe. It is acknowledged there is likely to be a limited impact upon the highway, however, given that the proposal is for holiday accommodation and the units will be accessed on a minimal basis, the proposal is not thought to a detrimental impact on the highway.

7.7 Ecological Impacts

7.7.1 The site is in close proximity to the Morecambe Bay Special Protection Area (SPA) and Special Area of Conservation (SAC) and Ramsar site and Lune Estuary Site of Special Scientific Interest (SSSI). The European designated sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). Given the proximity of the application site, there is the potential for the proposal to impact the European designated sites. The Local Planning Authority has a duty to assess the proposal under the habitats regulations. Natural England has advised they are satisfied that the proposal will not damage or destroy the interest features, providing the proposed development is carried out in strict accordance with the details of the application.

7.7.2 The application site is adjacent to the marina, a Biological Heritage Site. However, the proposed development is unlikely to impact directly on the Biological Heritage Site during its operational phase, but could potentially contaminated the water basin during the course of ground and construction works. As such, a condition would be required to ensure that appropriate measures are put in place to prevent this from occurring.

7.8 Impact on residential amenity

7.8.1 There have been a number of objections received from neighbouring properties on the grounds that the holiday units are unsightly and out of character with the surrounding properties and the Conservation Area, they are large structures and will obstruct views and outlook onto Glasson Dock Marina, they overlook into the neighbouring properties, there will be an increase in noise and light pollution from the units, and they are an overdevelopment of the site.

7.8.2 The NPPF Paragraph 17 states that one of the twelve principles of planning should be to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 57 of the NPPF reiterates this by stating it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

7.8.3 The DPD Policy DM35 states that new development should make a positive contribution to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palette of materials, separating distances, orientation and scale. DM35 carries on to say that development should make a positive contribution to the surrounding landscape or townscape and that it should ensure that there is no significant detrimental impact in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.

7.8.4 The site is overlooked by a number of properties from within Bowland View, Tithebarn Hill, Wyresdale Crescent and Pennine View, as the land is on the outskirts of Glasson Dock Marina. The holiday unit furthest to the west of the site is sited 19m away from the neighbouring property of 11 Bowland View. There are two windows to the south east elevation of the proposed holiday unit, however, given the distance between the neighbouring property and the holiday unit, it is not considered to have a detrimental impact upon the residential amenities. Nevertheless, the design and height of the holiday units is considered to have a detrimental impact on the character and appearance of the site, especially given its open nature, and is consequently contrary to the provisions of paragraph 17 of the National Planning Policy Framework.

7.9 Drainage

7.9.1 It is proposed that foul water will be collected by a piped system that will discharge into the existing public foul water sewer along Bowland View and Tithebarn Hill. Proposed surface water will be collected by a surface system of swales adjacent to the access drive and discharged into the marina via a 150mm diameter pipe. The surface water drainage has the potential to have implications upon

the Biological Heritage Site and therefore drainage interceptors could be introduced to the scheme to protect the water quality of the marina. United Utilities has made no comment on the application. However, it is acknowledged that the current foul water sewer experiences problems and the added pressure of more properties, could have the potential to exacerbate the issues.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The general principle of the proposed erection of three holiday units and creation of access and parking is supported within DM14, dependent upon the criteria listed in this report.

9.2 However, the proposed development fails to preserve or enhance the character of the area, especially given the current relative openness of the site, and it is considered that the proposal will have a detrimental impact on the setting and visual amenity of the Conservation Area.

9.3 The proposal fails to satisfy the Sequential Test, as the sites that have been identified as comparable, are for large scale development and land that has been deemed acceptable for housing, and consequently are not seen as equivalent. Particularly as there are many reasonably available sites elsewhere at a lower risk of flooding which could accommodate the proposed development.

9.4 It is concluded that the scheme does not wholly comply with the relevant policies and the application is therefore recommended for refusal.

Recommendation

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

1. Given the relatively open nature of the site and its limited screening, it is considered that the siting of the holiday units and their associated parking would have a detrimental impact on the character and appearance of the site and the local landscape. As a consequence, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 7 and Section 11, Saved Policy E4 of the Lancaster District Local Plan and Policies DM14, DM28 and DM35 of the Development Management Development Plan Document.
2. As a result of the location of the site within the Conservation Area, the relative openness of the site and its existing character and appearance, it is considered that the erection of three holiday units on this land is not sympathetic, will not preserve or enhance the character of the area and, as a result, will have a detrimental impact on the setting and visual amenity of the Conservation Area. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, and Section 12, Policy SC5 of the Lancaster District Core Strategy and Policy DM31 of the Development Management Development Plan Document.
3. The site is located within Flood Zone 3 and it is not considered that the submission demonstrates that the proposal satisfies the requirements of the Sequential Test, as required by paragraph 101 of the NPPF. As such, the proposal represents an unacceptable form of development, within an area defined as having a high probability of flooding, and is therefore contrary to Section 10 of the NPPF and Policy DM38 of the Lancaster District Development Management Development Plan Document.

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

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

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

applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Human Rights Act

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

Background Papers

None

Agenda Item A8	Committee Date 3 May 2016	Application Number 16/00265/CU
Application Site Allotment Gardens Exeter Avenue Lancaster Lancashire	Proposal Change of use of land for the retention of a cabin	
Name of Applicant Mrs Joan Houghton	Name of Agent Mr Richard Grant	
Decision Target Date 12 May 2016	Reason For Delay N/A	
Case Officer	Mrs Kim Ireland	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Matters

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

1.0 The Site and its Surroundings

1.1 The land which forms the subject of this application relates to allotment gardens located on Exeter Avenue in Lancaster. The surrounding area consists of residential properties to the north, west and south of the site and Lancaster Leisure Park is located to the east of the site.

1.2 The site is allocated as an Urban Greenspace in the Lancaster District Local Plan proposals map.

2.0 The Proposal

2.1 The application proposes the change of use of land for the retention of a cabin. The cabin is sited to the north west of the site. It has a length of 6.8m, 2.7m in width, 2.3m in height and raised 0.550m from ground level. The cabin is made up of metal with a green paint finish.

2.2 The cabin is to be used to provide shelter for members of the allotment that are without sheds or greenhouses and to serve as a meeting space for training, learning activities, including seed swapping and plant service. In addition the cabin will be used to store several community tools, in a secure place. It is proposed for long term use that the allotments will increase the interaction with the local community through event days, in which the allotment members can share knowledge.

2.3 The location of the cabin was decided upon, as the plot of land is currently an un-allocated allotment plot and due to the position of the plot the north west corner of the allotments is immediately adjacent to the main site entrance. The land gradient of the allotment gardens, slopes from the north down to the south and the cabin requires a level surface, otherwise excavation of land would be required. To the south of the site is Burrow Beck, which reportedly experiences drainage problems. To the east of the site are mature trees, which line the boundary.

2.4 It is proposed the front of the cabin will be covered in trellises with flowering climbers and year round foliage. It has also been suggested that additional landscaping can be carried out between the boundaries of Exeter Avenue and Coulston Road with the addition of bamboo screening if necessary.

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
Public Realm Officer	Supports the principle of the proposed building, providing it complies with planning.
Policy Group Lancashire County Council- Mineral Safeguarding	No observations made

5.0 Neighbour Representations

5.1 Eight pieces of correspondence of support have been received. The reasons for support include the following:

- The retention of the cabin is considered as tidy and is being put to good use.
- Creating a central place for allotment holders to meet.
- The cabin is not out of keeping and does not detract from neighbouring properties garages and outbuildings.

5.2 Four pieces of correspondence of objection have been received. The reasons for opposition include the following:

- Due to the siting of the cabin it has a negative visual impact as it is a large metal green shipping container.
- It is not in keeping with the surrounding properties
- It is visible from Exeter Avenue and Coulston Road properties.
- It creates visual and noise pollution
- It is not accessible to elderly/disables people as it is raised from the ground.
- The green paint finish has made the cabin an eyesore
- There are windows which overlook nearby residents
- It is un-neighbourly due to the height and proximity of the cabin.

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 **14** – Presumption in Favour of Sustainable Development Criteria
- Paragraph **17 - 12** Core Principles
- Paragraphs **56, 57 and 64** – Requiring Good Design

6.2 Development Management DPD

- DM25** – Green Infrastructure
- DM28** – Development and Landscape Impact
- DM35** – Key design principles

6.3 Lancaster District Core Strategy (adopted July 2008)

E1 – Environmental Capital

7.0 Comment and Analysis

- 7.1
- Principle of Development
 - Design and Impact on Character of the Area
 - Residential Amenity

7.2 Principle of Development

The site is located within the urban area of Lancaster, it is currently used as allotment gardens. Therefore it is within a sustainable location that the provision of new allotment facilities and other food growing places are encouraged, where opportunities arise and a clear need is demonstrated.

- 7.3
- Policy DM25 states that allotments are an important element of open space and offer a significant range of benefits for people, communities and environments. They provide recreational value, contribute towards the urban landscape, support local biodiversity, contribute towards physical and mental well-being, provides the opportunity to grow fresh produce and contributes towards a healthy lifestyle that is active, sustainable and socially inclusive.

- 7.4
- Therefore the principle of the cabin is looked upon favourably as it provides a shelter for members of the allotment community that are without sheds or greenhouses and to serve as a meeting space for training, learning activities, including seed swapping.

7.5 Design and Impact on Character of the Area

The DPD Policy DM35 states that new development should make a positive contribution to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palette of materials, separating distances, orientation and scale. DM35 carries on to say that development should make a positive contribution to the surrounding landscape or townscape and that it should ensure that there is no significant detrimental impact in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.

- 7.6
- The DPD Policy DM28 also states that the development proposals should, through their siting, scale, massing, materials and design seek to contribute positively to the conservation and enhancement of the protected landscape.

- 7.7
- The proposed cabin is located 3.2m from the neighbouring property of 11 Exeter Avenue and is set back 13.5m from the road. There are no high boundary treatments along the boundary of the allotment gardens and therefore it is highly visible from within the street scene. The design and appearance of the cabin is not in keeping with the surrounding properties or outbuildings that are within the allotment gardens and consequently the proposed cabin is thought to have a detrimental impact upon the visual amenity of the street scene. The proposed cabin is not thought to through the siting, scale and materials to contribute positively to the conservation and enhancement of the protected landscape and therefore is contrary to policy DM28, DM35 and the provisions of the National Planning Policy Framework, Paragraph 17.

- 7.8
- It was discussed with the agent that if the cabin was to be re-located to the north east of the site, that the application would be looked upon more favourably, as it would be away from any neighbouring properties and would not be in a prominent location, which could be viewed from within the street scene. However due to the allotment land gradient, drainage problems to the south of the site and mature trees to the east of the site this was not feasible. Evidence was provided by the agent that the existing paths/tracks of the allotment have no foundations and therefore they would not be suitable for the use of heavy vehicles, which would be required to re-locate the cabin.

7.9 Residential Amenity

There have been a number of objections received from neighbouring properties on the grounds that due to the siting of the cabin it has a negative visual impact as it is a large metal green shipping container, not in keeping with the surrounding properties, it is visible from Exeter Avenue and Coulston Road properties, creating visual and noise pollution, it is not accessible to elderly/disabled

people as it is raised from the ground, the green paint finish has made it an eyesore, there are windows which overlook nearby residents, it is un-neighbourly due to the height and proximity of the cabin.

- 7.10 The NPPF Paragraph 17 states that one of the twelve principles of planning should be to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.11 The proposed development is seen to have an adverse and detrimental implications upon the residential amenity. The site is overlooked by a number of properties from within Exeter Avenue and Coulston Road as it is sited to the North West of the site. The cabin is sited 3.2m away from the neighbouring property of 11 Exeter Avenue and 5m away from the neighbouring property of 106 Coulston Road. The design and appearance of the cabin is thought to have an unduly detrimental visual impact upon the residential amenity, given the close proximity to the neighbouring properties and is consequently contrary to the provisions of the National Planning Policy Framework, Paragraph 17.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 The proposed change of use of land for the retention of a cabin is within a sustainable location that the provision of new allotment facilities and other food growing places are encouraged, where opportunities arise and a clear need is demonstrated.
- 9.2 However this has to be assessed against the design, siting and appearance of the cabin and the impact upon the visual amenity of the street scene. As well as the siting of the cabin being in close proximity to the neighbouring properties and the unduly detrimental visual impact upon the residential amenity.
- 9.3 It is concluded that whilst the Council welcomes improvement to allotment facilities, but the site-specific reasons outlined above outweigh the benefits that would accrue and therefore the scheme does not wholly comply with the relevant policies. Therefore the application is recommended for refusal.

Recommendation

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

1. The design and appearance of the proposed cabin is not in keeping with the surrounding properties or outbuildings within the allotment gardens and is sited in close proximity to the entrance of the allotment gardens in a highly visible location. As a consequence the development would have a detrimental impact upon the visual amenity of the street scene and is not thought to positively contribute and enhance the protected landscape. The proposed development is therefore considered contrary Policies DM28, DM35 Development Management DPD and the provisions of the National Planning Policy Framework, Paragraph 17.
2. The proposed development, by reason of its proximity to the boundary, siting and appearance, would have an overbearing and unduly detrimental impact on the amenity of the occupants of the neighbouring properties and is therefore contrary to Policy DM35 Development Management DPD and the provisions of the National Planning Policy Framework, Paragraph 17.

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

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

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in the

Notice. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Human Rights Act

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

Background Papers

None

Agenda Item A9	Committee Date 3 May 2016	Application Number 16/00159/VCN
<p align="center">Application Site</p> <p align="center">Former Frontierland Site Marine Road West Morecambe Lancashire</p>	<p align="center">Proposal</p> <p align="center">Redevelopment of former amusement park to form retail units, restaurants, family pub/restaurant, hotel, associated car parking, landscaping and public art and new access (pursuant to the variations of condition 2, 3 and 4 on planning permission 14/00388/FUL to amend the approved plans, allow A1 use in zones 3, 4 and 7 and to allow the sale of ancillary convenience goods across the site)</p>	
<p align="center">Name of Applicant</p> <p align="center">Opus Land North</p>	<p align="center">Name of Agent</p> <p align="center">Mr Gareth Glennon</p>	
<p align="center">Decision Target Date</p> <p align="center">16 May 2016</p>	<p align="center">Reason For Delay</p> <p align="center">N/A</p>	
<p>Case Officer</p>	<p>Mr Mark Potts</p>	
<p>Departure</p>	<p>Yes</p>	
<p>Summary of Recommendation</p>	<p>Approval (Subject to no objection from County Highways)</p>	

1.0 The Site and its Surroundings

- 1.1 The application site relates to the former Frontierland amusement park previously operated by Blackpool Pleasure Beach Company. The site relates to an irregular shaped parcel of previously developed land extending approximately 3.1ha in area located off Marine Road West, approximately 650m south west of the Primary Shopping Area in Morecambe. With the exception of the Polo Tower, the 'ranch styled' public house, remnants of the former log flume and electricity sub-station the site is devoid of buildings with the former hardstanding areas now predominately covered with grass/scrub. The site is enclosed by painted blue wooden hoardings along Marine Road West, a retaining planted embankment with stone walls above along the southern boundary (with Cedar Street and Grove Street) and security/palisade fencing along its boundaries with the adjoining retail park and Aldi store. The topography within the site is generally flat, although the land levels rise sharply towards the south eastern corner of the site, gradually lowering towards the seafront. The front portion of the site occupies an elevated position above Marine Road West with Highfield Crescent occupying a position approximately 3-4m higher than the main part of the site.

- 1.2 The site is predominantly surrounded by two different land uses: retail to the north and east comprising the Morrison's retail park and Aldi supermarket; and residential to the south (the West End). The site is located relatively close to other retail/leisure uses including the cinema, super bowl and the Market Hall on Central Drive. The rear elevations of Aldi, Morrison's and DW Sports (which also includes a health and fitness facility) face onto the site. The service yard to the adjacent retail park abuts the site along its eastern boundary. Some of the residential properties on the south boundary directly face into the site (the frontages of the properties on Highfield Crescent) whilst the side elevations of the end terraces on Cedar Street and Grove Street flank the site at an elevated position.

- 1.3 The site has an approximately 192m frontage to Marine Road West, which forms the western boundary. This road is a wide carriageway enjoying a 30mph speed limit and separates the site from the promenade. An existing vehicular access to the site is provided off this adopted highway positioned approximately circa 25m south of the Aldi junction. The former amusement park was, however, previously accessed via Highfield Crescent. Marine Road West (and the promenade) forms part of the strategic cycle network, which connects to the route along Central Drive then connects to the off-road route which runs along the railway line back towards Lancaster and beyond. This road is also a strategic bus route providing the main through-route between Carnforth and Heysham. The bus station and railway station are both located on Central Drive approximately 500m (as the crow flies) from the application site (site frontage).
- 1.4 To the south the application site abuts part of the West End Conservation Area. The residential properties fronting the site on Highfield Crescent form the northern boundary of this designation. The site's frontage also forms a backdrop (when viewed from the promenade) for the iconic Grade II* listed Midland Hotel located to the north of the site situated on the seafront. Other nearby listed buildings include the Platform (grade II c.200m due north east) and the Winter Gardens (grade II* c440m due north east). There are also two groups of trees established along the southern boundary of the site that are subject to Tree Preservation Order no.070 (1981).
- 1.5 The site falls within a Tourism Opportunity Area outside of the defined Town Centre of Morecambe (saved Local Plan). It is also located within the area covered by the Morecambe Area Action Plan (MAAP), which provides a spatial plan (different to that of the saved Local Plan) for Central Morecambe in order to provide opportunities and facilitate its regeneration.
- 1.6 Other important off-site designations includes the promenade which forms part of a wider Informal Recreation Area, and Morecambe Bay which enjoys a number of different nature conservation designations (SPA – Special Protected Area, SAC – Special Area of Conservation, RAMSAR – Wetlands Convention, and SSSI – Site of Special Scientific Interest) are protected by European legislation.

2.0 The Proposal

- 2.1 The proposed development involves modifications to the approved conditions associated with the approved redevelopment of the Frontierland site. In summary, the proposed development seeks to make amendments to the elevations of the approved drawings, amending the wording of specific conditions and the provision of ancillary convenience goods sales across the site.
- 2.2 The applicant seeks to make changes to the floor plans within Zones 1 and 2 to remove the notional mezzanine line indicated on the approved plans. With regard to Zone 1 the plans also seek to amend the approved elevations to take account of the proposed tenant's requirements, with the height of the building increasing by 700 mm to 1700mm. The height increase is due to the height of the parapets in order to ensure that the roof remains hidden. In Zone 2 a similar amendment is proposed to the elevations with the parapet height increases from between 1200mm to 1600mm and this is such to ensure the roof remains hidden.
- 2.3 In Zones 3, 4 and 7 these relate to changes to window fenestration and in zone 5 relates to the removal of windows on the north eastern elevation. With respect to Zone 6 this relates to minor alterations to the external appearance due to the placement of areas of cladding, the introduction of fire escape doors and the removal of areas of coloured render and glazing. There is a slight reduction in parking numbers with 328 proposed from 336 originally proposed.
- 2.4 Amendments are sought to condition number 3 of the extant permission to allow for cafes and restaurants that trade under an A1 use class to operate from the site. The applicant seeks for a limited amount of ancillary convenience goods to be sold across the site (currently not permitted under condition 4 of the permission) and have requested that this be 10% of the total permitted floorspace, which equates to 1,111 sq. m (the convenience retail would be ancillary to each unit and would not, under the current proposal, be a standalone retail unit).

3.0 Site History

- 3.1 There has been a number of applications across the site the most recent relates to the approval for the redevelopment of the site to form retail units, restaurants, family pub/restaurant, hotel, landscaping and new access (14/00388/FUL).

Application Number	Proposal	Decision
00/00967/FUL	Erection of a factory outlet centre with food court, parking, landscaping and servicing	Granted (following a Call-in Inquiry)
04/00947/FUL	Erection of two non-food retail units and combined leisure/retail unit and parking	Withdrawn
05/00928/OUT	Outline application for a mixed use development including residential, hotel, leisure and retail with associated parking and servicing	Permitted (The SoS did not call-in this proposal and accepted it broadly accorded with national planning policy)
05/00929/FUL	Erection of two non-food retail units and a combined leisure/retail unit	Permitted
07/01166/VCN	Variation of condition 6B on application 05/00929/FUL to increase area of garden centre	Permitted
07/01591/VCN	Proposed variation of Condition No.33 of permission 05/00929/FUL to vary implementation of the s278 works and to allow occupation of the development before the s278 works were completed	Permitted
09/00644/OUT	Renewal of Phase 2 element of application 05/00928/OUT for Outline application for mixed use development including residential, hotel and leisure with associated parking and servicing	Permitted
14/00389/EIR	Screening Opinion for comprehensive redevelopment of former amusement park to form retail units, restaurants, family pub/restaurant, hotel, car parking, landscaping, public art and access	EIA not required
14/00997/PAD	Prior Approval for the demolition of the Polo Tower	Prior Approval Required
14/00388/FUL	Redevelopment of former amusement park to form retail units, restaurants, family pub/restaurant, hotel, associated car parking, landscaping and public art and new access	Permitted

4.0 Consultation Responses

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

Consultee	Response
Morecambe Town Council	No observations received
Lancaster Chamber of Commerce	No observations received
County Highways	Raise concerns regarding the developments impact on the sites point of access with Marine Road West, parking provision and also impact on the local highway network.
Natural England	No objection
Lead Local Flood Authority	No objection
County Ecologist	No observations received
Environmental Health	No comments to make on the application
Conservation Officer	No objection.
Drainage Engineer	No observations received

Environment Agency	No comments to make on the planning application
Fire Safety Officer	No objection
Lancaster Civic Society	No objection to the convenience retailing aspect however raise concerns regarding building materials especially for the Brewers Fayre element of the scheme.
City Council Planning Policy	No objection to the amendment to allow convenience retailing, however this should be 10% of each unit and not 10% of the overall floorspace of the total development.
Tree Protection Officer	No objection.
United Utilities	No observations received
Historic England	No requirement to consult.

5.0 Neighbour Representations

5.1 To date there has been two letters of representation received raising concern with the development and raises issues with the following;

- Conditions imposed on the consent relating to the construction method statement, location of vents and flues, CCTV, trees, Noise and Impact the development will have on residents of Highfield Crescent, and the loss of view towards the bay.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14 and 17 – Sustainable Development and Core Principles
 Section 1 – Delivering Sustainable Development
 Section 2 – Ensuring the Vitality of Town Centres
 Section 4 – Promoting Sustainable Transport
 Paragraphs 56, 57, 58, 60, 61 and 64 – Design
 Paragraph 69 – Promoting Healthy Communities (place making)
 Paragraphs 109, 117 – 119 – Conserving the Natural Environment
 Paragraphs 128, 131 – 136 – Conserving and Enhancing the Historic Environment
 Paragraphs 186, 187, 196, 197, 203 – 204 – Decision-taking

6.2 Lancaster District Core Strategy (adopted July 2008)

E2 – Transportation Measures
 ER2 – Regeneration Priority Areas
 ER4 – Town Centres and Shopping
 ER5 – New Retail Development
 ER6 – Developing Tourism
 SC1 – Sustainable Development
 SC2 – Urban Concentration
 SC5 – Achieving Quality in Design
 SC7 – Development and the Risk of Flooding
 E1 – Environmental Capital

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

Policy TO2 (Tourism Opportunities)
 Policy S1 (District's Retail Hierarchy) **partially superseded by Core Strategy**
 Policy S9 (Morecambe Town Centre – protected retail frontages)
 Policy T9 (Providing for Buses in New Developments)
 Policy T17 (Travel Plan)
 Policy T26 and T27 (Footpaths and Cycleways)
 Policy E35 (Conservation Areas and their Surroundings)

6.4 Development Management Development Plan Document

DM1 – Town Centre Development

DM3 – Public Realm and Civic Spaces
DM20-23– Transport, Accessibility and Connectivity
DM27 – Protection & enhancement of Biodiversity
DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM38 – Development & Flood Risk
DM39 – Surface water Run-off and Sustainable Drainage
DM48 – Community Infrastructure

6.5 Morecambe Area Action Plan (MAAP)

SP1 – Key Pedestrian Routes and Spaces
SP4 – Town Centre
DO6 – Former Frontierland Site
DO5 – Festival Market and Area

7.0 Comment and Analysis

7.0.1 The main issues with the application relate to the following;

- Provision of 10% Convenience goods;
- Amendments to conditions to permit A1 restaurants/cafes;
- Proposed Design Amendments; and
- Other Material Considerations.

7.1 Provision of a limited amount of ancillary convenience sales in the approved retail units

7.1.1 The applicants are seeking to provide for 10% of the total floor area in each unit to be dedicated to convenience retail and therefore have sought to allow for a maximum of 1,111 square metres of convenience floorspace across the development. Whilst this is considerable, its impacts would be mitigated by its dispersal through the variety of retail units in the scheme. Whilst there is some general concern over further convenience retail growth within the district (in particular Morecambe, which already benefits from Morrison's and Aldi in close proximity to the site and Sainsbury's elsewhere within Morecambe) it is not considered that the proposal would lead to a significant over-capacity in floorspace. Providing an element of flexibility in the retail offer would seem a reasonable expectation and the maximum levels do seem reasonable. It is considered that these concerns do not outweigh the benefit and flexibility that should be offered to the redevelopment of this brownfield site. It should be stressed however that the 10% figure should be 10% of each unit, and not 10% of the overall floor space of the total development. The applicant is amenable to this.

7.1.2 The applicant has not submitted a Sequential Assessment to support the application which guides main town centre uses towards town centres first, then if no town centre locations are available, to the edge of centre locations and if neither town centre locations available, to out of centre locations. It should be noted that the original application passed the Sequential Test, and because the scheme is not proposing 10% of the overall floorspace to be given over to convenience foods, but rather 10% of each unit, then it is considered in the circumstances there is no need for a Sequential Test to accompany the application.

7.1.3 The applicants have not submitted an Impact Test in support of the application, as the proposal relates to a figure which is somewhat less than the 2,500 square metres threshold set out in the NPPF. Given that no locally set threshold exists then the proposed development does not need to be assessed under the Impact Test. Therefore the principle of a limited amount of ancillary convenience sales in the approved retail units can be found acceptable.

7.2 Amendments to Permitted Use Classes Across the site

7.2.1 The applicants seek to amend the current wording of condition 3 to provide for interested tenants to trade from the site. At present condition number 3 precludes cafes/restaurants that operate under the A1 (Retail) use class consent to trade from the site. The cafes/restaurants would sell a range of hot and cold foods for consumption on and off the premises and this would not fundamentally change the current planning approval, which permits restaurants and cafes under the A3 use class. Changes are also sought to Zone 4 (Unit 1) to change the permitted use (A4 drinking establishment) to the

more flexible A1/A3 use. There are concerns with the changes in so far as use class A1 could include shops, dry cleaners and hairdressers for example, which are uses that should be directed to the established Town Centre. However the A1 use also includes sandwich bars, coffee shops and internet bars which would be broadly encouraged in this central seafront location within the town. These changes are seen as acceptable. For clarity (and notwithstanding the proposed inclusion of the ancillary 10% convenience goods per unit), the table below indicates the uses of each zone as approved, and the proposed use should the current application be approved.

Zones	Use Class As Approved	Use Class As Proposed
Zone 1 (Units 1-4)	A1 Comparison Retail	A1 Comparison Retail
Zone 2 (Units 5-10)	A1 Comparison Retail	A1 Comparison Retail
Zone 3 (Units 1 & 2)	A3 Restaurant/Cafe	A1/A3 selling hot and cold food and drink for consumption on and off the premises (<i>for clarity, this does not include Use Class A5 hot food takeaways</i>)
Zone 4 (Unit 1)	A4 Drinking Establishment	A1/A3 selling hot and cold food and drink for consumption on and off the premises (<i>for clarity, this does not include Use Class A5 hot food takeaways</i>)
Zone 4 (Unit 3)	A3 Restaurant/Café	A1/A3 selling hot and cold food and drink for consumption on and off the premises (<i>for clarity, this does not include Use Class A5 hot food takeaways</i>)
Zone 5	A3/A4 Public House/Restaurant Mixed Use	A3/A4 Public House/Restaurant Mixed Use
Zone 6	C1 Hotel	C1 Hotel
Zone 7	A3 Restaurant/Café Kiosk	A1/A3 selling hot and cold food and drink for consumption on and off the premises (<i>for clarity, this does not include Use Class A5 hot food takeaways</i>)

7.3 Proposed Design Amendments

7.3.1 The applicant has proposed some modest changes to the scheme. Principally they are looking to remove the notional mezzanine levels which are annotated on the approved floor plans of the retail units (Zones 1 and 2), together with other elevation changes to other units.

7.3.2 With respect to the loss of the mezzanine floor this provided an additional 50% of the ground floor space, however the applicants consider that this poses an issue in that should an occupier determine that a lower of greater amount of floorspace is required then an application would be required to be submitted to the LPA to amend the approved plans. Therefore the applicants wish to remove this and allow operators to install mezzanine levels that meet their own operational requirements. Condition 4 of the consent already controls the total amount of mezzanine floorspace and therefore the amendment would still be acceptable in relation to this.

7.3.3 Other changes concern the increase in parapet heights, minor changes to the shop front in respect of Zone 1, minor changes to the window fenestration in Zones 3, 4 and 7 (losing the circular windows for a more traditional rectangular one) minor changes to the placement of windows on Zones 5 and 6 and changing the materials here also (however this is governed by conditions which still have to be discharged).

7.3.4 The proposed changes still have the feel of the consented scheme and subject to agreeing the detail which are reserved by planning condition, the changes can be considered acceptable and would not be harmful to the character and appearance of the area.

7.4 Other Material Considerations

7.4.1 There has been two letters of concern received from residents on Highfield Crescent principally concerned with issues associated with the principle of development, in particular privacy issues, landscaping and requiring detail on planning condition submissions. Whilst it is accepted that the views would be changed for residents of Highfield Crescent the changes proposed by virtue of this planning application would not cause any impacts upon amenity over and above those that have

previously been considered when resolving to approve the original scheme. With this in mind the scheme is seen as acceptable.

7.4.2 The County Council as Highway Authority have concerns regarding the development on the basis of parking and impact on the highway network as a result of the changes in use classes proposed. In March 2016 the applicant's transport consultant provided additional information to the County Council and at the time of writing this report the observations of the County Council have not been received, and therefore this will be reported verbally to Members.

7.4.3 The application has been advertised as a departure from planning policy, which is consistent with similar advertisement of the original planning application. That process also involved referral of the decision to grant permission to the Secretary of State, to allow consideration of whether the application should be 'called-in'. In their written notification to the Council, dated 7 January 2015, the Secretary of State advised that the Government were committed to giving more power to councils and communities to make their own planning decisions. The letter continues by saying that following consideration the Secretary of State "*...is content that the application should be determined by the local planning authority*". On this basis, and because the amendments being proposed as part of the current application are considered appropriate, then it is considered that no further referral is necessary.

8.0 Planning Obligations

8.1 The obligations associated with the extant parent consent (14/00388/FUL) will remain in force with any approval of this Section 73 application and therefore no separate agreement will be required.

9.0 Conclusions

9.1 It is considered that the amendments proposed do not significantly detract from the vision of the approved scheme, the provision of ancillary convenience at 10% of each unit, amendments to provide for A1 use classes and design amendments have all be found to be acceptable in principle.

Recommendation

That providing there is no objection from County Highways, Conditions 2, 3 and 4 on the full planning permission element of planning consent 14/00388/FUL **BE VARIED** as follows:

2. Amended Plans List Approved
3. Amendment to use class condition (as defined in this report)
4. Retail Floor Area (as defined in this report)

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

Human Rights Act

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

Background Papers

None.

Agenda Item A10	Committee Date 3 May 2016	Application Number 16/00251/FUL
Application Site Land To The Rear 38 To 42 North Road Nile Street Lancaster Lancashire	Proposal Erection of a 3 storey building for student accommodation comprising of one 4-bed cluster, two 5-bed clusters and four 1-bed studio flats	
Name of Applicant Bayt Ltd	Name of Agent Mr Michael Harrison	
Decision Target Date Extension of time agreed until 6 May 2016	Reason For Delay Committee Cycle	
Case Officer	Mrs Eleanor Fawcett	
Departure	None	
Summary of Recommendation	Approval subject to some minor design alterations	

1.0 The Site and its Surroundings

- 1.1 This application relates to an area of mostly vacant land located to the rear of a terrace of three 3-storey former Georgian houses which front onto North Road within Lancaster City Centre. The site is currently divided by a large stone wall, to the south east of which is land associated with a planning approval in 2014 for the change of use of the upper floors of 38-42 North Road to student accommodation. This proposal also included a three storey rear extension. The site is accessed off Nile Street, which is a cul-de-sac mainly serving an industrial building to the north east of the site and the fire station to the north west.
- 1.2 The site is located within the Lancaster Conservation Area and to the south west is St. John's Church (1755) which is Grade II* listed. The adjacent buildings fronting onto North Road are also considered to positively contribute to the Conservation Area. There are no trees within the site, although there are some close to the boundary within the adjacent church yard. Along this boundary there is a concrete panel fence on approximately half its length, with a lower stone wall adjacent to this within the church yard. The remainder of the boundary comprises a larger stone wall, approximately 3m in height, which continues along the north western boundary with the fire station. This appears to be the remnants of a former building on the site. A small part of the site, closest to North Road, is within the Lancaster Air Quality Management Area (AQMA) and all of the site is within Flood Zone 2.

2.0 The Proposal

- 2.1 Planning permission is sought for the erection of a building to form student accommodation. It will comprise both two and three storey elements and the accommodation will consist of three cluster flats and four separate studio flats. The building is proposed to front onto Nile Street, set back from the main part of the carriageway, with a gate at ground floor in the centre of the elevation leading to an internal courtyard and access to the various parts of the accommodation. This external space is proposed to be shared with the previously approved and implemented student accommodation scheme in the upper floors and extension of the adjacent building fronting onto North Road. It is proposed to have shared bicycle and bin storage within this courtyard, and there will also be access from an existing underpass within the building fronting onto North Road.

2.2 The building would be two and three storey fronting Nile Street, comprising a gable and a dual pitched roof extending up to the boundaries of the neighbouring properties to the north east and south west. To the rear of the gable, the building would extend up to the boundary with the church yard, resulting in windows predominantly facing south east onto the courtyard, with an additional three storey projection to the north west. An additional smaller two-storey gable projection is proposed to the rear of the pitched roof slope facing Nile Street. The building is proposed to be predominantly stone, with most of the north elevation finished in render, and the roof finished in slate.

3.0 Site History

3.1 A previous application on this site for a larger, but similar, development was refused at Planning Committee in November 2015. It was refused for the following reasons:

1. *By reason of its, scale, height, massing and design, the proposed development would unduly impact upon the appearance of the Lancaster townscape and the wider setting of the Lancaster Conservation Area. It is therefore considered that the proposal does not represent high quality design and will not preserve or enhance the character of the 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 DM31, DM32 and DM35 of the Development Management Development Plan Document.*
2. *As a result of its scale, height, massing and design the proposal would unduly impact upon the character and setting of the adjacent grade II* Listed building. As such the development is contrary to the aims and objectives of the National Planning Policy Framework, in particular the core planning principles, Section 7 and Section 12, Policy SC5 of the Lancaster District Core Strategy and policy DM32 of the Development Management Development Plan Document.*
3. *By reason of the proximity of the development to the rear of 38-42 North Road, the proposal will have a detrimental impact on the amenities of the occupier of the studio apartment at ground floor and will result in an unacceptable standard of accommodation. 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 Policies DM35, DM46 and appendix D of the Development Management Development Plan Document.*

3.2 There has also been a proposal for the conversion of the upper floors of 38-42 North Road to student accommodation, which included a rear extension and the use of some of the application site for access, bicycle and bin storage, and an application relating to the ground floor of this building. The relevant details are set out below:

Application Number	Proposal	Decision
15/00091/FUL	Erection of a 3 storey building for student accommodation comprising of one 3-bed cluster, one 4-bed cluster, two 5-bed clusters and five 1-bed studios	Refused
15/00496/CU	Retrospective application for change of use of ground floor shop (A1) to mixed retail unit and professional services (A1 and A2).	Withdrawn
13/01246/CU	Change of use of upper floors, demolition of rear outriggers, erection of three storey rear extension to provide for 10 student rooms and 1 self-contained studio, and alterations to shop front	Approved

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 conditions requiring: a construction management plan; creation of a length of footway between the application site and Nile Street; details of

	covered and secure cycle storage facilities.
Environmental Health	Comments to be reported
Historic England	No objection. The new scheme has responded positively to our previous comments and is now of a scale which is much more befitting of its location as a rear courtyard development. The ridge line of the new development now sits below that of the principal buildings fronting North Road and the overall massing forms a cohesive whole.
Conservation Officer	Comments to be reported.
Lancaster Civic Society	Comments - The reduction in height of the new build, fronting on to Nile Street, will lessen the impact on the views of St. John's Church. Additional space in the courtyard also increases the separation from the church.
Georgian Society	No comments received within the statutory consultation period.
Tree Protection Officer	Comments to be reported
Lead Local Flood Authority	No comments received within the statutory consultation period.
Parking and Administration	Comments - The applicant should be advised that the occupiers of the property will not be eligible for residents parking permits for the Lancaster City Council Residents Parking Scheme – Central Zone A.
United Utilities	No comments received within the statutory consultation period.
Lancashire Constabulary	Comments - To reduce the risk of the types of crimes affecting the students living within the proposed development suggest various security measures.
Environment Agency	Comments - Flood Risk Standing advice should be applied.

5.0 Neighbour Representations

5.1 None 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 124 – Air Quality Management Areas
Paragraphs 131 – 134 and 137 – Designated Heritage Assets
Paragraph 135 – Non-designated Heritage Assets

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design
SC6 – Crime and Community Safety

6.4 Development Management Development Plan Document

DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
DM29 – Protection of Trees, Hedgerows and Woodland
DM31 – Development Affecting Conservation Areas
DM32 – The Setting of Designated Heritage Assets
DM33 – Development Affecting Non-Designated Heritage Assets or their settings
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM39 – Surface Water Run-Off and Sustainable Drainage
DM46 – Accommodation for Students

6.5 Other Material Considerations

Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that the local planning authority shall have regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

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 and impact on heritage assets
- Impact on amenity of neighbouring properties
- Standard of Accommodation
- Highway Safety
- Impact on trees
- Flooding

7.2 Principle of development

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

7.3 Scale, design and impact on heritage assets

7.3.1 The site is located within the Lancaster Conservation Area and adjacent to the Grade II* St John's Church. It is to the rear of existing three-storey properties fronting onto North Road, although the site is visible from this road across the church yard. The building would be focused along the north west and north east boundaries, leaving a courtyard area between this and the existing properties fronting onto North Road and along most of the southwestern boundary. The element along the northwest boundary is proposed to be three storey and the section extending to the south east of this would be two storey.

7.3.2 Given the importance of the adjacent Listed building, Historic England has been consulted. St John's Church was possibly designed by Henry Sephton and was consecrated in 1755. The west tower was designed by Thomas Harrison and added in 1784, with minor alterations in the 19th and 20th century and the church is vested in the Churches Conservation Trust. It is designed in a Georgian style with urbane character and was built at a time of prosperity and expansion in the city of Lancaster.

7.3.3 The previous application was refused due to concerns regarding the scale, massing and design and impact on the adjacent II* Listed building and the Conservation Area and concerns had been raised by Historic England. The previous scheme was predominantly three storey and had an additional two storey element extending quite close to the rear of the 38-42 North Road. It was considered the frontage to Nile Street related poorly to the rear of the adjacent buildings fronting North Road, which have two storey outriggers. It was also considered that the scheme left little visual separation between the existing and proposed development, including when viewed in the context of the Listed church.

7.3.4 The current scheme has reduced the height of part of the development to two storey and removed most of the additional two storey element previously proposed, although a small lean-to element has been retained. It is now considered that the scheme better relates to the existing adjacent development, in terms of its height, scale and massing. This view is supported by Historic England.

7.3.5 The building is proposed to be predominantly finished in stone, with some buff coloured render on

the north west elevation, and the roof would be finished in slate. The windows are proposed to be timber sliding sash with stone heads and cills. It was previously suggested that the windows were casement with a horizontal glazing bar rather than trying to replicate the Georgian buildings surrounding the site. However, given the overall design of the building they are appropriate to the surroundings. On the elevation facing Nile Street there are pairs of sash windows divided by a mullion. Although this is a traditional feature on the adjacent building, the proportions of the windows give the elevation a horizontal emphasis. It has been suggested to the agent that an alternative approach is considered. It was also previously advised that windows be inserted into the elevation facing the church yard, to break up the three storey gable. A window on each of the upper two floors has now been proposed but these would be located towards one side of the gable which gives an unbalanced appearance. It has been suggested that the windows are located in the centre of the elevation. Any amendments will be updated at the Committee Meeting.

7.3.6 Bin and bike stores are proposed in the rear yard. The bin store would be enclosed by a timber fence but is set into the site and unlikely to be particularly visible from public views. The bike store is proposed adjacent to the boundary with the church yard where the boundary wall is lower. It has just been shown as an uncovered cycle rack, which would not be considered appropriate in terms of providing secure and covered facilities. Any structure would be visible from outside the site so would need to be carefully designed. As such, it is considered that this information is required before determination, to ensure that it can be accommodated in a sensitive manner. An amendment to this facility has been requested and will be reported at the Meeting.

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

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

7.3.8 Subject to some relatively minor alterations to the design, and more clarification in relation to the cycle store, it is considered that the current scheme relates well to its surroundings in terms of its massing, siting and scale. The materials and other detailing can be requested by way of condition to ensure that it represents a high quality design as advocated by the NPPF. It is therefore considered that the proposal is in keeping with the character and appearance of the Conservation Area and will not have an adverse impact on the setting of the adjacent Grade II* Listed Church.

7.4 Impact on amenity of neighbouring properties

7.4.1 To the east of the rear part of the site, beyond part of the church yard, are apartments fronting onto Chapel Street. However, within the elevation facing the application site there are no windows. The nearest openings are at more of an oblique angle approximately 13m from the closest part of the building. Given the separation distance, and position of the windows, it is considered that there will not be an adverse impact on the amenities of these properties. The existing development to the north is the fire station and on the opposite side of Nile Street is an industrial use. As such, there will be no loss of residential amenity to these properties.

7.4.2 One of the reasons for refusal on the previous application was the close proximity of the building to the extension at the rear of 38-42 North Road which contains student accommodation in the form of a self-contained studio room. It was considered that this relationship would have a detrimental impact on the amenities of the occupier of the studio apartment and would result in an unacceptable standard of accommodation. This element has been removed from the current proposal and it is now considered that there is sufficient separation distance between the existing and proposed development. It is also considered that there is sufficient distance between facing windows to

prevent overlooking.

7.5 Standard of Accommodation

7.5.1 Appendix D sets out standards in relation to shared student accommodation and Appendix F refers to size standards in relation to studio apartments. In terms of the sizes of rooms, the development is considered to be acceptable. The only rooms which are below the standards set out in the appendices are the shower rooms on the ground, first, and second floors serving three of the cluster flats. However, this in itself is not considered to result in an unacceptable form of development in terms of amenity. One of the bedrooms would be served by a window facing towards the stone boundary wall. However, this is proposed to be replaced with railing to provide light and outlook. On balance this is considered to be acceptable.

7.5.2 A noise assessment was requested given the nearby, potentially noisy uses, that could impact on the occupiers of the development, including the fire station and adjacent public house. The noise assessment concludes that there will be no adverse impacts from the noise sources described within the report if mitigation is included. It concludes that standard thermal double glazing will be sufficient in controlling noise levels so that standards required by BS8233:2014 are achieved. Environmental Health has not yet responded in relation to the current proposal, but did previously advise that a scheme of alternative ventilation will be required to retain internal noise levels whilst providing adequate ventilation and therefore window-mounted trickle ventilators should be incorporated into the glazing units of habitable rooms. This can be controlled by condition.

7.6 Highway Safety

7.6.1 No parking provision is proposed as part of the scheme. However, the site is highly accessible to services, facilities, cycle lanes and bus routes. Cycle storage facilities are also proposed, although some amendments are required to this to ensure that it is covered and secure, as discussed above. It does occupy a predominantly commercial area of the city and suffers from all of the parking problems one would associate with a city centre location. On-street parking adjacent to and in the immediate vicinity of the site is considered to be at a premium with surrounding businesses competing for available on street parking space. Continuous unobstructed access to the fire station is a feature of Nile Street as well as extensive parking restrictions applying to specific lengths of this highway as well as North Road. Given these issues, the Highway Officer has requested a condition requiring a construction management plan, which is considered to be appropriate in this instance.

7.6.2 The Highway Officer has also raised concerns regarding the lack of footway up to the entrance to the accommodation on Nile Street. It currently ends at the edge of land associated with the public house where the highway widens to provide turning to the front of the site. It has been advised that a footway is constructed in front of the site, on Nile Street, to provide a continuous pedestrian route from the site's point of access onto Nile Street through to North Road and to provide a degree of protection to the building's face from vehicles accessing and requiring to turn around within the public highway. This would have to be constructed to Lancashire County Council adoptable standards and be dedicated to be maintained in perpetuity by the County Council. It would be within Highway Authority land and could be controlled by condition.

7.7 Impact on Trees

7.7.1 There are no trees within the site but there are some within the adjacent church yard in close proximity to the boundary wall. As these are within the Conservation Area they are afforded protection. No information has been submitted with regards to the implications, however various discussions took place prior to the determination of the previous application. The Council is responsible for managing the church yard so any removal would need to be carried out by them rather than the applicant. It was confirmed previously that some of these could be removed. However, irrespective of this, the Tree Officer previously set out that existing site constraints to the north and east are likely to have a significant impact upon the root patterns of trees and tree roots are most likely to be rooting within the church grounds to the west and south. As such, it would be appropriate to require a detailed Tree Protection Plan and Arboricultural Method Statement for works within the site to be agreed by condition. Obviously if trees were removed, with the appropriate consents, before the work commenced this may negate the need for further tree information. Trees within the church yard do not significantly constrain the proposed development, and as such would not require to be removed in order to accommodate the proposed development.

7.8 Flooding

7.8.1 The site is located within flood zone 2 and residential accommodation is classified as a more vulnerable use. As such, it is considered to be a compatible use and no Exception test is required. It is a previously developed site and an appropriate sustainable location for student accommodation. A flood risk assessment has been submitted with the application. This confirms that the site was not flooded during Storm Desmond in December 2015 which was a rainfall event of between a 100 and 200 year magnitude. The proposed ground floor level in the new building is some 8.2m Above Ordnance Datum (AOD) and therefore considered at very low risk of flooding. This level is some 0.8m above the known 1 in 100 year plus climate change river water level of 7.40m AOD and also in excess of the maximum pluvial flood water level experienced during Storm Desmond, alleged at around 7.90m AOD. Therefore, it is concluded that no special measures for flood protection are required at the site.

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 will provide student accommodation in a sustainable city-centre location on a currently vacant site. Subject to some relatively minor changes to the design, it is considered that the proposal will be in keeping with the character and appearance of the Conservation Area and not unduly impact on the setting of the adjacent Grade II* Listed Church. It is also considered that the proposal will not have a detrimental impact on residential amenity or highway safety, and is deemed to provide a good standard of accommodation. It is therefore considered to be acceptable.

Recommendation

That Planning Permission **BE GRANTED** subject to some amendments to the design and the following conditions:

1. Standard time condition
2. In accordance with approved (amended) plans
3. Construction management plan including hours of construction
4. Investigation and remediation of contamination
5. Surface water drainage scheme
6. A scheme for noise mitigation and ventilation
7. Creation of a length of footway between the application site and Nile Street to provide a continuous footpath to North Road
8. Tree Protection Plan and Arboricultural Method Statement
9. Materials including – windows, doors, heads, cills, mullions, render, slate, stone (including sample panel), eaves, verge, ridge and rainwater goods.
10. Surfacing details and boundary treatments
11. Landscaping
12. Bin and cycle storage
13. External lighting
14. Student 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 made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Human Rights Act

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

Background Papers

None

Agenda Item A11	Committee Date 3 May 2016	Application Number 16/00189/FUL
Application Site 137A St Leonards Gate Lancaster Lancashire LA1 1NL	Proposal Installation of new windows, removal of dormer and replacement rooflights	
Name of Applicant Lancaster City Council	Name of Agent R G Parkins And Partners	
Decision Target Date 10 May 2016	Reason For Delay N/A	
Case Officer	Mrs Kim Ireland	
Departure	No	
Summary of Recommendation	Approval	

(i) Procedural Matters

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

1.0 The Site and its Surroundings

- 1.1 The property which forms the subject of this application relates to a two storey mid terrace property, located on St Leonards Gate in Lancaster. The property is used as a hairdressers to the ground floor and a residential accommodation to the first floor. To the rear of the property is a small courtyard, in which access to the first floor flat is gained, along with the storage of recycling bins.
- 1.2 The surrounding area mainly consists of terrace properties that are commercial to the ground floor and residential to the first and second floors.
- 1.3 The site is allocated as the Stonewell Upper Floors Improvement Area in the Lancaster District Local Plan proposals map and is situated within the Lancaster Conservation Area.

2.0 The Proposal

- 2.1 The application proposes the installation of new windows, removal of dormer and replacement of rooflights. The proposed replacement windows are to be installed, three to the North West Elevation and one to the South East elevation at second storey level. The materials that are proposed to be used are sliding hardwood sash windows, finished in white. The dormer to the North West Elevation is to be removed and replaced with three rooflights. The roof is to be replaced with a like for like basis, which will be finished in a Westmorland blue slate to match the front pitch.

3.0 Site History

- 3.1 There are no planning applications that have direct relevance to this particular proposal.

4.0 Consultation Responses

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

Consultee	Response
Environmental Health Officer	No observations made.
Conservation Officer	Support in principle - subject to conditions regarding replacement windows and a sample of the roof material.

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

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:

6.1 National Planning Policy Framework (NPPF)

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

6.2 Development Management DPD

DM31 – Development affecting Conservation Areas
DM35 – Key design principles

7.0 Comment and Analysis

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

7.2 General Design and Impact upon Heritage Assets

In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policy DM31.

The proposed development has been designed and is made up of materials to reflect that of the existing property. The proposed development will change the appearance of the property, however it seeks to reinstate traditional features and repair the structure and is not thought to have an adverse impact upon the setting of the conservation area.

7.3 Impacts upon Residential Amenity

The proposed development is not seen to have any adverse or detrimental impacts upon residential amenity. The proposed replacement windows, removal of dormer and replacement rooflights, is not thought to have a detrimental impact upon the residential amenities, given that they replacing existing windows and the outlook is onto the small courtyard to the rear of the property.

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 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 guidance provided in 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
3. Details of type and appearance of the replacement windows, including openings, colour and finish to be submitted
4. Details of the roof material, including sample to be submitted

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

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

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

Human Rights Act

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

Background Papers

None

Quarterly Reports

(a) Planning Application Determination Timescales

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

(b) Number of Planning Applications and Related Cases

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

(c) New Tree Preservation Orders Made

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

(d) Number of Applications for Works to Trees

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

(e) Planning Appeal Decisions

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

(f) Planning Enforcement Casework

The table lists the planning enforcement case turnover by Planning Enforcement Officers during the last quarter.

(a) Planning Application Determination Timescales

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

Period	Major Applications Determined In Under 13 Weeks	Minor Applications Determined In Under 8 Weeks	Other Applications Determined Under 8 weeks
January-March 2015	65%	48%	66%
April-June 2015	56%	42%	63%
July-September 2015	71%	32%	53%
October-December 2015	64%	50%	70%
January-March 2016	57%	64%	81%
April-June 2016			
July-September 2016			
October-December 2016			

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

(b) Number of Planning Applications and Related Cases

	Jan-Mar 2015	Apr-Jun 2015	Jul-Sep 2015	Oct-Dec 2015	2015 TOTAL	Jan-Mar 2016	Apr-Jun 2016	Jul-Sep 2016	Oct-Dec 2016	2015 TOTAL
Major Applications	10	15	20	16	61	18				
Minor Applications	71	49	62	76	258	66				
Other Applications	179	226	170	176	751	189				
Discharge of Planning Condition Applications	48	56	42	54	200	59				
Non-Material Amendment Applications	11	11	9	15	46	14				
Variation of Legal Agreement/Condition Applications	2	2	1	3	8	5				
Prior Approval (Commercial/ Householder PA, Flexible Use etc) Applications	16	19	17	8	60	15				
TOTAL NUMBER OF DECISION-MAKING APPLICATIONS	337	378	321	347	1384	366				
Environmental Screening and/or Scoping Opinions	4	7	3	4	18	5				
Infrastructure Planning Commission Consultations	0	0	0	0	0	0				
Pre-Application Advice Submissions or Charged Meetings	24	47	38	33	142	54				

(c) New Tree Preservation Orders Made

Tree Preservation Order Number	Date Made	Location	Extent of Protection
574 (2016)	15.01.16	Land off Abbeystead Road, Dolphinholme	5 individual trees; 4 groups of trees
575 (2016)	24.02.16	Land off Denny Beck Lane, Halton	3 individual trees; 1 group of trees; 3 woodland compartments
576 (2016)	06.04.16	2 Carus Park, Arkholme	2 individual trees

(d) Number of Applications for Works to Trees

	Applications for Works to Trees Protected by Tree Preservation Orders	Applications for Works to Trees Protected by Conservation Area Status
January-March 2015	21	18
April-June 2015	19	16
July-September 2015	20	24
October-December 2015	20	21
TOTAL APPLICATIONS 2015	80	79
January-March 2016	15	21
April-June 2016		
July-September 2016		
October-December 2016		
TOTAL APPLICATIONS 2016	-	-

(e) Planning Appeal Decisions

Application Number	Application Site	Proposal	Appeal Decision
14/00768/OUT	TNT (Bargh), Hornby Road, Caton	Outline application for upto 30 dwellings	Appeal allowed
15/00658/CU	Box Tree, Ravens Close Road, Wennington	Change of use of barn to 4-bed dwelling	Appeal dismissed
15/01013/FUL	3 St Margaret's Road, Morecambe	Erection of 2-storey side extension, single-storey rear extension and dormer window to front and rear	Appeal dismissed
15/00990/CU	24 Cheapside, Lancaster	Change of use of café (A3) to betting shop (sui generis) and erection of new shop front	Appeal dismissed
15/00461/FUL	6 The Moorings, Mowbrick Lane, Slyne with Hest	Dormer window to front, 2 rooflights and solar panels to rear and alterations to windows	Split decision – front dormer window appeal dismissed; remainder allowed

(f) Planning Enforcement Casework

Period	Live Enforcement Cases At The End of the Quarter	Closed Enforcement Cases Within the Quarter	Number of Notices Issued Within the Quarter
January-March 2016	306	80	3
April-June 2016			
July-September 2016			
October-December 2016			
TOTAL 2016			
January-March 2017			
April-June 2017			
July-September 2017			
October-December 2017			
TOTAL 2017			

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
15/00135/DIS	Chorley Community Housing, Westgate, Morecambe Discharge of conditions 3, 5, 6, 7, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 22 and 23 on approved application 14/01289/FUL for Chorley Community Housing (Westgate Ward)	Initial Response Sent
15/00658/CU	Box Tree, Ravens Close Road, Wennington Change of use of barn to 4-bed dwellinghouse (C3) for Mr I Armour (Upper Lune Valley Ward)	Appeal Against Non Determination
15/00828/CU	70 Main Street, Hornby, Lancaster Change of use of existing first floor tea rooms (A3) to residential flat (C3) for Mrs Jill Towers (Upper Lune Valley Ward)	Application Permitted
15/00985/CU	Opposite Unit 19, Galgate Mill, Chapel Lane Change of use of part of land for the retention of storage containers and vehicle ramp for Mr Martin Yates (Ellel Ward)	Application Permitted
15/01019/NMA	Tramway Hotel, 127 St Leonards Gate, Lancaster Non-material amendment to planning permission 14/00803/CU for the re-opening of rear door, amendment to rear windows to sliding sash, addition of a velux window to the rear and rendering and painting (colour: Fintry Stone) of the side elevation of the single storey rear outrigger for Mr Mustaq Mister (Bulk Ward)	Application Permitted
15/01023/VCN	Tramway Hotel, 127 St Leonards Gate, Lancaster Listed Building application for works to facilitate the change of use and conversion of Public House (A4) to form 11 self contained student apartments (C3) (pursuant to the variation of condition 2 on listed building consent 14/00804/LB to substitute approved drawings) for Mr Mustaq Mister (Bulk Ward)	Application Permitted
15/01197/FUL	Moorcock Hall Farm, Quarry Road, Brookhouse Erection of a single storey side extension, external staircase to the side and installation of 3 new windows and a doorway at first floor level for Natfarm Ltd. (Lower Lune Valley Ward 2015 Ward)	Application Refused
15/01265/OUT	Land At, Greenways, Over Kellet Outline application for the erection of three dwellings for D Burrows And J Robinson (Kellet Ward 2015 Ward)	Application Permitted
15/01288/OUT	Land To Side Of 5 Main Road, Nether Kellet, Carnforth Outline application for the erection of two new dwellings with associated access for The Late James Cottam (Senior) Will Trust (Kellet Ward 2015 Ward)	Application Permitted
15/01336/FUL	Telephone Exchange, Lancaster Road, Overton Erection of a 3-bed dwelling with associated access and landscaping for Mr & Mrs J. King (Overton Ward 2015 Ward)	Application Permitted

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15/01362/OUT	Land To The Rear Of Workshop, Long Level, Cowan Bridge Outline application for the demolition of existing workshop and erection of 2 dwellings for Mrs Louise Jones (Upper Lune Valley Ward 2015 Ward)	Application Permitted
15/01443/FUL	Land Adjoining 45 Wennington Road, Wray, Lancaster Erection of a detached bungalow for Mr And Mrs Robert And Carol Emmett (Lower Lune Valley Ward 2015 Ward)	Application Permitted
15/01451/FUL	Shell Garage, Caton Road, Lancaster Engineering works involving the replacement of the existing subterranean fuel tanks, petrol interceptor and vents with new, installation of bollards, pumps and a new raised canopy, and relocation of existing ATM for Shell UK Retail (Bulk Ward 2015 Ward)	Application Permitted
15/01492/VCN	47 - 51 North Road, North Road, Lancaster Erection of two mixed use buildings and change of use of warehouse (B8) to create student accommodation for 78 students in the form of 15 Studio flats, 12 cluster flats (C4), a shop (A1), an office (A2) and a laundrette (sui generis) (pursuant to the variation of conditions 2 and 3 on planning permission 13/01274/FUL to amend the material, opening and pattern of the windows) for Mr Anas Mister (Bulk Ward 2015 Ward)	Application Refused
15/01506/PLDC	The Cotton Shed, 6 Low Mill, Mill Lane Proposed lawful development certificate for installation of 16 solar panels on front roofslope for Dr S Brown (Lower Lune Valley Ward 2015 Ward)	Lawful Development Certificate Granted
15/01526/FUL	Vodafone 37710, Marine Drive, Hest Bank Replacement of telecommunications equipment for CTIL And Vodafone Ltd (Bolton And Slyne Ward 2015 Ward)	Application Permitted
15/01530/CU	Greendales Farm, Carr Lane, Middleton Change of use of land to allow the siting and use of holiday caravans for 12 months of the year for Mr And Mrs KW And C Owen (Overton Ward 2015 Ward)	Application Permitted
15/01561/FUL	Stock A Bank Plantation, Littledale Road, Quernmore Demolition of existing outbuilding and erection of a 3-bed dwelling for Mr And Mrs Richard And Pauline Ainley (Lower Lune Valley Ward 2015 Ward)	Application Permitted
15/01586/ADV	Quernmore Park, Former Nightingale Hall, Quernmore Road Advertisement application for the display of a non-illuminated free-standing sign for Mr Graeme Gibb (Bulk Ward 2015 Ward)	Application Permitted
15/01601/REM	Land To The East Of St Wilfrids Hall, Foundry Lane , Halton Reserved matters application for the erection of 4 residential detached dwellings for Sherwood Homes Ltd (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
15/01612/CU	283 Marine Road Central, Morecambe, Lancashire Change of use from restaurant (A3) to restaurant/wine bar (A3/A4) for Mr Gina Westbury (Poulton Ward 2015 Ward)	Application Permitted

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15/01629/LB	Browns Houses, Lindeth Road, Silverdale Listed Building application for the replacement of flooring on the ground floor level, staircase, internal timber lintels and beams, windows and doors, the removal of a ground floor internal wall, alterations to an internal fireplace, installation of new rooflights and of stone mullions to gable end window, re-roofing and re-building of chimney stack for Mr Michael Carr (Silverdale Ward 2015 Ward)	Application Permitted
16/00001/FUL	27 And 29 Yealand Road, Yealand Conyers, Carnforth Erection of a two storey and single storey rear extension to 27 Yealand Road incorporated into the existing extension at 29 Yealand Road for Mr M Allen (Warton Ward 2015 Ward)	Application Permitted
16/00002/LB	27 And 29 Yealand Road, Yealand Conyers, Carnforth Listed building application for erection of a two storey and single storey rear extension to 27 Yealand Road incorporated into the existing extension at 29 Yealand Road for Mr M Allen (Warton Ward 2015 Ward)	Application Permitted
16/00004/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 28 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	Application Permitted
16/00005/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 16 (parts 4, 5 and 6) on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	Application Permitted
16/00017/DIS	Land At, Brindle Close, Lancaster Discharge of conditions 5, 6, 8, 10, 11 and 16 on planning permission 14/01018/FUL for Melrose Construction Ltd. (Skerton West Ward 2015 Ward)	Initial Response Sent
16/00023/DIS	Arna Wood Farm East, Arna Wood Lane, Lancaster Discharge of conditions 3, 4, 7, 9, 10, 11 on previously approved application 14/00907/FUL for solar farm for Mr Robert Ayres (Scotforth West Ward 2015 Ward)	Initial Response Sent
16/00024/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 2015 Ward)	Application Permitted
16/00025/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 37 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	Application Permitted
16/00027/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 2015 Ward)	Application Permitted

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16/00028/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 31 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	Application Permitted
16/00029/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 16 (parts 1, 2 and 3) on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	Application Permitted
16/00030/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 23 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	Application Permitted
16/00031/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 22 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	Application Permitted
16/00034/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 33 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	Application Permitted
16/00035/DIS	Chorley Community Housing, Westgate, Morecambe Discharge of conditions 5,6,7,10,15,19,20,22,23 on approved application no. 14/01289/FUL for Ms Karen Lee (Westgate Ward 2015 Ward)	Initial Response Sent
16/00037/CU	Chapel, Houghton Court, Halton Change of use of a chapel (D1) to a dwelling (C3) and erection of a detached garage for Ms Katarina Pardula And Adele Cowpland (Halton-with- Aughton Ward 2015 Ward)	Application Permitted
16/00037/DIS	Site For Fast Food Takeaway Unit, Caton Road, Lancaster Discharge of condition 9 on planning permission 14/00775/FUL for McDonald's Restaurants Ltd (Lower Lune Valley Ward 2015 Ward)	Initial Response Sent
16/00039/DIS	2 Bronte Cottages, Long Level, Cowan Bridge Discharge of condition 4 on split decision application 15/00148/LB for Professor MALik Salameh (Upper Lune Valley Ward 2015 Ward)	Application Refused
16/00041/DIS	Proposed 45M Wind Turbine, Borwick Fishing, Kellet Lane Discharge of conditions 3, 7 and 12 on approved application no. 14/00282/FUL for Mr Mike Smith (Warton Ward 2015 Ward)	Application Permitted

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16/00044/DIS	Sidegarth, Sidegarth Lane, Halton Discharge of condition 5 in relation to an arboricultural method statement and 6 in relation to a tree protection plan on previously approved 15/01399/FUL for Mr & Mrs M Swindlehurst (Halton-with-Aughton Ward 2015 Ward)	Initial Response Sent
16/00046/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 34 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	Application Permitted
16/00047/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 33 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	Application Permitted
16/00048/DIS	40 Lord Street, Morecambe, Lancashire Discharge of conditions 4 and 5 on approved application 15/00868/CU for Mr R Taylor (Poulton Ward 2015 Ward)	Request Completed
16/00049/DIS	44 Hest Bank Lane, Hest Bank, Lancaster Discharge of condition 3 on application 13/00625/FUL for Mrs H Bird (Bolton And Slyne Ward 2015 Ward)	Application Permitted
16/00051/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 42 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	Application Permitted
16/00054/DIS	Land Between Halton Bridge, And Lower Halton Weir, South Bank Of The River Lune Discharge of conditions 3, 4 and 5 on application 15/01138/FUL for Mrs Sarah Littlefield (Halton-with-Aughton Ward 2015 Ward)	Request Completed
16/00055/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 33 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	Request Completed
16/00058/DIS	Lancaster Moor Hospital Annex, Quernmore Road, Lancaster Discharge of condition 8 on application 14/01015/LB for Mr Andrew McMurtrie (Bulk Ward)	Request Completed
16/00060/FUL	44 Hornby Road, Caton, Lancaster Construction of dormer window to the rear elevation. for Mr Jeremy Richards (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00061/CU	Halton Green East, Green Lane, Halton Change of use from agricultural land to domestic curtilage in association with Halton Green East and construction of a new vehicular access track and parking area for Mr Ian Finley (Halton-with-Aughton Ward 2015 Ward)	Application Refused

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16/00062/LB	Bath House , 43 Bath Street, Lancaster Listed Building application for the installation of two air vents within the main cellar for Mr Steve Wearden (Bulk Ward 2015 Ward)	Application Permitted
16/00069/DIS	29 Coolidge Avenue, Lancaster, Lancashire Discharge of condition 1 on application 15/00841/FUL for Mr Edmund Stoney (Marsh Ward 2015 Ward)	Request Completed
16/00071/FUL	Crook Farm, Marsh Lane, Glasson Dock Erection of a portal frame building for Mr John Gerrard Armer (Ellel Ward 2015 Ward)	Application Permitted
16/00093/FUL	2 Gregson Road, Lancaster, Lancashire Erection of a single storey rear extension for Mr Grahame O'Neill (John O'Gaunt Ward 2015 Ward)	Application Permitted
16/00100/LB	Old Church House, Littledale Road, Quernmore Listed building application for the retention of rear porch and introduction of cladding to the retained structure for Mr D Merritt (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00116/LB	7 Yealand Road, Yealand Conyers, Carnforth Listed building application for a replacement window for Lady Iona Bowen (Warton Ward 2015 Ward)	Application Permitted
16/00129/ADV	Old Grand Garage, Thornton Road, Morecambe Advertisement application for the display of a non-illuminated hanging sign for Just Artificial Ltd (Poulton Ward 2015 Ward)	Application Permitted
16/00138/FUL	18 Whinfell Drive, Lancaster, Lancashire Erection of a two storey side extension for Mr & Mrs C. Rowbotham (Scotforth East Ward 2015 Ward)	Application Refused
16/00140/CU	Nuthurst Farm, Stoney Lane, Bay Horse Change of use of farm buildings to caravan storage for Mrs Olive Porter (Ellel Ward 2015 Ward)	Application Permitted
16/00153/CU	82 Barley Cop Lane, Lancaster, Lancashire Change of use of residential garden area (C3) to site an outbuilding to use as a cold food takeaway (A1) for Mr Janos Zolton Goz (Skerton West Ward 2015 Ward)	Application Refused
16/00156/FUL	Grainger Cottage, Lancaster Road, Caton Erection of new garden walls for Mr Franklyn Weber (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00165/FUL	Gaitbarrow Farm, Brackenthwaite Road, Yealand Redmayne Erection of an agricultural workers dwelling for Mr J H And L J Tyson (Silverdale Ward 2015 Ward)	Application Refused
16/00174/LB	Lancaster Railway Station, Westbourne Road, Lancaster Listed building application for installation of wireless access points and associated cabling for Mr Paul Shaughnessy (Castle Ward 2015 Ward)	Application Permitted

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16/00178/FUL	4 Pilgrims Way, Morecambe, Lancashire Demolition of existing conservatory, erection of a replacement two storey rear extension, construction of a hip to gable roof extension and construction of a dormer window to the rear elevation for Mrs Aimee Cheung (Torrisholme Ward 2015 Ward)	Application Refused
16/00181/FUL	19 The Meadows, Yealand Redmayne, Carnforth Erection of a single storey rear extension and a porch to the front elevation, construction of new pitched roofs to existing rear extension and detached garage and rendering of walls to all elevations and garage for Mr & Mrs Adrian and Alyson Eglington (Silverdale Ward 2015 Ward)	Application Permitted
16/00188/VCN	Wyreside Lakes Fishery, Gleaves Hill Lane, Ellel Change of use of land to provide 16 additional touring caravan pitches with new access road and associated landscaping (pursuant to the variation of condition 4 on planning permission 12/00120/CU to allow all year round use) for Mr S Hughes (Ellel Ward 2015 Ward)	Application Withdrawn
16/00197/VCN	Silverhelme Scout Camp, The Row, Silverdale Erection of a new activity shelter and replacement toilet block (pursuant to the variation of conditions 2 and 3 on planning permission 10/00976/FUL to amend the approved toilet block plans) for Mr Nigel Pullen (Silverdale Ward 2015 Ward)	Application Permitted
16/00198/FUL	Black House Farm, Bay Horse Road, Ellel Creation of extension to existing track for Mrs Anne Longton (Ellel Ward 2015 Ward)	Application Permitted
16/00203/FUL	The Spinney, Willey Lane, Cockerham Alterations and extension to roof to facilitate additional living accommodation, and increase in height of chimney for Mrs Angela Manning (Ellel Ward 2015 Ward)	Application Permitted
16/00211/FUL	Lancaster University, Bigforth Drive, Bailrigg Erection of replacement security fencing, creation of hardstanding, footpath and removeable bollards for Mr Ian Sturzaker (University And Scotforth Rural Ward)	Application Permitted
16/00212/FUL	Burrowbeck Grange Nursing Home , Scotforth Road, Lancaster Demolition of existing care home and outbuilding and erection of a replacement 60 bed care home with associated landscaping, car parking and alterations to the existing access for Active Pathways (Scotforth East Ward 2015 Ward)	Application Withdrawn
16/00213/FUL	369 Heysham Road, Heysham, Morecambe Alterations to existing access and creation of a dropped kerb for Mr Ian Parker (Heysham Central Ward 2015 Ward)	Application Permitted
16/00214/FUL	2 Leapers View, Over Kellet, Carnforth Erection of a first floor side extension and porch to the front elevation for Mr & Mrs S. Guest (Kellet Ward 2015 Ward)	Application Permitted
16/00215/FUL	16 Elms Drive, Morecambe, Lancashire Erection of a detached garage to the rear for Mr T. Griffin (Bare Ward 2015 Ward)	Application Permitted

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16/00216/FUL	90 South Road, Morecambe, Lancashire Demolition of existing front porch and bay window and erection of a replacement porch, erection of a 2 storey side extension and single storey side extension, removal cat-slide roof to form new roof arrangement and installation of a replacement flat roof on the existing single storey rear extension for Mr J. Crookall (Bare Ward 2015 Ward)	Application Permitted
16/00218/FUL	Unit 9, Middlegate, White Lund Estate Installation of an air conditioning unit plant for Virgin Media Ltd (Westgate Ward 2015 Ward)	Application Permitted
16/00227/FUL	6 Greenways, Over Kellet, Carnforth Construction of dormer windows to the front and rear elevations and a hip to gable roof extension for Mr Mark White (Kellet Ward 2015 Ward)	Application Permitted
16/00229/FUL	9 Greythwaite Court, Lancaster, Lancashire Erection of a single storey side extension for Mr & Mrs A Palin (Marsh Ward 2015 Ward)	Application Permitted
16/00230/FUL	St Johns Church, Emesgate Lane, Silverdale Provision of two external handrails to steps at the Vestry external door on the north elevation for Mr Andrew Bodenham (Silverdale Ward 2015 Ward)	Application Permitted
16/00233/FUL	1 St Michaels Grove, Bolton Le Sands, Carnforth Demolition of garage and erection of single storey rear and side extension for Mr David Greenwood (Bolton And Slyne Ward 2015 Ward)	Application Permitted
16/00235/FUL	The Sands Care Home, 390 Marine Road East, Morecambe Replacement of 2 small dormer windows with one large dormer window to the front elevation for Mr R. Wilson (Poulton Ward 2015 Ward)	Application Permitted
16/00237/FUL	81 Hest Bank Lane, Hest Bank, Lancaster Demolition of attached garage, erection of 2 storey side and rear extensions, porch to front elevation and construction of 2 dormer windows to front elevation and 2 dormer windows to rear elevation for Mr P. Jackson (Bolton And Slyne Ward 2015 Ward)	Application Refused
16/00244/FUL	3 Heysham Hall Drive, Heysham, Morecambe Erection of a two storey side extension for Mr Paul Scullion (Heysham South Ward 2015 Ward)	Application Permitted
16/00246/LB	Lancaster Castle , Castle Park, Lancaster Listed building application for masonry repairs including removal of redundant fixings, re-pointing and replacement of first floor cement course with stone slips, repairs to existing windows including removal of external mesh, removal of security bars, replacement of glass and replacement of one door relating to the former male penitentiary chapel yard elevation for Mr Graeme Chalk (Castle Ward 2015 Ward)	Application Permitted
16/00248/FUL	5 Chester Place, Lancaster, Lancashire Demolition of existing rear sun room and erection of a single storey rear extension and covered raised decking for Mr & Mrs Wilkinson (Scotforth East Ward 2015 Ward)	Application Permitted

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16/00252/FUL	Keepers Cottage, Borwick Road, Borwick Erection of a first floor rear extension and single storey side and rear extensions for Mr & Mrs T Cummins (Kellet Ward 2015 Ward)	Application Permitted
16/00256/FUL	1 Haig Avenue, Lancaster, Lancashire Installation of replacement hardwood windows to the front and side elevations for Mr D Archard (Marsh Ward 2015 Ward)	Application Permitted
16/00258/FUL	86 Cleveleys Avenue, Lancaster, Lancashire Erection of two storey side extension for Mr C Hallows (Skerton West Ward 2015 Ward)	Application Refused
16/00261/PLDC	7 Windsor Grove, Morecambe, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension for Mr & Mrs I. Stewart (Harbour Ward 2015 Ward)	Lawful Development Certificate Granted
16/00264/FUL	1 Easedale Close, Bolton Le Sands, Carnforth Demolition of existing garage and erection of a part single part two storey side extension for Mr & Mrs D. Simm (Bolton And Slyne Ward 2015 Ward)	Application Permitted
16/00271/FUL	Lulworth, Lindeth Road, Silverdale Erection of a single storey rear extension for Mr Austin Galley (Silverdale Ward 2015 Ward)	Application Permitted
16/00280/FUL	8 Ashford Close, Lancaster, Lancashire Demolition of existing rear conservatory, erection of a two storey side and rear side extension and construction of a pitched roof to the existing flat roofed front and side projections for Mr & Mrs K Gilpin (Scotforth West Ward 2015 Ward)	Application Permitted
16/00281/ADV	Unit 2, Kingsway Retail Park, Caton Road Advertisement application for the display of an externally illuminated menu sign and 5 externally illuminated fascia signs for Pizza Hut (UK) Ltd (Bulk Ward 2015 Ward)	Application Permitted
16/00284/CU	Ellel House , Chapel Lane, Galgate Change of Use of 2 residential apartments (C3) to create 7 additional bedrooms for existing residential nursing home (C2) for Hillcroft Nursing Homes (Ellel Ward 2015 Ward)	Application Permitted
16/00285/LB	Ellel House , Chapel Lane, Galgate Listed building application for the installation of partition walls and doors to facilitate the change of use of 2 residential apartments to create 7 additional bedrooms for existing residential nursing home for Hillcroft Nursing Homes (Ellel Ward 2015 Ward)	Application Permitted
16/00286/PLDC	2A Royds Grove, Heysham, Morecambe Proposed lawful development certificate for dormer window to the rear and three rooflights to the front to facilitate attic conversion for Mr & Mrs G. Grainger (Heysham Central Ward 2015 Ward)	Lawful Development Certificate Granted
16/00295/PLDC	13 Stankelt Road, Silverdale, Carnforth Proposed lawful development certificate for the erection of a replacement front porch for Mr & Mrs R Hague (Silverdale Ward 2015 Ward)	Lawful Development Certificate Granted

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16/00303/NMA	Land Adjacent Marine Road East, Morecambe, Lancashire Non material amendment to planning permission 15/00119/FUL to include additional access ramps for Mr Adrian Morphet (Bare Ward 2015 Ward)	Application Permitted
16/00304/NMA	Former Caton Youth Club, Copy Lane, Caton Non-material amendment to approved application 14/00964/CU to re-instate original window to the east elevation and change of material finish to railings to the east and south elevations for Mr Robert Counce (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00308/FUL	7 Coach Road, Warton, Carnforth Demolition of existing conservatory and erection of a single storey extension to the rear and side for Mr & Mrs R Carter (Warton Ward 2015 Ward)	Application Permitted
16/00317/FUL	7 Slyne Hall Heights, Slyne, Lancaster Erection of a front porch for Mr P Bainbridge (Bolton And Slyne Ward 2015 Ward)	Application Permitted
16/00338/FUL	20 Hest Bank Road, Morecambe, Lancashire Erection of a single storey side extension and single and two storey rear extensions and alterations to the front elevation bay windows for Mr M Newton (Bare Ward 2015 Ward)	Application Permitted
16/00369/FUL	18 Artlebeck Road, Caton, Lancaster Erection of single storey rear extension for Mr C Liundi (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00406/NMA	Islay, The Shore, Hest Bank Non material amendment to planning permission 14/01196/FUL for the addition of two roof lights for Mr T Johnson (Bolton And Slyne Ward 2015 Ward)	Application Permitted
16/00428/CU	Three Mariners, Bridge Lane, Lancaster Change of use of land for seating area for Mr Tony Roberts (Castle Ward 2015 Ward)	Application Withdrawn