



**Committee:** PLANNING AND HIGHWAYS REGULATORY COMMITTEE

**Date:** MONDAY, 27<sup>TH</sup> JUNE 2016

**Venue:** MORECAMBE 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 31<sup>st</sup> May, 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 | <b>A5 16/00397/OUT</b> | <b>Whittington Farm, Main Street, Whittington</b>  | <b>Upper Lune Valley Ward</b> | <b>(Pages 1 - 10)</b>  |
|   |                        | Outline application for the erection of 18 dwellings with associated access and change of use of barn to a mixed use comprising a dwelling (C3) and a shop/tearoom (A1/A3) and Relevant Demolition of the existing agricultural buildings for Mr Edward Mackereth  |                               |                        |
| 6 | <b>A6 16/00399/LB</b>  | <b>Whittington Farm, Main Street, Whittington</b>  | <b>Upper Lune Valley Ward</b> | <b>(Pages 11 - 14)</b> |
|   |                        | Listed building application for internal and external alterations to facilitate the change of use of barn to a mixed use comprising of a dwelling and shop/tearoom and removal of the site entrance walls for Mr Edward Mackereth  |                               |                        |
| 7 | <b>A7 16/00494/OUT</b> | <b>Land Off, Marsh Lane and Main Street, Cockerham</b>   | <b>Ellel Ward</b>             | <b>(Pages 15 - 22)</b> |
|   |                        | Outline application for the erection of up to 11 dwellings and associated access for Mr P Hewitt   |                               |                        |
| 8 | <b>A8 16/00623/RCN</b> | <b>Scale House Farm, Conder Green Road, Galgate</b>  | <b>Ellel Ward</b>             | <b>(Pages 23 - 27)</b> |
|   |                        | Change of use and conversion of existing redundant barn to create 4 self-contained holiday accommodation (C3) and conversion of existing outbuilding to create external storage area (pursuant to the variation of condition 17 and removal of conditions 18 and 19 on planning permission 14/00784/CU in relation to the curtilage and to allow the holiday units to be used as unfettered residential dwellings) for Mr & Mrs Wilson |                               |                        |

9	A9 16/00478/CU	<b>Booths, 338 Lancaster Road, Morecambe</b>	<b>Torrisholme Ward</b> (Pages 28 - 32)
		Change of use from retail shop (A1) to dental surgery (D1) for Mr Zumarad Ajab	
10	A10 16/00504/FUL	<b>Meadowfield Bungalow, Middleton Road, Heysham</b>	<b>Heysham South Ward</b> (Pages 33 - 37)
		Demolition of existing bungalow and siting of two park homes for Mr Sheddy Nelson	
11	A11 16/00551/FUL	<b>Land Adjacent To, Caton Road, Lancaster</b>	<b>Lower Lune Valley Ward</b> (Pages 38 - 45)
		Erection of a two storey restaurant with associated drive-thru, canopy, car parking, landscaping, retaining wall and raised land levels for McDonald's Restaurants Ltd	
12	A12 16/00519/FUL	<b>1 Spring Garden Street, Lancaster, Lancashire</b>	<b>Castle Ward</b> (Pages 46 - 52)
		Part demolition and alteration of existing building and erection of a two and three storey building above existing ground floor, with retail (A1) at ground floor and two 4-bed and one 3-bed student cluster flats (C4) on upper floors for Mr Stephen Wilkinson	
13	A13 16/00053/CU	<b>Green Dragon Hotel, 54 Main Road, Galgate</b>	<b>Ellel Ward</b> (Pages 53 - 58)
		Change of use of public house/cafe (A4/A3) to a 6-bed house of multiple occupancy (C4), a 2-bed flat (C3) and creation of a new access point for Mr Lookman Thagja	

- |           |   |  |                               |                        |
|-----------|---|--|-------------------------------|------------------------|
| <b>14</b> | <b>A14 16/00222/FUL</b>                             | <b>Land Between 24 And 25 ,<br/>Hestham Crescent, Morecambe</b>  | <b>Harbour<br/>Ward</b>       | <b>(Pages 59 - 64)</b> |
|           |   | Erection of two dwellings and three garages with associated access for Mrs C Stebbing  |                               |                        |
| <b>15</b> | <b>A15 16/00555/LB</b>                              | <b>15 Middleton Road, Heysham,<br/>Morecambe</b>   | <b>Heysham<br/>South Ward</b> | <b>(Pages 65 - 67)</b> |
|           |   | Listed building application for removal of existing ground floor floorboards and replace with solid floor construction with under-floor heating and removal of part chimney breast in first floor bathroom for Mr Stuart Bateson |                               |                        |
| <b>16</b> | <b>Delegated Planning Decisions (Pages 68 - 73)</b> |  |                               |                        |

## **ADMINISTRATIVE ARRANGEMENTS**

### **(i) Membership**

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

### **(ii) Substitute Membership**

Councillors Jon Barry, Susie Charles, Mel Guilding, Tim Hamilton-Cox, Janice Hanson, Geoff Knight and Robert Redfern

### **(iii) Queries regarding this Agenda**

Please contact Tessa Mott, Democratic Services: telephone (01524) 582074 or email [tmott@lancaster.gov.uk](mailto:tmott@lancaster.gov.uk).

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

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

MARK CULLINAN,  
CHIEF EXECUTIVE,  
TOWN HALL,  
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Published on Tuesday 14<sup>th</sup> June, 2016.

Agenda Item A5	Committee Date 27 <sup>th</sup> June 2016	Application Number 16/00397/OUT
<b>Application Site</b>  Whittington Farm Main Street Whittington Carnforth	<b>Proposal</b>  Outline application for the erection of 18 dwellings with associated access and change of use of barn to a mixed use comprising a dwelling (C3) and a shop/tearoom (A1/A3) and Relevant Demolition of the existing agricultural buildings	
<b>Name of Applicant</b>  Mr Edward Mackereth	<b>Name of Agent</b>  Mrs Lisa Allison	
<b>Decision Target Date</b>  30 <sup>th</sup> June 2016	<b>Reason For Delay</b>  Awaiting Bat Survey and Design Modifications	
<b>Case Officer</b>	Mr Mark Potts	
<b>Departure</b>	Yes	
<b>Summary of Recommendation</b>	Approval	

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

- 1.1 The application site relates to a 0.9 hectare parcel of land currently used as a working dairy farm consisting of an array of agricultural buildings, slurry pits and silos, the majority of the site is surfaced in tarmac and concrete. The proposed development is centrally located within the village of Whittington and is approximately 2.5km from Kirkby Lonsdale Town Centre.
- 1.2 The neighbouring uses comprise of residential to the north, west and south with open countryside being located to the east. The majority of these properties are traditional in appearance, and consist of detached, terraced and semi-detached properties. The site is relatively level at approximately 45 metres Above Ordnance Datum (AOD); however there is a significant fall to the site to the south which is outside the application boundary.
- 1.3 The proposed development is located within the Whittington Conservation Area, and a Grade II listed building is located adjacent to the site (Wayside). There is a Public Right of Way (Footpath 6) that runs the length of the north east boundary of the site. The site is allocated under the adopted local plan as "Open Countryside".

## **2.0 The Proposal**

- 2.1 The proposed development is in outline form, however the applicant is applying for access, layout, scale and appearance with the only matter reserved being landscaping. The scheme proposes the demolition of the existing (mainly pre-fabricated) farm buildings together with the conversion/rebuild of a barn to form a dwelling and a shop/tearoom. The scheme proposes the erection of 18 new dwellings, reconfigured access, open space and drainage.
- 2.2 The new build element of the scheme consists of the erection of four 2 bedroom houses, eleven 3-bedroom houses and four 4-bedroom houses. The units consist of terraced, semi-detached and detached properties. In terms of the conversion element, this will be a barn conversion to form a shop/café together with a 3 bedroom semi-detached property. The proposed dwellings are all two

storeys in height and would be finished in natural stone under slate roofs with painted timber windows and doors.

- 2.3 Access to the site would utilise the existing point of access to the farm however would be improved to provide 2.4m x 60m visibility splays, with a 10 metre kerb radii on the southern kerb. The scheme also proposes a new grassed area, village green, visitor and shop parking with a grassed recreational area, with associated landscaping.

**3.0 Site History**

- 3.1 A planning application (15/01366/OUT) was withdrawn in January 2016 which proposed the same number of units, together with the shop and tearoom. The applicant’s decision to withdraw the application followed officer concerns regarding principles, housing need, layout, ecology, drainage and cultural heritage. A Listed Building application (16/00399/LB) also relates to the development and is being presented on the same Committee Agenda.

**4.0 Consultation Responses**

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

Consultee	Response
Lancashire Police	<b>No objection</b> , however recommend that secured by design standards are employed.
Lead Local Flood Authority	<b>No objection</b> , recommends conditions concerning a maintenance plan, drainage scheme and its subsequent implementation.
United Utilities	<b>No objection</b> , recommends conditions concerning foul and surface water being drained on separate systems, provision of a surface water scheme and management and maintenance of drainage systems.
Historic England	<b>No objection</b> - recommend amendments to the layout to better reflect the grain of the conservation area to deliver a more linear scheme.
Conservation Section	<b>No objection</b> – the development will not have an adverse impact on the conservation area or the setting of the surrounding listed buildings and non-designated heritage assets. They recommend a more linear scheme and conditions regarding materials.
Public Realm Officer	Requests that provision is made for 358m2 of Amenity Space on-site with a play area on the site together with an off-site contribution of £6,132 towards Parks and Gardens.
Ramblers Association	No observations received within the timescales
Natural England	<b>No objection</b>
Greater Manchester Ecology Unit	<b>No objection</b> , following the amended information in the form of a bat survey in May 2016, recommend conditions associated with nesting birds, landscape management and bats.
Planning Policy	The site is not located in a settlement where the Council would look to promote significant residential development. To be supported, the applicant will need to demonstrate that it would enhance or maintain the vitality of the local community and meet an evidenced housing need.
Strategic Housing Officer	The survey findings demonstrate some low-level need for both market and affordable housing in a village that is not defined as an area that a scheme would generally be supported but given the low level of affordable housing in rural areas there is an unmet need across the district.
Whittington Parish Council	<b>No objection</b>
County Highways	<b>No objection</b> , however recommends some offsite highway works, protection of visibility splays and details of the access to be conditioned as part of any planning permission.
Environmental Health	No observations received within the timescales.
County Strategic Planning (Education)	<b>Raise concerns</b> over the sustainability of the proposal, given the nearest school is over 2 miles away.

<b>Public Rights of Way Officer (Lancashire County)</b>	No observations received within the timescales
<b>Tree Protection Officer</b>	<b>No objection</b> in principle, however reconsideration of new stone walls to be outside of root protection areas.
<b>Fire Safety Officer</b>	<b>No objection</b>
<b>County Archaeology</b>	<b>No objection</b> however recommends a condition regarding archaeological recording and analysis.

**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 4 letters of objection received based on the below reasons;

- Unlikely the village shop could be supported locally;
- No community facilities within the village;
- Increased risk of surface water run-off;
- Road safety concerns;
- Lack of parking proposed for off-site properties;
- Lack of parking proposed on the site;
- Questions the need for the proposed development;
- Inaccuracies within the supporting documentation.

One letter in support in the development;

- However seeks clarification that trees and hedgerows will be maintained and managed and for the large ash trees to be preserved on the 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, 12, 14 and 17 - Sustainable Development and Core Principles
- Paragraph 32, 34 and 38 Access and Transport
- Paragraphs 49, 50 and 55 - Delivering Housing
- Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design
- Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities
- Paragraph 103 – Flooding
- Paragraphs 109, 115,117,118 – Conserving the Natural Environment
- Paragraphs 128-134 – Conserving and Enhancing the Historic Environment

6.2 Lancaster Core Strategy

- SC1 – Sustainable Development
- SC4 – Meeting the District’s Housing Requirements
- SC5 – Design

6.3 Development Management DPD

- DM20 – Enhancing Accessibility and Transport Linkages
- DM21 – Walking and Cycling
- DM22 – Vehicle Parking Provision
- DM26 – Open Space, Sports and Recreational Facilities
- DM27 – Protection and Enhancement of Biodiversity
- DM28 – Development and Landscape Impact
- DM29 – Protection of Trees, Hedgerows and Woodland
- DM30 – Development affecting Listed buildings

DM31 – Development Affecting Conservation Areas  
DM32 – The Setting of Designated Heritage Assets  
DM33 – Development affecting Non-designated heritage assets  
DM34 – Archaeology and Scheduled Monuments  
DM35 – Key Design Principles  
DM38 – Development and Flood Risk  
DM39 – Surface Water Run-off and Sustainable Drainage  
DM41 – New Residential dwellings  
DM42 – Managing Rural Housing Growth  
DM48 – Community Infrastructure

### 6.4 Lancaster Local Plan

Policy E4 – Open Countryside

### 6.4 Other Material Considerations

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

## **7.0 Comment and Analysis**

7.1 The key considerations in determining this planning application are:

- The principle of residential development in this location;
- Loss of agricultural business;
- Provision of affordable housing;
- Layout;
- Design;
- Impact on heritage assets;
- Drainage;
- Ecology and Trees;
- Highways, Parking and Public Rights of Way;
- Education; and,
- Open Space.

### 7.2 The principle of residential development in this location

7.2.1 The Development Management DPD has not identified Whittington as a village within the District where significant new housing is proposed, and therefore approval of this scheme would constitute a departure from the Development Plan. Furthermore the latest version of the Council's Strategic Housing Land Availability Assessment (SHLAA) has deemed the site undeliverable for housing (given it is not within a sustainable settlement), however it was deemed a deliverable site in the Council's SHLAA of 2014. The village does have a village hall, a church, and has a public house (currently vacant), and is therefore not wholly un-sustainable but it does presently lack key amenities to support a scheme of this scale. However, it is in relative close proximity to Kirkby Lonsdale (2.5km away) which has numerous services, however travel to Kirkby Lonsdale would be relied upon by principally private car journeys. As of 2<sup>nd</sup> April 2016 there is no bus service that passes through Gressingham, Arkholme, Newton, and Whittington and these villages will only be served by a return journey from the Queen Elizabeth School in the afternoon. A real concern for officers is that the development would be totally reliant on private car journeys, and walking and cycling to Kirkby Lonsdale is somewhat restricted and highly unlikely to occur.

7.2.2 The fundamental questions concerning the principle of this development is whether the development will enhance or maintain the vitality of the village, (and whether the scheme is sustainable); and secondly whether the scheme is actually meeting a local need as set out in Policies DM41 and DM42 of the DM DPD.

7.2.3 The scheme is providing for a mix of market and affordable dwellings in an area of the district where house prices are above the district average. Given the policy backdrop the applicants have



submitted a detailed planning and sustainability statement in support of the application. The provision of a village shop on the ground floor and a tea room on the 1<sup>st</sup> floor of a barn used for the storage of farm machinery would assist in making the village a more sustainable settlement and therefore, the provision of this facility does weigh heavily in support of the proposal because of the social and economic benefits that would accrue. The shop/tearooms would be subsidised for a period of 5 years by the applicant, however it would operate out of relatively small premises with the shop being a total of 62.62 m<sup>2</sup> and the tearooms at 49.55 m<sup>2</sup>. Concerns were raised during the withdrawn application that there was no information relating to the shop and tearooms. Since then the applicants have proposed that the shop will open for a minimum of 5/6 days a week and would stock essential goods such as bread, milk and fresh produce which are all locally sourced. As part of the applicant's Housing Needs Survey questionnaire, out of the 31 people who responded to the questionnaire 24 of these were in support of a village shop equating to 77% in support. Therefore it is considered that the provision of the shop/café would assist with maintaining the vitality of the village and would provide some immediate social and economic benefits.

- 7.2.4 With respect to housing need, the applicant was requested to provide evidence that the scheme is capable of meeting the housing needs of the local community. Following the withdrawal of the previous planning application the applicant delivered a questionnaire survey to all households within the village. 150 forms were distributed and 31 completed forms returned, representing a response rate of 21%. One significant weakness of the returns was that much of the data that would enable clear conclusions to be drawn in relation to demand for market and affordable housing was incomplete. Of the 31 returned questionnaires only 5 of the households stated that they needed to move either now or in the next 5 years. These were a combination of home owners with no mortgage that are unlikely to have an affordable housing need, and two concealed households that are likely to have an affordable need based on the income and present housing circumstances. Therefore it could be considered that there is a low level of housing need, however this does not take account of those households who did not return the questionnaire that may have a housing need; nor do they capture the needs of the households that left Whittington but have a desire to live/return there (possibly due to being forced out because of property prices for example). Following the feedback from the local community the scheme has been amended to provide four 2-bedroom houses and three 3-bedroom houses, thus assisting with meeting the needs identified via the questionnaires.
- 7.2.5 Whilst it cannot be concluded wholeheartedly that there is a demand for the number of units that are being proposed, the applicant's robust questionnaire to all the households within the parish has done their best to ascertain this need. The Parish Council continue to raise no objection to the development, and the applicants have submitted a letter from the Parish as part of this submission with the Parish being supportive of the scheme.
- 7.2.6 The application does bring with it many benefits such as the delivery of market and affordable housing; enhancements to the Conservation Area; utilisation of brownfield land (whilst still maintaining a farming presence); provision of open space; provision of a shop/cafe and making a small but valuable contribution to the Local Planning Authority's housing land supply. Crucially there are reservations that whilst Whittington does have links to Kirkby Lonsdale and Arkholme (which is deemed a sustainable settlement), that given the lack of village services this will result in a development heavily reliant on private car journeys, and as such this is a weakness of the scheme. Notwithstanding this, the Council is supportive of sustainable housing and cannot demonstrate a five year housing land supply and therefore the presumption in favour of sustainable development applies. It is considered that the applicant has sufficiently demonstrated that the scheme will enhance and maintain the vitality of the local community and the provision of a village shop/café and the play area (the latter at least to remain in perpetuity) weighs heavily in support, and with this comes about social, economic and environmental benefits. Therefore the benefits that would arise persuades us that the development complies with Policies DM41 and DM42 of the DM DPD.

### 7.3 Loss of agricultural business

- 7.31. The loss of the farm complex to facilitate the development is regrettable as the village is built on its rural roots and farming is a key component. There will be benefits arising from the removal of the farm buildings (to both visual and residential amenity) and should a scheme be approved, the applicant has sought to diversify his farming enterprise into sheep farming which is a low cost and low intensity form of farming (and would utilise buildings within the control of the applicant). With this in mind if a scheme was to be approved it is considered appropriate to control that no agricultural buildings should be constructed on the site for a period of 10 years, following the demolition of the

buildings to facilitate this development. The applicant is amenable to this and this could be controlled by means of legal agreement.

### 7.4 Affordable Housing Provision

7.4.1 Policy DM41 of the DM DPD requires a development of this size on brownfield sites to contribute to 30% on-site affordable housing provision. The applicants are proposing in excess of the minimum required at 36.8% (7 units) and therefore a significant benefit of the scheme and one that requires special weight (especially given the distinct lack of affordable properties in rural parts of the district). At pre-application stage it was emphasised to the applicant that contact be made with Registered Providers to establish the need in this location, and whilst no engagement has been made with Registered Providers, the application is proposing 3 three-bedroom properties together with 4 two-bedroom units. The Strategic Housing Officer is supportive of additional affordable homes in an area of the district where house prices are above the district average, and the scheme does comply with Policy of DM41 of the DM DPD and this can be controlled by means of Section 106 Agreement.

### 7.5 Layout

7.5.1 The sites layout is 'organic' rather than linear and it is considered that this suits its rural position and the sites constraints. Concerns (albeit not objections) have been raised from Historic England and the Conservation Officer that the layout is felt to be suburban in form and that an amended linear layout with a greater density of dwellings would be more suited to the site. Whilst these comments are noted, it is considered that there has been care in designing a scheme which complements the village. There were a number of weaknesses with the withdrawn application's layout such as awkwardly shaped garden sizes which would have limited the enjoyment and usability; potential conflict with visitor parking for the shop and parking provision for residents; the orientation of selected plots and the relationship between open space and habitable rooms. Whilst not all of these issues have been addressed by the applicant, they have sought to amend the orientation of the block of terraced houses (plots 18, 19 and 20), the creation of larger garden spaces and amendments to plots 10 and 11 to accommodate the play area. The on-site separation distances between dwellings are less than the DM DPD Policy DM35 minimum standards (21 metres between habitable windows), however given the orientation of the dwellings involved it is not considered that privacy would be a cause for concern. The distances to off-site dwellings is considered appropriate to maintain privacy and therefore overall the layout is considered acceptable.

### 7.6 Design

7.6.1 Whilst this is an outline application, the proposed development is applying for scale and appearance and therefore as part of this application it needs to be considered whether the design of the scheme positively contributes to the Conservation Area in which it sits. The dwellings relate well to the local vernacular and would use traditional materials such as stone, slate and timber doors and windows. Subject to materials to be agreed it is considered that in design terms the scheme could be supported and positively responds to the variety of styles and buildings within the Conservation Area. Given the sensitivities of the site it is considered necessary to include conditions associated with pointing, the stonework to be used, surface treatments and details of boundary treatments.

### 7.7 Impact on Heritage

7.7.1 The application is within the Whittington Conservation Area and for this reason the applicants have sought to apply for scale, layout, appearance and access to allow for the scheme to be properly assessed. National guidance is clear that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. It should be noted that the significance of a heritage asset derives not only from its physical presence, but also from its setting. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision takers to have special regard to the desirability of preserving the setting of a listed building and conservation areas. A separate application has been submitted for Listed Building Consent for the conversion of the barn to a shop/tearooms and associated dwelling under application 16/00399/LB.

7.7.2 As stated elsewhere within the report the site currently supports a number of agricultural buildings (mainly prefabricated) with the majority of these detracting from the Conservation Area's character. Overall it is considered that the proposed scheme would make a positive contribution to the

character of the Conservation Area and whilst Historic England and the Conservation Officer have recommended an amendment to the layout, it is considered that the layout is logical and given site constraints works well in its context and would improve the appearance of the Conservation Area and there would be no substantial harm created to the settings of any of the nearby listed buildings such as Wayside, Park House and Whittington Farmhouse (all Grade II).

### 7.8 Drainage

7.8.1 The site is within Flood Zone 1. The proposal is supported by a Flood Risk Assessment and Drainage Strategy. The overall conclusion is that as the existing site is heavily developed there will be a significant decrease in impermeable area and surface water run-off will be drained via soakaways. Officers had concerns with the withdrawn application that no ground investigation testing had been undertaken to establish that soakaways could be used to drain the site. In February 2016 the applicant commissioned a series of percolation tests located at three trial pits across the site, the results of which were that the pits were all free draining in nature which in part is due to the high silt and gravel content within the area. Officers are now satisfied that the site can be appropriately drained and therefore it can be considered that the site conforms to Policy DM39 of the DM DPD. Neither, the Lead Local Flood Authority or United Utilities object to the scheme with both recommending conditions to address surface and foul water.

### 7.9 Ecology and Trees

7.9.1 The proposed development would necessitate a limited removal of trees and hedgerow. In particular the removal of two significant trees in the form of two Ash trees which have both extensive die back and deadwood in the crown. The scheme compensates for this loss and proposes indicative planting. The Tree Protection Officer has no objections but has concerns regarding the location of new stone walls being located within the agreed Root Protection Zones and therefore she has requested that root friendly materials and methods of construction should be employed and possible relocation of walls outside the zones. This can be addressed by a suitably worded planning condition. An amended Arboricultural Impact Assessment has since been submitted and the further observations of the Tree Protection Officer will be reported verbally to Members.

7.9.2 The application is accompanied by an ecological appraisal and a bat survey with the underlying headline that the site has a low ecological value given it is a working farm. The barns are assessed as having a negligible risk and therefore unlikely that the buildings could be utilised as roosts; a further survey was undertaken in May 2016 at the request of the Council's ecological advisors and this demonstrated no evidence of bats. Officers raised concerns with the previous application given one of the trees to be lost (T1) has the potential to support bats. Additional information has been supplied with respect to this tree that it is classified as moderate in its potential for use by bats and unlikely it would support a significant roost (maternity, multiple bats or multiple species roost). A mitigation strategy has been submitted and this can be conditioned. The Council's ecological advisors raise no objection subject to mitigation being controlled by appropriately-worded planning conditions, and as such it is considered there would be no adverse impact on protected species.

### 7.10 Highways, Parking and Public Right of Ways

7.10.1 The application is accompanied by a Transport Statement. The proposal would involve an amendment to the current farm access to facilitate the development with the loss of some stone walling which currently acts as boundary treatment. Whilst concerns have been raised in response to the planning application regarding highway safety, the County Council as Highway Authority does not object to the development however proposes a number of conditions. One such condition includes the laying of the public right of way that passes the site with compacted stone (the route is currently defined whereby users have walked across the grassland). Whilst this has its benefits, it would be unlit and undulating and therefore not overly user friendly and therefore the stoning up of the path would have limited benefit and would not be required to make the development acceptable in planning terms. It is therefore considered that the scheme can be safely accommodated on the local highway network and subject to conditions controlling the site junction construction, visibility splays and off-site highway works the scheme is considered acceptable. It should be noted that in sustainability terms whilst concerns have been raised by the Highways Authority they offer no objection to the scheme.

7.10.2 Parking is adequately provided for within the scheme and where possible the application has sought to hide cars behind the building line. The properties benefit from parking bays or driveways with garages. The level of provision is at the maximum end of the car parking standards but this is deemed acceptable for the size of properties and the village's current public transport situation.

7.10.3 There is a public right of way that passes the north eastern boundary of the site, it is proposed that the boundary hedgerow would remain to separate the proposed site from the public right of way. Users of the right of way currently pass the operational farm complex (including the sound of livestock and farm plant machinery). It is not therefore considered that for users of the Right of Way the enjoyment of this route would not be adversely affected by the scheme. Furthermore, there would be gain by having a direct link from the development to the footpath.

### 7.11 Education

7.11.1 The County Council have stated that the nearest primary school is 2.58 miles away and raise concerns regarding the sustainability of the proposed scheme. The County Council have been requested to provide an education contribution should this scheme be approved however at the time of drafting this report the contribution is unknown. Notwithstanding this, the nearest primary school is in Kirkby Lonsdale (albeit only marginally closer) and therefore any contribution sought by the County would be unlikely to be spent on the school that is most likely to serve the development's needs. Given a request can only be sought where they are necessary to make the development acceptable in planning terms, related to the development, and fair and reasonable in scale and kind in this instance it is not considered a request could be justified in this particular instance.

### 7.12 Open Space

The village lacks open space provision, and therefore approval of this scheme would provide for this in the form of a small area illustrated as a village green in front of the proposed shop/café, a children's play area (utilising three pieces of equipment, seating and bin provision) with a total area of 210m<sup>2</sup>, and open space adjacent to the entrance and this this weighs in support of maintaining the vitality of the village which has environmental and social benefits. Given the number of units proposed there is no requirement for a children's play area (despite one not featuring in the village), however it has been proposed by the applicant, which would assist with providing the community with a much needed asset. However, the location of the play area is located at far side of the site which limits its attractiveness to be used by the community and officers believe that there would be more merit in having this where plot 3 is located which would have a greater standard of natural surveillance and be more readily accessible to members of the community who may wish to use it. Officers also recommended that an area of 400 m<sup>2</sup> was offered as opposed to the 210 m<sup>2</sup> proposed. These concerns have been conveyed to the applicant's agent however no amendment has been forthcoming on this basis, who state that there was public support for the play area to be located where it currently is. The facility would have a buffer zone greater than 10m in depth between the activity zone and habitable room façades of the nearest dwellings and with this no objection has been offered by the Councils Public Realm Officer. It is regrettable that an amendment was not forthcoming as the play area could be considered to feel a little trapped between two units, however it would be highly unlikely to be able to defend this as a reason for refusal should permission not be granted. On balance, given there is no requirement for a facility and given no objection from the public realm officer it is considered that this element on balance can be found acceptable, however conditions should be imposed regarding specific details of play equipment and a maintenance regime and for this to be available for use by the local community

7.12.2 The public realm officer has requested a financial contribution towards Williamson and Ryelands Park however given the distance to these Parks (circa 20km) it is considered that this would not be appropriate to seek a contribution in the circumstances as it is unlikely that users of the development would frequently use these parks.

## **8.0 Planning Obligations**

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

- The provision of 7 affordable homes (in line with current policy);
- The shop/cafe to be open for trading prior to the occupation of no more than 5 of the dwellings and to be operational for a minimum five years;
- Restricting the provision of new agricultural buildings within the applicant's ownership for a period of ten years;
- The setting up of a Private Management Company to ensure the public open space, amenity space, surface water drainage systems and private roads within the site are maintained at all times in perpetuity.

With Committee's support, Officers seek delegation to ensure that the Section 106 Agreement is signed within the agreed time period for decision-making (i.e. before 30<sup>th</sup> June 2016).

### **9.0 Conclusions**

9.1 Redevelopment of the site to a mainly residential development is very finely balanced not least as this is a village where ordinarily the Local Planning Authority would not support a development of this size. Critically however, the Local Authority cannot demonstrate a 5 year housing supply, so development proposals have to come forward within the district to meet this need. Whilst Whittington is not a sustainable village and therefore not a location where a significant scheme would generally be supported, the provision of the shop/café weighs heavy in support of the scheme; there would be benefits to the overall character of the conservation area; the provision of 7 affordable homes; open space/play area that could be utilised for the benefit of the community and being able to utilise a brownfield site yet still retaining an active farming business, and with this it is considered in social, economic and environmental terms there would be benefits that arise from the scheme that would amount to sustainable development.

### **Recommendation**

That Outline Planning Permission **BE GRANTED** (subject to signing a Section 106 Agreement) subject to the following conditions;

1. Standard outline condition with just landscaping reserved for future consideration
2. Development in accordance with the list of approved plans
3. Construction management scheme
4. Tree protection plan and arboricultural method statement
5. Standard contamination condition
6. Access details, including visibility splay provision and protection; footpath linkages; amendment to the boundary walls.
7. Off-site highway works (footpath to site frontage, road markings and gateway treatment measures)
8. Surface water drainage scheme
9. Surface Water Management and ongoing Maintenance
10. Four drainage scheme
11. Notwithstanding plans, materials, including natural stone, natural slate, mortar, render, rainwater goods, eaves/verges/ridges, doors, windows, garage doors, boundary treatments, gates, surface treatments
12. Parking to be provided prior to the associated development being occupied / brought into use
13. Hours of demolition / construction (0800-1800 Mon to Fri, and 0800-1400 Sat only)
14. Hours of operation for the retail/tea rooms (0700-1900 Mon to Sat, and 1000-1700 Sun and public holidays
15. Tearoom/Shop – restricting use.
16. Removal of PD rights (Parts 1 A-G, 2 and 14)
17. Garage use restriction
18. Archaeological Written Scheme of Investigation
19. Maintenance of Open Space/Play Area
20. Details of landscaping and play equipment to be submitted for consideration.
21. Accordance with Protected Species Bat Survey and Mitigation.

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

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

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

### **Human Rights Act**

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

### **Background Papers**

None

Agenda Item A6	Committee Date 27 <sup>th</sup> June 2016	Application Number 16/00399/LB
<b>Application Site</b>  Whittington Farm Main Street Whittington Carnforth	<b>Proposal</b>  Listed building application for internal and external alterations to facilitate the change of use of barn to a mixed use comprising of a dwelling and shop/tearoom and removal of the site entrance walls.	
<b>Name of Applicant</b>  Mr Edward Mackereth	<b>Name of Agent</b>  Mrs Lisa Allison	
<b>Decision Target Date</b>  Time extension agreed until 30 <sup>th</sup> June 2016	<b>Reason For Delay</b>  Committee Cycle	
<b>Case Officer</b>	Mr Mark Potts	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

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

- 1.1 The wider site, its surroundings and the buildings are as described in the accompanying planning application, 16/00397/OUT, which also appears on this Planning Committee Agenda.
- 1.2 The proposal is located off Main Street in Whittington, adjacent to Wayside which is a Grade II listed farmhouse constructed of sandstone rubble and a slate roof of two storeys in height, with gable chimneys. The barn to be converted to a tearoom/café is Grade II listed (curtilage listed as part of Wayside). With the other barn and boundary walls also curtilage listed as they would have been ancillary to the Grade II listed Farmhouse Wayside.

## **2.0 The Proposal**

- 2.1 The proposed development involves internal and external alterations to a barn that is Grade II listed (by virtue of being curtilage listed) associated with Wayside, which the current barn links too. Works are proposed to a rather dilapidated barn which is principally used for the storage of farm machinery. The proposal is to convert this barn to a shop on the ground floor with a tea rooms on the 1<sup>st</sup> floor. The proposal seeks to include windows on the ground and first floor, and a sliding door would be replaced by a timber and glazed insertion. Internally a 1<sup>st</sup> floor would be installed together with a new staircase and re-roofing.
- 2.2 The scheme also proposes the conversion of a redundant barn (which the view of officers is curtilage listed associated with Wayside) to a 3 bedroom home, and whilst this would be a conversion, there would in essence be a complete rebuild together with the provision of a new roof, raising the existing building roofline by circa 2.5 metres.
- 2.3 To facilitate access there will be amendments to the current wall that abuts the highway of which is deemed to be curtilage listed, with approximately 20 metres taken down however replaced to allow access to be facilitated and the required visibility splays achieved.

**3.0 Site History**

3.1 The planning history is noted within the full application and there are no historic heritage-related applications that are of relevance.

**4.0 Consultation Responses**

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

Consultee	Response
<b>Lancashire Archaeology Service</b>	<b>No Objection</b> , recommend a planning condition regarding archaeological recording and analysis.
<b>Historic England</b>	Not necessary for Historic England to be consulted.
<b>Conservation Officer</b>	<b>No objection</b> , subject to conditions concerning building materials.

**5.0 Neighbour Representations**

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

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework

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

Paragraphs 129, 131, 132 and 134 – Heritage and Conservation

6.2 Development Management DPD

- Policy DM30 – Development Affecting Listed Buildings
- Policy DM31 – Development affecting Conservation Areas
- Policy DM32 – The setting of Designated Heritage Assets
- Policy DM34 – Archaeology

**7.0 Comment and Analysis**

7.1 The NPPF states that when considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the assets conservation. Similarly, the local planning authority in exercising its planning function should have regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*. Paragraph 132 of the NPPF seeks to express the statutory presumption set out in S66(1) of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give special weight to the desirability to preserve the heritage asset.

7.2 The conversion of the barn to a shop and tearoom is considered to represent a good re-use of this building which has fallen into a state of disrepair (which contains an asbestos cladded roof) and subject to materials being agreed can be supported by officers. As noted in paragraph 2.2 there will be some re-building required in relation to the 3 bedroom barn conversion which has sought to incorporate agricultural features well but there was some concern regarding glazing adjacent to the front door and this has since been amended. It is considered appropriate to condition that this is a



like for like replacement of materials and precise details and methods for repair/re-building works can be controlled by condition. Development proposals should only be supported to listed buildings where they would not harm the significance of the heritage asset and it is considered that the development proposals (barn conversions and amendments to the existing walling) are complimentary to the existing historic buildings, and whilst the proposals will alter the character of the heritage asset and will lead to some minor loss, such loss is not considered substantial. An archaeological building recording condition is necessary to ensure an appropriate historic record is secured which helps in understanding how agricultural practices have changed over time. Precise construction and finish details can also be controlled by condition, such as details of the re-pointing of the buildings and precise details of new windows and doors. Given the listed status of the development, conditions are considered necessary to safeguard and preserve features of special architectural or historic interest that the building possesses.

### **8.0 Planning Obligations**

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

### **9.0 Conclusions**

9.1 The conversion of the listed barn to a tearoom/shop would assist in the re-use of an existing dilapidated barn, and the conversion/rebuild of the barn to a three bedroom property has been designed, that the setting and appearance of the buildings would not be undermined or lead to substantial harm to the significance of the heritage asset. The proposals are considered compliant with Policy DM30 and DM31 of the Development Management DPD and Section 12 of the NPPF. On this basis, Members are advised that this listed building application can be supported.

### **Recommendation**

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

1. Standard 3 year timescale
2. Development in accordance with approved plans – list
3. Materials (including finishes and colours) –
  - stone (including mortar, pointing and coursing);
  - windows and doors
  - roof (including trims and soffits);
  - surfacing treatments
  - re-use of stone wall materials and samples of new stone/slate to be agreed.
4. Details –
  - window and door setbacks;
  - stone panel joint finishes;
  - floor edge trims;
  - rainwater goods;
  - roofing detail;
5. Programme of archaeological work
6. Hours of demolition, construction and fit-out, including associated deliveries (Mon to Fri 0800-1800 and Sat 0800-1400 only)

### **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 A7	Committee Date 27 <sup>th</sup> June 2016	Application Number 16/00494/OUT
<b>Application Site</b>  Land Off Marsh Lane And Main Street Cockerham	<b>Proposal</b>  Outline application for the erection of up to 11 dwellings and associated access	
<b>Name of Applicant</b>  Mr P Hewitt	<b>Name of Agent</b>  Mr Avnish Panchal	
<b>Decision Target Date</b>  3 <sup>rd</sup> August 2016	<b>Reason For Delay</b>	
<b>Case Officer</b>	Mr Mark Potts	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval (Subject to signing Section 106 Agreement)	

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

- 1.1 The site relates to a parcel of agricultural land in the region of 0.8 hectares located to the south side of Marsh Lane (A588) in the village of Cockerham. To the west of the site lies an established tree/hedgerow line and beyond this agricultural fields with the A588 to the north. Agricultural fields are located to the east, and beyond this lies the built form of Cockerham with the nearest residential dwellings on the Old Smithy. To the south of the site lies a Public Right of Way (Footpath 15) with the village football ground and fields beyond this.
- 1.2 The site is largely unconstrained, but is designated as 'Countryside Area' in the saved Lancaster District Local Plan. It is not positioned within a flood risk area; it is not protected by any landscape or nature conservation designation; it is not within an area recognised as a designated heritage asset (such as conservation area/schedule ancient monument site); there are no protected trees within the site and the land is not constrained by any underground infrastructure (such as gas pipelines etc). St Michaels Church (Grade II\*) is located 180 metres to the south west of the development with Cockerham Hall (Grade II) being located 90 metres to the north of the development site. The Morecambe Bay SPA, SAC, RAMSAR and SSSI is located circa 1.25km to the west of the development proposals.

## **2.0 The Proposal**

- 2.1 The applicant seeks outline planning permission for the erection of up to 11 dwellings with layout, appearance, scale and landscaping reserved for subsequent approval. The application originally proposed the erection of 13 dwellings however following concerns raised by the case officer this has been reduced to 11. The applicant seeks approval for the proposed access off Marsh Lane (which has the benefit of planning permission under application reference 15/00587/OUT).
- 2.2 The proposed development is in essence an extension to the previously permitted development of 25 houses to the east of the proposal (15/00587/OUT) that was approved in 2015. This permission has yet to be implemented, and reserved matters have still to be submitted for consideration.

### 3.0 Site History

3.1 The site history is contained below;

Application Number	Proposal	Decision
15/00587/OUT	Outline application for the erection of up to 25 residential dwellings	Approved
14/00856/OUT	Outline application for the development of up to 35 residential dwellings	Withdrawn

### 4.0 Consultation Responses

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

Consultee	Response
County Highways	<b>No Objection</b> ; however requests a financial contribution towards the ongoing provision of the Pilling to Lancaster Bus Service (89/89H) of <b>£21,450</b> .
County Planning (Education)	<b>No Objection</b> ; however request the provision of up to <b>£53,898.12</b> towards the provision of 4 primary school places and 2 secondary school places at <b>£40,607.18</b> .
Environmental Health	No observations received in response to the application.
Conservation Officer	<b>No Objection</b> , with no harm to the setting of either St Michaels Church or to Cockerham Hall. Recommends materials to reflect the local area.
Environment Agency	No observations to make
Historic England	No comments to make on the application and for this to be assessed in accordance with local guidance.
Cockerham Parish Council	Understood that the scheme will be considered at the 9 <sup>th</sup> June 2016 Parish Council meeting and observations will be reported verbally to members.
United Utilities	<b>No Objection</b> subject to conditions concerning foul drainage, surface water and management and maintenance of drainage systems.
Lead Local Flood Authority	<b>No Objection</b> subject to a condition being imposed regarding the submission of a drainage scheme.
Local Plans Team	No observations received in response to the application.
Natural England	<b>No Objection</b>
Tree Protection Officer	<b>No Objection</b> subject to conditions concerning the Geo-cell erosion control system and tree protection and planting.
Ramblers Association	No observations received in response to the application
Public Rights of Way Officer	<b>No Objection</b> however raises some concern relates to whether the site will be open for vehicular access onto the right of way to the south of the site.
Strategic Housing Officer	No observations received in response to the application
Public Realm Officer	No observations received in response to the application

### 5.0 Neighbour Representations

5.1 The application has been advertised in the press, by site notices and adjoining residents notified in writing. To date there has been 7 letters of objection received in response to the planning application based on the following reasons;

- Lack of bus services;
- Unsustainable development and eroding the character of the village;
- Concerns over the quality of the planning submission;
- Whether the A588 can safely accommodate the additional development and safety concerns in general;
- Inadequate drainage;

- Adverse impact on the landscape;
- Lack of amenities to support a scheme of this nature;
- No need for additional housing in Cockerham;
- Adverse impact on the Grade II\* Church.

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

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

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

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

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

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

E4 – Countryside Area

### **6.4 Development Management DPD**

DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM26 – Open Space, Sports and Recreational Facilities  
DM27 – Protection and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM30 – Development affecting Listed Buildings  
DM32 – The Setting of Designated Heritage Assets  
DM35 – Key Design Principles  
DM38 – Development and Flood Risk  
DM39 – Surface Water Run-off and Sustainable Drainage  
DM41 – New Residential dwellings  
DM42 – Managing Rural Housing Growth

### **6.5 Other Material Considerations**

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

## **7.0 Comment and Analysis**

### **7.0.1 The proposal raises the following main issues:**

- Principle of development;
- Layout and Design;
- Highways;
- Residential Amenity;

- Flooding and drainage;
- Trees and Hedgerows;
- Cultural Heritage;
- Open Space/ Education;
- Aviation.

## 7.1 Principle of development

7.1.1 Cockerham is listed as a Sustainable Rural Settlement under Policy DM42 of the adopted Development Management DPD and is somewhere in principle that sustainable housing will be supported. Policy DM42 does indicate that in all cases, proposals for new residential development on non-allocated sites must:

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

7.1.2 Whilst this development is seeking approval for 11 units, this is in addition to the 25 approved as part of the 2015 consent, and therefore it needs to be considered whether the additional housing proposed complies with the requirements of Policy DM42 of the Development Management DPD. Arguably the development of this tranche of land whilst some distance away from the village at present does adjoin the consented scheme for 25 houses and it could be said that for instance if this site was developed and the adjoining parcel of land was not, then it could be legitimately argued that the development would not be related to the current built form. These concerns have been relayed to the applicant's agent who is amenable to entering into a Section 106 agreement to tie the two sites together. With this in mind it can be considered that the additional 11 units would be physically well related to the existing built form of the settlement, albeit the nature and delivery of the physical connection (at any future Reserved Matters stage, should the current application be approved), will be important.

7.2.3 It needs to be considered whether an additional 11 houses would alter the character of the settlement and whether this number is proportionate to Cockerham. Officers did have some concerns with a scheme for 35 houses, and that application was eventually withdrawn. The question of whether that scale of development was disproportionate to the village has therefore never been tested at planning decision stage. It is considered that to resist the present scheme would be hard to justify at appeal (given the development still falls within the existing field with no noticeable distinguishing characteristics) and therefore it is considered that on balance the scheme is proportionate to the existing scale and character of the settlement (assuming that the eventual detail is appropriate). There are no objections from any statutory consultees, although the Parish Council's observations are due to be reported verbally to the Committee. Many of those raising concern with the application have stated that the provision of services within the village is limited. A village shop did open for a short period of time after 15/00587/OUT was approved however this has since closed. For these types of services to survive it very much depends on demand and therefore it is considered that the provision of new homes in the village could potentially assist in sustaining a village shop for example and ensuring that the post office (which is limited to only being open for two hours one day a week) continues to operate.

7.2.4 The scheme does seek to provide 40% of the units to be affordable and therefore this is a significant benefit of the scheme and the applicant is amenable to entering into a Section 106 to secure this. There has been concern raised by the local community that there is no need for further housing in Cockerham, however given the district's 5 year housing land supply position this would not be a sustainable argument at appeal.

## 7.3 Layout and Design

7.3.1 Officers worked with the applicant's agent on the original application (15/00587/OUT) to devise a layout that was more suited to its rural surroundings (despite layout not being applied for). There is

concern that the layout as provided is not entirely appropriate to its surroundings and between officers there is concern that that the scheme did represent some element of over-development when 13 units were proposed. These concerns were relayed to the applicant's agent and now the scheme proposes 11 units. Given the low density and whilst concerns have been raised it is considered that a layout appropriate to the character of the village could be accommodated on the site. Should Members be minded to grant consent these concerns will be conveyed to the applicant's agent for consideration should a Reserved Matters application be forthcoming in the future. For instance, further consideration is needed with regard to connections into the existing public rights of way and the scheme should be designed around this, as opposed to being an afterthought once the layout has been arrived at, together with the approach into the site itself. Given the distance to off-site properties it is not considered that there would be any loss of amenity, and privacy would remain.

### 7.4 Highways

7.4.1 The proposed development would seek to utilise the access point that was approved under application 15/00587/OUT and this was judged to be acceptable to County Highways who raised no objection to this development. Given the point of access has previously been found acceptable the only real concern is whether the traffic generation associated with 11 additional units is likely to give rise to highway safety concerns that would be of a severe nature. The applicants have proposed that there would be a maximum (two-way) of 6 vehicular trips in both the morning and evening peak hour and therefore in highway capacity terms this is a negligible increase.

7.4.2 Concern has been raised by members of the local community about the site access point being unsafe. This was considered under application 15/00587/OUT and County Highways considered the access to be acceptable and as part of this approval there is provision for two new central traffic island to prevent overtaking, one located to the west of the site and one to the east. This was considered essential to provide a safe means of access off Marsh Lane and would have ultimate benefit to all highway users. Whilst the concerns are noted regarding vehicles that speed on Marsh Lane, the provision of the traffic islands would go some way in reducing the speed of drivers.

7.4.3 County Highways raise no objection to the scheme. However one fundamental concern that has arisen since 15/00587/OUT was approved is that the local bus service is at risk, (however the service continues to run on a 90 minute service). The service is operated by Kirkby Lonsdale Coaches on behalf of Lancashire County Council and it is understood that the bus service (89/89H) is a service that is to be retained until at least 31<sup>st</sup> March 2017, although the future after this date is rather uncertain. County Highway request a Section 106 contribution is made towards the operation of the bus service and have requested a figure of £21,450 (based on 3 bedroom properties). Whilst not requested on the original application (as the bus service was not at great risk at that time) it is considered appropriate in the circumstances to seek this contribution, with the final value to be established at reserved matters stage, and the applicants agent is amenable to this being secured by means of legal agreement.

### 7.5 Drainage Matters

7.5.1 Concern has been raised that development of this site will bring about flooding elsewhere in Cockerham (similar to concerns expressed on the 25-house scheme). It should be firmly stressed that the site lies wholly in Flood Zone 1 (which is the least susceptible area to flooding and a location where the Council would be supportive of new homes). The application is supported by a Flood Risk Assessment which concludes that the site could be drained of surface water via the positioning of the soakaways in public open space (located to the south of the site) and also the possibility of individual soakaways in the rear gardens. The views of the Lead Local Flood Authority, Environment Agency and United Utilities have all been sought on the application with none raising objection. They recommend the provision of planning conditions that would ensure that the site could be drained and not bring about flooding elsewhere within the village.

### 7.6 Trees and Hedgerows

7.6.1 The trees that are currently located on the western boundary of the site which consist of two common Ash trees supported by mature hawthorn are proposed to be retained as part of this development and furthermore this is proposed to be strengthened. The Council's Tree Protection Officer raises no objection to the scheme namely given that no hedgerows or trees will be lost (other than those that will be lost to facilitate the sites access point). The applicant is proposing to have a 10 metre

wide planted buffer to the western boundary of the site, this would complement the existing buffer and would help promote biodiversity gain. The application does not propose the planting arrangements here and this could be controlled by planning condition.

### 7.7 Cultural Heritage

7.7.1 The application has been accompanied by a Heritage Statement given the proximity of the Grade II\* church of St Michaels and All Angels which lies approximately 180 metres to the south west of the application site and the Grade II listed Cockerham Hall located 90 metres to the north of the proposed boundary of the site. Therefore it needs to be determined whether the setting would be compromised by allowing the approval of this scheme. The Council's Conservation Officer is of the opinion that because of the distance, existing physical features, landform and stone walls separating the proposed site from the heritage assets it is not considered there would be any undue impact created and this is a similar conclusion that was reached regarding the development of the eastern parcel of land. Recommendations have been proposed to use appropriate materials for the area which can be secured as part of the reserved matters application. Historic England were consulted on the application given the proximity to the Grade II\* St Michael's Church and they raise no objection to the scheme.

7.7.2 The applicant has included provision within the scheme for an open vista to the church, which is essentially the same as the previous application and given the response of the Conservation Officer it is not considered that there would be any substantial harm to the setting of either Cockerham Hall or St Michael's Church, subject to an appropriate design and use of materials at the reserved matters stage. Given this 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 nearby heritage assets would be preserved on the basis of a scheme to be assessed at reserved matters stage.

### 7.8 Open Space and Education Provision

7.8.1 The scheme looks to tie in with the open space that was provided as part of the approved outline permission and approximately 125 m<sup>2</sup> has been provided by the applicant in relation to this scheme. The original permission did provide for a healthy amount of open space and therefore on balance this is seen as acceptable. Given the total number of units now exceeds 35 dwellings it would be usual practice for an equipped play area (children up to 12) to be provided on the site. The views of the Public Realm Officer have been sought on the application and at the time of writing this report the views of the public realm officer are unknown however these will be reported to committee verbally. It is considered that with some thought and discussion – with the applicant and their agent initiating this - with the Parish Council there could be the opportunity to create this area into a village green which would have significant benefit to the village. Should this scheme be supported it is considered that that as part of the reserved matters stage the applicants should engage with the Parish Council to discuss any possible integration of the scheme with the village hall which would be beneficial.

7.8.2 The County Council as Education Authority have requested a financial contribution for 4 primary school places and 2 secondary school places, however this was based on the provision of 13 units and the County have been requested to re-calculate the education contribution. In any event it is essential that new development does provide for related infrastructure and this includes the provision of education. The applicant is amenable to the contributions requested, and can be controlled by a legal agreement that the figure will be re-visited at reserved matters when the number of units and bedrooms are fully known.

### 7.9 Aviation Matters

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



**8.0 Planning Obligations**

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

- The provision of up to 40% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be address at Reserved Matters stage based on local housing needs and viability);
- The payment of **£53,918.12** for 4 primary school places and **£40,607.18** for 2 secondary school places;
- Ensuring that this application cannot be developed in isolation to permission 15/00587/OUT;
- Contribution towards the local bus service (to be assessed at reserved matters).

With Committee’s support, Officers seek delegation to ensure that the Section 106 Agreement is signed within the agreed time period for decision-making (i.e. before 3<sup>rd</sup> August 2016).

**9.0 Conclusions**

9.1 Cockerham is a sustainable rural settlement as defined in Policy DM42 of the Development Management DPD and even with the extension to the already approved scheme it is not considered that the scheme would be a disproportionate extension to the settlement and given no objection from County Highways it is considered that the approved access point could accommodate the additional traffic generation associated with 11 households. Given the Council are unable to demonstrate a five year supply of housing Paragraph 49 of the NPPF is engaged and accordingly the application should be supported unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework. Based on the considerations set out in this report, it is considered that the proposal would not lead to any adverse impacts that would significantly and demonstrably outweigh the benefits of delivering much needed housing in the district and on this basis, Members are recommended to support the application.

**Recommendation**

That Outline Planning Permission **BE GRANTED** (subject to signing Section 106) subject to the following conditions:

1. Reserved Matters to be submitted and timescales for implementation.
2. Approved Plans
3. Details to be submitted for off-site highway works.
4. Submission of details for the site access.
5. Protection of visibility splays.
6. Finished Floor levels.
7. Development in accordance with the FRA.
8. Submission of Surface Water drainage scheme
9. Maintenance Programme for SUDS system
10. Foul drainage scheme to be submitted and approved.
11. Construction Environmental Management Plan
12. Unforeseen contamination condition
13. Submission of Arboricultural Method Statement, to include tree protection plan, and geocell details.
14. Protection of existing trees on site.
15. Scheme for ecological mitigation and enhancement.
16. Details submitted for hard and soft landscaping.
17. Removal of Permitted Development Rights
18. Illustrative landscape scheme for site entrance
19. Landscape Management
20. Electronic vehicle points

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

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

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

**Human Rights Act**

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

**Background Papers**

15/00587/OUT Provision of 25 units and associated access at land off Marsh Lane, Cockerham, Lancaster.

<b>Agenda Item</b> A8	<b>Committee Date</b> 27 June 2016	<b>Application Number</b> 16/00623/RCN
<b>Application Site</b> Scale House Farm Conder Green Road Galgate Lancaster		<b>Proposal</b> Change of use and conversion of existing redundant barn to create 4 self-contained holiday accommodation (C3) and conversion of existing outbuilding to create external storage area (pursuant to the variation of condition 17 and removal of conditions 18 and 19 on planning permission 14/00784/CU in relation to the curtilage and to allow the holiday units to be used as unfettered residential dwellings)
<b>Name of Applicant</b> Mr & Mrs Wilson		<b>Name of Agent</b> Mr Avnish Panchal
<b>Decision Target Date</b> 11 July 2016		<b>Reason For Delay</b> None
<b>Case Officer</b>		Mrs Eleanor Fawcett
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Refusal

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Helen Helme for the application to be reported to the Planning Committee. The reason for the request relates to issues of sustainability raised by the introduction of a footpath from the site.

**1.0 The Site and its Surroundings**

- 1.1 The application relates to a large agricultural building at Scale House Farm, set back from Conder Green Lane, located approximately 1 kilometre to the south west of Galgate. It is accessed via a relatively short track and has a cobbled area to the front. The building is constructed of stone and has a metal sheeted roof. Across the whole of the rear elevation is a stone lean-to which has a slate roof. To the rear of this is a group of stone outbuildings which are arranged in a 'U' shape. To the west of the building is the farmhouse which is a stone building with a slate roof. To the east is a group of modern agricultural buildings which extend around the rear of the barn.
- 1.2 The site is located within the Countryside Area as identified on the Local Plan proposals map. Most of the agricultural building is within Flood Zone 2, and Flood Zone 3 extends slightly into the group of farm buildings. A public footpath lies to the north of the farmhouse and connects to a series of other paths to the west.

**2.0 The Proposal**

- 2.1 Planning permission was previously granted for the conversion of the large agricultural building to form four, two storey self-contained holiday units. This application seeks to remove and vary conditions relating to the holiday accommodation so that the building can be occupied as four

unrestricted dwellings.

**3.0 Site History**

3.1 The buildings have consent for the conversion to holiday use. Planning permission was refused at the end of 2015 for the removal and variation of conditions to allow the units to be used as permanent residential accommodation. The main difference between the current and previous application is the proposal for a footway within the adjacent fields, although this is not within the red line. The site history is set out below:

Application Number	Proposal	Decision
15/01310/RCN	Change of use and conversion of existing redundant barn to create 4 self-contained holiday accommodation (C3) and conversion of existing outbuilding to create external storage area (pursuant to the variation of condition 17 and removal of conditions 18 and 19 on planning permission 14/00784/CU in relation to the curtilage and to allow the holiday units to be used as unfettered residential dwellings)	Refused
14/00784/CU	Change of use and conversion of existing redundant barn to create 4 self contained holiday accommodation (C3) and conversion of existing outbuilding to create external storage area	Approved
14/00123/CU	Change of use and conversion of existing redundant barn to create 4 self contained holiday accommodation (C3) and conversion of existing outbuilding to create external storage area	Withdrawn

**4.0 Consultation Responses**

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

Consultee	Response
Parish Council	Comments not received at the time of compiling this report, any comments will be reported verbally.
County Highways	No objection
Environment Agency	No comments to make
County Planning (Minerals)	Comments not received at the time of compiling this report, any comments will be reported verbally.

**5.0 Neighbour Representations**

5.1 No representations received.

**6.0 Principal National and Development Plan Policies**

- 6.1 National Planning Policy Framework (NPPF)
- Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles
  - Paragraphs 56, 58 and 60 – Requiring Good Design
  - Paragraph 118 – Conserving and Enhancing Biodiversity
  - Paragraphs 135 – Non-Designated Heritage Assets

- 6.2 Lancaster District Core Strategy (adopted July 2008)
- SC1 – Sustainable Development
  - SC3 – Rural Communities
  - SC5 – Achieving Quality in Design
  - ER6 – Developing Tourism

- 6.3 Lancaster District Local Plan - saved policies (adopted 2004)
- E4 – Countryside Area
- 6.4 Development Management Development Plan Document (adopted December 2014)
- DM8 – The Re-use and Conversion of Rural Buildings
  - DM13 – Visitor Accommodation
  - DM20 – Enhancing Accessibility and Transport Linkages
  - DM28 – Development and Landscape Impact
  - DM33 – Development Affecting Non-Designated Heritage Assets or their Settings
  - DM35 – Key Design Principles
  - DM41 – New Residential Development
  - DM42 – Managing Rural Housing Growth

## **7.0 Comment and Analysis**

- 7.1 The main issues are:
- Principle of development
  - Flooding
  - Impact on residential amenity

### **7.2 Principle of development**

7.2.1 The application seeks consent to remove and vary conditions on the previous approval which relate to holiday accommodation. This would result in four unrestricted residential properties. Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 sets out settlements where new housing will be supported and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits.

7.2.2 The application site is located in the open countryside, divorced from any of the villages identified in policy DM42. The village of Galgate lies approximately 1 kilometre to the north east but is accessed via a relatively narrow road with high hedges and limited verges with a speed limit of 60mph. As such it is unlikely that people would walk along this road, particularly in the dark, to reach services in this village. As such, it is likely that someone living in this location would be wholly reliant on private transport. The current application proposes a footpath behind the hedge, adjacent to the highway, on the land owned by the applicant. This would be approximately 150 metres in length. The submission sets out that this would link with an existing footpath behind a hedge in the ownership of Sellerley Farm, although it would be approx. 240 metres short of this. It is understood that this is a permissive path, not part of the highway or a public right of way, from Sellerley Farm (located approximately 350 metres to the east of the site) extending for approx. 460 metres, terminating approx. 60 metres from the canal bridge on the edge of Galgate. The formal footway through Galgate starts after this bridge. The proposed path is not within the red line and, if formally created with hardstanding, is likely to require planning permission. It would also not be lit, would not link to the existing path at the adjacent farm, and there would be no control over the path at the adjacent farm as it is not adopted highway or a public right of way. As such, it is still considered that occupants are likely to be fully reliant on private transport given the nature of the highway.

7.2.3 Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and local authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include: the essential need for a rural worker to live at or near their place of work in the countryside; where development would represent the optimal viable use of a heritage asset; where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.

7.2.4 The building received consent for the conversion to holiday accommodation earlier in 2015. Policy

ER6 of the Core Strategy set out that the Council will promote and enhance tourism development in the district's countryside by encouraging agricultural diversification to create quiet recreation and small scale sensitively designed visitor attractions and accommodation. The proposal could not be considered as agricultural diversification as it was indicated that the applicant intends to cease farming and remove the modern agricultural buildings on the site. However, Policy DM13 sets out that visitor accommodation will be acceptable where it involves the conversion or re-use of suitable existing rural buildings and the proposal complies with other relevant policies, in particular the criteria set out in Policy DM8. The building is a large traditional barn which is considered to be a non-designated heritage asset. The response from the County Archaeological Service identified that the first edition Ordnance Survey 1:10,560 surveyed in 1844-5 shows a building in a similar location and to a similar scale and the quoins and kneelers are thought to be indicative of a late 18th/early 19th century date for this building. It is structurally sound and capable of conversion. In terms of sustainability, the site is located within an isolated rural location, however there is a good network of public footpaths in the vicinity of the site which can be used by visitors staying in this location. As such, the principle of the change of use to holiday accommodation was considered to be acceptable.

- 7.2.5 As set out above, it is considered that the building is a non-designated heritage asset and the removal of the modern agricultural buildings will result in an enhancement to its setting. However, these enhancements would be achieved through the implementation of the existing consent for holiday accommodation. It is accepted that holiday accommodation is often in less sustainable locations and it would be unlikely that visitors to the site would need to undertake as many trips by car to reach services as someone living in this location who would likely be wholly reliant on a car to reach shops, workplaces, schools, doctors and other services throughout the whole year. The site is close to public rights of way and adjacent to an on road section on National Cycle Route 6 which becomes a traffic free route adjacent to the Lune estuary and links Glasson Dock. This is likely to appeal to people visiting the area and may be an attraction for the site's location, however provides little in benefits to future occupiers in terms of accessing services as it would likely be unattractive to use this mode of transport to access workplaces during winter months when it is dark earlier given the nature of the highway, its width, speed and lack of streetlights. The public footpaths also lead away from most of the nearest services which are within Galgate.
- 7.2.6 The submission sets out that planning policy has evolved since the inception of the holiday scheme with the introduction of permitted development rights for agricultural holdings such as this and it is the applicants' wish to have their scheme considered for residential use, with it being located only 1 mile from Galgate with all the basic amenities to hand. Given the size of the building, it is unable to benefit from the permitted development rights and it is not considered that the introduction of these provisions is a material consideration in determining the planning application.
- 7.2.7 The building has consent for use as holiday accommodation which is less intensive and it is accepted that this type of accommodation is often located in less sustainable locations and is acceptable in policy terms. However, the proposal will result in four new dwellings in an isolated rural location, divorced from any services with occupiers likely to be wholly reliant on private transport. As such the proposal is considered to represent an unsustainable form of development and is therefore contrary to local and national policy as set out above. No substantive evidence has been provided to demonstrate why the buildings cannot be converted to holiday accommodation, which would also achieve the benefits to the setting of the building.
- 7.3 Flooding
- 7.3.1 A small part of the site is within Flood Zone 3 but does not include the buildings which are the subject of the planning application. Most of the main building is within Flood Zone 2. The proposed use is defined as more vulnerable to flooding and is considered appropriate within Flood Zone 2. As such, it is not considered that there will be unacceptable risks of flooding to users of the development. A flood risk assessment has been submitted which sets out flood protection measures to be implemented. The Environment Agency raised no objection to the previous application, subject to the inclusion of a condition requiring finished floor levels to be set no lower than 11.2 m above Ordnance Datum (AOD) as set out in the flood risk assessment. The plans show it to be 11.18 so it is only marginally higher so will have no adverse impact on the overall design.

### 7.4 Impact on residential amenity

- 7.4.1 The original scheme proposed the removal of the adjacent farm buildings as it is the applicant's intention to cease farming. However there were concerns that additional buildings could be erected on the farm holding which could have implications on the character and appearance of the area in addition to residential amenity, depending on where they were sites. As such, the applicant previously agreed to a Legal Agreement to prevent the erection of new buildings on the farm holding. A deed of variation would be required to link this to the current application.

### **8.0 Planning Obligations**

- 8.1 A deed of variation would be required to the previous Unilateral Undertaking which prevented the erection of new agricultural buildings on the farm holding.

### **9.0 Conclusions**

- 9.1 Notwithstanding the need to boost significantly the supply of housing (as defined by the NPPF, Section 6, Para 47 in particular), and the fact that housing applications should be considered in the context of the presumption in favour of sustainable development (Para 49), this proposal for four unrestricted private dwellings in open countryside does not represent sustainable development. It is not a location that can be made sustainable and it is considered that the improvements to the setting of the building could be achieved through the approved conversion to holiday accommodation and no substantive evidence has been provided to demonstrate that this type of accommodation would be inappropriate in this location. As such, approving the application would run contrary to the NPPF and Development Plan policies.

### **Recommendation**

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

1. The site is located within the open countryside, divorced from any services and as such is not considered to be sustainable in terms of its location. It is not considered that there are any special circumstances, in this instance, to justify four new dwellings in this isolated, unsustainable location. The proposal is therefore contrary to the aims and objectives of the National planning Policy Framework, in particular the Core Planning Principles and Section 6, Policy SC1 of Lancaster District Core Strategy and Policies DM20 and DM42 of the Development Management Development Plan Document.

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

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

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

### **Human Rights Act**

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

### **Background Papers**

None

<p><b>Agenda Item</b></p> <p>A9</p>	<p><b>Committee Date</b></p> <p>27 June 2016</p>	<p><b>Application Number</b></p> <p>16/00478/CU</p>
<p><b>Application Site</b></p> <p>Former Booths Store 338 Lancaster Road Morecambe Lancashire</p>		<p><b>Proposal</b></p> <p>Change of use from retail shop (A1) to dental surgery (D1)</p>
<p><b>Name of Applicant</b></p> <p>Mr Zumarad Ajab</p>		<p><b>Name of Agent</b></p> <p>Mr Craig Boasman</p>
<p><b>Decision Target Date</b></p> <p>9 June 2016</p>		<p><b>Reason For Delay</b></p> <p>Resolution of Highway Issues</p>
<p><b>Case Officer</b></p>		<p>Mrs Kim Ireland</p>
<p><b>Departure</b></p>		<p>No</p>
<p><b>Summary of Recommendation</b></p>		<p>Approval</p>

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

- 1.1 The property which forms the subject of this application relates to two storey detached building, located on the junction of Lancaster Road and Holbeck Avenue. The surrounding area mainly consists of two storey residential properties with commercial properties to the south west and north west of the application site.
- 1.2 The site is allocated as part of a Local Centre within the Lancaster District Local Plan.

## **2.0 The Proposal**

- 2.1 The application proposes to change the use of the property from a retail shop to a dental surgery. The dental surgery is to provide seven treatment rooms, an education room, a dental training room and various staff and customer facilities over the ground floor and the first floor.
- 2.2 The dental surgery will employ five full time staff and nine part time staff. The opening hours will be 7am to 6pm Monday to Friday and 9am to 12pm on a Saturday.
- 2.3 There are three windows proposed to be installed to the ground floor of the property, one to the north east elevation and two to the north west elevation. There are no other external changes proposed to facilitate the change of use. There are nine car park spaces to be provided for staff and customer, six of which are located to the north of the property that can be accessed from Holbeck Avenue and the remaining three spaces are located to the south of the property that can be accessed from Lancaster Road.

## **3.0 Site History**

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

## **4.0 Consultation Responses**

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



Consultee	Response
Parish Council	No comments received within the statutory timescale.
County Highways	An <b>objection</b> was initially raised because the proposal did not meet the adopted parking provisions and the impact of the development would increase indiscriminate parking on Holbeck Avenue. However additional information was submitted and the <b>objection was removed</b> , on the provision that details of secure cycle storage facilities and a Framework Travel Plan are provided.
Fire Safety Officer	No objections

## **5.0 Neighbour Representations**

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

- There will be no more lorries, pollution, noise, damage, litter or obstruction.
- Hopefully there will be no more issues with staff and customers parking in the immediate area.

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

- There are inadequate parking facilities provided.
- The existing retail use and the surrounding commercial properties have led to an increase in traffic and parking in this area, which has caused increased difficulties for local residents.
- The extent of the facilities that are to be provided will require parking for numerous staff and customers that have not been provided for and that could lead to illegal and or antisocial parking.

## **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 14 – Presumption in Favour of Sustainable Development Criteria

Paragraphs 70 – Promoting Healthy Communities

### 6.2 Development Management DPD

**DM2** – Retail Frontages

**DM16** – Small Business Generation

**DM20** – Enhancing Accessibility and Transport Linkages

**DM22** – Vehicle Parking Provision

**DM35** – Key design principles

**DM49** – Local Services

**Appendix B:** Car Parking Standards

## **7.0 Comment and Analysis**

- 7.1
- Principle of Development
  - Design and Impact on the character of the area
  - Highway Impacts
  - Residential Amenity
  - Other Considerations

## 7.2 Principle of Development

The site is located within the local centre of Torrisholme in Morecambe, and it has up until recently been used as a shop. Therefore it is within a sustainable location that the provision of a commercial property is encouraged.

7.2.1 Policy DM2 states that the loss of an A1 use within a local centre will be considered appropriate where proposals can demonstrate that the (new) use is compatible with a shopping frontage and provides a direct service to the general public; it does not harm the vitality or viability of the local centre or result in a significant break in the A1 frontage; equivalent provision exists within walking distance; it will not result in the loss of local pedestrian-accessible shopping facilities; and a shop front display is provided and there are no adverse impacts on the amenity of local residents, road safety, car parking or traffic flows would result.

7.2.2 The proposed dental surgery is to provide a direct service to the general public. It will not harm the vitality or viability of the local centre and as the property is rather isolated and is separated by 179m from the main local service centre of Torrisholme (and thus it will not result in a significant break in the A1 frontage either). There is a retail shop, known as 'One Stop' which serves local retailing needs in Torrisholme, and there is also a sandwich shop and a newsagents within Torrisholme Centre that are within walking distance of the application site. Consequently equivalent provisions exists. There are three windows proposed to be installed to the ground floor of the property, one to the north east elevation and two to the north west elevation. There are no other external changes proposed to facilitate the change of use and therefore the existing shop frontage is to remain in situ. The existing use of the property compared to the proposed use is not thought to create additional car parking or traffic flows that would result in an adverse impact upon the amenity of the local residents or road safety.

7.2.3 Therefore the loss of an A1 use and the principle of establishing a dental surgery use within the local centre is looked upon favourably as it is seen to comply with the criteria set out in Policy DM2.

## 7.3 Design and Impact upon the 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.

7.3.1 There are three windows proposed to be installed to the ground floor of the property, one to the north east elevation and two to the north west elevation, the windows will give natural light to three of the treatment rooms to the ground floor. There are no other external changes proposed to facilitate the change of use. The proposed installation of windows is not thought to have a detrimental impact upon the visual amenity of the street scene, as they are in keeping with the remainder of the windows that are in the existing property and therefore is seen to comply with Policy DM35.

## 7.4 Highway Impacts

There has been one objection received from a neighbouring property on the grounds that there are inadequate parking facilities provided in the proposal, the existing retail use and the surrounding commercial properties have led to an increase in traffic and parking in the area, which has caused difficulties for local residents, and the extent of the facilities that are to be provided will require parking for numerous staff and customers that have not been provided for and that could lead to illegal and anti-social parking.

7.4.1 The DPD Policy DM20 states that proposals should minimise the need to travel, particularly by private car and maximise the opportunities for the use of walking, cycling and public transport. Development proposals will be supported where they seek to make the best use of existing public transport services, ensure that there are convenient access of walking and cycling to local facilities. Create building and places that are easily accessible for the whole community, make appropriate provision for parking in accordance with Policy DM22 and be designed and located to ensure the provision of safe streets and reduce as far as possible the negative impacts of vehicles.

7.4.2 The DPD Policy DM22 states that development proposals will be considered acceptable where the design of the proposal incorporates the provision of car and cycle parking that accords with the levels and layout requirements set out in Appendix B, the minimum levels of car parking for people with impaired mobility as set out in Appendix B are achieved and parking facilities are shared where location and patterns of use permit.

7.4.3 County Highways initially raised an objection as the proposal does not meet the parking provisions set out in The DPD Appendix B: Car Parking Standards and the impact of the development would increase indiscriminate parking on surrounding lengths of Holbeck Avenue to the detriment of residents and free flow of traffic through the area. However a transport statement and a revised site plan showing the proposed car parking was submitted and the objection was removed, although highway points were raised that the application site is in a prominent position, there are existing extensive traffic regulations orders and parking restrictions on Lancaster Road and the immediate vicinity, the site is easily accessible by a number of sustainable travel modes and the surrounding pedestrian environment is of an acceptable quality. County Highways still acknowledged that the proposed parking provision did not comply with The DPD Appendix B: *Car Parking Standards*, however the existing parking standard applicable to the shop would provide a maximum number of 35 vehicles and the proposed use of the dental surgery would be likely to provide a maximum number of 28 vehicles. Additionally because of the fixed opening hours, the use would be operational for a reduced number of hours during the 7-day week. It is accepted that parking on the surrounding lengths of the public highway network will still occur, but it is not anticipated to be worse than the existing use with the development generating fewer vehicles movements.

There are two conditions that have been requested to be applied to the decision, they relate to details of secure cycle storage facilities and a Framework Travel Plan being provided, as the proposal is for a business use, the conditions are acceptable to be applied this instance.

Overall as the County Highways' initial objection has been overcome with the additional information that has been provided, and the assessment of the existing and proposed use has revealed that the use will generate fewer vehicle movements, so there are no highway objections.

## 7.5 Residential Amenity

There are three windows proposed to be installed to the ground floor of the property, one to the north east elevation and two to the north west elevation. The nearest residential property of 344 Lancaster Road is located 5m away from the application site. The two windows to the north east elevation are to be installed along the boundary, however they will look onto the neighbouring properties gable end wall that has an obscured glazed window to the first floor and the ground floor window will be obscured by the detached garage. Consequently the proposed installation of windows is not considered to have an injurious impact upon the residential amenities.

The proposed change of use is not thought to have a detrimental impact on the surrounding residential amenities as the proposed use will have less operational hours than the existing use.

## 7.6 Other Considerations

Upgrades to the existing property's forecourt to the west and south of the building have been discussed with applicant, who has agreed that they are amenable to the proposed works and further details are to be requested by condition as part of the decision.

## **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 change of use of the building to the dental surgery use within the local centre is supported within Policy DM2, dependent upon the criteria listed in this report and the installation of the three windows are thought to be in keeping with the existing property, is not thought to have a detrimental impact upon the visual amenity of the street scene or the residential amenity of the immediate neighbouring property.

- 9.2 The removal of the County highway objection, for the reasons set out in the report, means that the proposal is considered appropriate in highway terms. As a consequence, the application is recommended for approval.

### **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. Development to be carried out in accordance with the revised site plan and the transport statement
4. Details of secure cycle storage facilities to be submitted
5. A Framework Travel Plan to be submitted and approved in writing prior to first use, and then implemented at all times thereafter whilst the use is operational
6. Details of the upgrades to the property's forecourt to the west and south of the building 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 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

<b>Agenda Item</b> A10	<b>Committee Date</b> 27 June 2016	<b>Application Number</b> 16/00504/FUL
<b>Application Site</b> Meadowfield Bungalow Middleton Road Heysham Morecambe	<b>Proposal</b> Demolition of existing bungalow and siting of two park homes	
<b>Name of Applicant</b> Mr Sheddy Nelson	<b>Name of Agent</b> Mr David Cross	
<b>Decision Target Date</b> 15 June 2016	<b>Reason For Delay</b> Request for committee determination	
<b>Case Officer</b>	Mr Andrew Holden	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Refusal	

**(i) Procedural Matters**

This application is one which would normally be dealt with under delegated powers but has been placed before the Planning Committee at the request of Councillor Pattison following concerns regarding car parking arrangements.

**1.0 The Site and its Surroundings**

- 1.1 The application site is located off Middleton Road in Heysham and serviced by a private road leading from Middleton Road to the site entrance and beyond to agricultural fields. The site currently comprises a large chalet bungalow and dilapidated outbuildings to the rear. The bungalow was originally occupied by the site operator but separated from the adjoining caravan site by a boundary wall. The site forms part of a wider planning unit which comprises a Park Home site through which one has to drive to reach the bungalow and its curtilage.
- 1.2 The plot to the bungalow was originally extensive stretching west to the site entrance with a long front garden. The site has changed significantly in recent years with the dividing wall removed and with the front garden being used for the siting of five caravans as an extension of the caravan site. Access to the bungalow was also revised at that time to be directly from the caravan site, coming from an informal turning head at the end of a two-way section of road. This is currently blocked off by fencing running along the plot and further by allocated resident car parking spaces within the park home site.
- 1.3 Two storey residential houses lie to the north and east. The properties to the north stand approximately 2m above the ground level of the application site with a 1.8m fence running long the higher level boundary. The properties to the east are further away but sit at a slightly lower level; again a timber fence forms the boundary to the neighbouring houses.
- 1.4 Residential caravans lie to the west and south of the site. The closest caravan is sited 6m to the south and approximately 17m to the west. The caravan site is long established with a narrow circulatory road serving the whole of the site. The total number of caravans is 65 all used as permanent residences. It is understood that by agreement with the owner of the site occupation is

restricted to elderly residents.

**2.0 The Proposal**

2.1 The application is seeking planning permission to demolish the existing detached chalet bungalow and outbuildings and change the use of the land to allow the siting of two park homes along with the provision of car parking, turning area and landscaping. The park home are to be sited along the northern edge of the site with associated car parking both between the two units and directly in front. A small parking area for three cars and access to the site are proposed within the existing areas currently designated for five allocated parking spaces.

**3.0 Site History**

3.1 The application site itself has a limited planning history. As outlined earlier in the report the building was originally owned and occupied by the site manager/owner and had a separate access and a long front garden area.

3.2 The original garden area to the bungalow gained consent (09/00197/CU) for the expansion of the adjoining caravan site and the siting of five mobile homes. The development has been fully implemented with most of the units now occupied.

3.3 The application site also gained consent via appeal for the demolition of the bungalow and the erection of three 2 bed terraced houses, under 12/00872/FUL. In addition to the terrace and private rear gardens, the scheme also provided for a new car parking area. Parking places were set aside for both the new dwellings and replacement of the allocated spaces for the neighbouring park home which saw their spaces lost in gaining entry into the application site. A further additional visitor space was also gained for use by the park homes. This consent has not been implemented and the building remains in poor condition.

**4.0 Consultation Responses**

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

Consultee	Response
County Highways	<b>No objections</b> - development is contained wholly within the existing site and whilst it reduces on-site parking by one space it is not consider to an effect highway safety.
Environmental Health	Awaiting comments.
United Utilities	<b>No objections</b> - development should be drained on a separate system.
Parish Council	<b>No comments</b> received within the consultation period.

**5.0 Neighbour Representations**

5.1 To date two letter have been received from neighbouring occupiers. Whilst supportive the proposal in principle, concerns have been raised over the loss of allocated parking spaces. The site entrance currently provides for five number spaces, these are lost and only replaced with a reduced number of non-allocated spaces. The scheme directly effects five residents at Nos. 30, 31, 32, 39 and 70.

5.2 The previous scheme for housing at the site recognised the need to provide replacement allocated car parking spaces for existing residents, the current application fails to do so.

**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  
 Section 4 – Promoting Sustainable Transport  
 Section 6 – Delivery of a wide choice of high quality homes  
 Section 7 - Requiring Good Design

## Lancaster District Core Strategy Policies SC5 – Achieving Quality in Design

Development Management DPD  
DM20 – Enhancing Accessibility and Transport Linkages  
DM22 – Vehicle Parking provision  
DM35 – Key Design Principles  
DM41 - New Residential Development

### **7.0 Comment and Analysis**

7.1 The key issues for Members to consider in determining this application are:

- The location of the development
- The design of the development
- The impact of the development on residential amenity

#### 7.2 Principle of Development

7.2.1 The application is consent for the siting of two new park homes and expanding the adjacent Belle Aire Park Homes site. The site is located within the defined main urban area of Morecambe/Heysham and is surrounding by residential uses, both housing and park homes. The site is close to a primary school, local shops, medical services and public transport routes. The location of the site is considered, in principle, to be supported by planning policy SC1 and SC2 of the Lancaster District Core Strategy and DM41 of the Development Management DPD. The scheme will provide for additional housing in the district and in a small way will help to address the need for housing within the district. The form of which will provide a wider choice for future home owners.

#### 7.3 The design of the development

7.3.1 The approach to the design of the site and location of the park homes is considered appropriate. The scheme will see the removal of a large chalet bungalow which is in a very poor state of repair. In addition to the bungalow the substantial outbuildings to the east of the site are also cleared. Hedgerow and shrubs along the north and eastern boundaries are retained and additional planting provided along the southern edge of the site. The units are set out in accordance with the model standards for residential caravans and a provided with an allocated car parking space each. Additional parking is also available for visitors. In isolation, the scheme is considered to be acceptable. However, the development cannot be simply considered in isolation and the effect of the development upon the adjoining park home site needs to be explored. The impacts of the proposal are considered in more detail below.

#### 7.4 The impact of the development upon residential amenity

7.4.1 The neighbouring park home site has 65 units sited within it. Formal allocated car parking is provided either alongside the individual units (or close by in small groups) for 62 of the units. The remaining 3 units have un-allocated parking and need to park within the limed number of 'free' spaces within the wider site.

7.4.2 In addition to the defined resident parking, there are only two defined visitor spaces and a further seven spaces that are 'free', not allocated to either visitors or residents. The current parking provision for the site is considered to be sub-standard. Whilst resident parking is catered for, there is considered to be a significant shortfall in visitor parking across the site.

7.4.3 The site has no planning control over age restriction and whilst many of the residents are older, the units can be occupied by any age group. The parking demand should reflect the needs of the site. With unrestricted age occupancy of the units, parking provision should be at 150% (97 spaces). The site would appear to currently provide approximately 115% (71 spaces). The limited nature of the parking has historically raised concern with residents and has sought to be addressed in part with the retention of resident parking and provision of an additional space as part of earlier planning consents on the current application site, 12/00872/FUL.

- 7.4.4 The current layout of the site provides for five parking spaces adjacent to the application site. Four spaces are formally allocated to individual residents and one is informally used by a single residential occupier. In developing a vehicle access to serve the additional units and expand the current park home site it is proposed to remove all of the existing spaces and replace them with three spaces facing the current park and an additional space off the new vehicle turning area. Currently, these spaces are not proposed to be allocated and will result in the overall reduction in the number of parking spaces available for the site by one space together with the loss of allocated resident spaces.
- 7.4.4 The design of the car park, the reduction in the overall numbers of parking spaces and the loss of directly allocated spaces to a number of neighbouring residential occupiers is considered to be detrimental to the amenities of not just the occupants of those individual units which have lost their allocated space, but also to the wider site.
- 7.4.5 These concerns have been expressed directly to the agent acting for the applicant. The concerns have been expressed both verbally and in further written detail together with a supported sketch revised layout indicating how the site plan could be marginally altered to provide for not only the replacement allocated parking spaces, but also to develop an additional parking space for the benefit of the site as whole.
- 7.4.6 To date, the agent (on behalf of his client) has rebutted the proposal wishing to seek a determination of the application based upon the plans as submitted. The agent has been approached again to try and seek what is considered to be a simple solution to the loss of parking for the benefit of all concerned, including the applicant. It has been expressed that the principle of the development is acceptable and has the support of residents of the site and the local planning authority. The only issue is considered to be the effect of the development directly upon parking provision and as a result the amenity of the residential occupiers.

### **8.0 Planning Obligations**

- 8.1 Not applicable.

### **9.0 Conclusions**

- 9.1 Unfortunately, the application as submitted cannot be supported as it fails to address the design constraints and principles for development set out in planning policy, in particular DM22 and DM35 of the Development Management DPD. Consequently, the application in its current form should be refused. However, it is hoped that the application will be revised before its presentation to the Planning Committee, or withdrawn and resubmitted with the appropriate details. Any revisions will be reported verbally at the meeting along with possible changes to the recommendation and associated planning conditions.

### **Recommendation**

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

1. Development of the site in the manner proposed will lead to a reduction in the level of car parking provision across the park home site and omission of allocated resident parking spaces to the detriment of the amenities of the site and a number of existing residential occupiers. In the opinion of the local planning authority, the development is contrary to the aims and objectives of national planning policy guidance and policies DM22 and DM35 of the Development Management DPD which seeks to ensure the provision of a high quality choice of housing which accords with key design principles and vehicle parking provision.

### **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. The Council has identified amendments that would address the issues raised in the



report; however the applicant has failed to enact these recommendations and so regrettably the application is recommended for refusal. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **Human Rights Act**

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

### **Background Papers**

None

<p align="center"><b>Agenda Item</b></p> <p align="center">A11</p>	<p align="center"><b>Committee Date</b></p> <p align="center">27 June 2016</p>	<p align="center"><b>Application Number</b></p> <p align="center">16/00551/FUL</p>
<p align="center"><b>Application Site</b></p> <p align="center">Land Adjacent To Caton Road Lancaster Lancashire</p>	<p align="center"><b>Proposal</b></p> <p align="center">Erection of a two storey restaurant with associated drive-thru, canopy, car parking, landscaping, retaining wall and raised land levels</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">McDonald's Restaurants Ltd</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">Mr Matthew Carpenter</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">28 June 2016</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">N/A</p>	
<p><b>Case Officer</b></p>	<p align="center">Mr Andrew Holden</p>	
<p><b>Departure</b></p>	<p align="center">Yes</p>	
<p><b>Summary of Recommendation</b></p>	<p align="center">Approve subject to conditions</p>	

## 1.0 The Site and its Surroundings

- 1.1 The application site is situated approximately 1.5 miles north of Lancaster City Centre and occupies a corner location fronting Caton Road and the access road to Kidds Transport Ltd. The site is generally flat and level, set slightly above the surrounding road network and extends to 0.32ha. The land to the north of the site falls steeply away to a neighbouring haulage yard. An access road to the yard runs along the east side of the application site, falling to the lower level to the north. The frontage of the site has a number of mature sycamore trees running along its length.
- 1.2 The surrounding area consists of industrial units to the east and extending south to the River Lune. To the immediate south are the Lansil Golf Course and Club House. Immediately to the west of the site is a small pay and display car park operated by the Canal and River Trust primarily for leisure use by members of the public wishing to use the adjacent Lancaster Canal. The Canal sits at a significantly higher level than the application site with an aqueduct over Caton Road. Some 300m to the north is a further aqueduct over the River Lune. This structure is a Grade I Listed Building.
- 1.3 There are a number of residential properties to the east fronting Caton Road on its south side. A further business park is located closer to the M6 which also houses office units, a pub, restaurant, gymnasium and hotel. Caton Road provides an important link to the M6 at junction 34 from the city centre.

## 2.0 The Proposal

- 2.1 The application site has a general east-west orientation and is rectangular in form. The site as a whole measures 90m along the Caton Road frontage and is approximately 40m deep. The area is relatively flat with a tree-lined frontage with a low stone wall and an existing site access at its western end.
- 2.2 The site seeks to utilise the existing entrance which is to be upgraded to enable two-way movement. The access would lead directly into a car parking area for 38 cars including 3 mobility/mother & child spaces and two customer waiting spaces. The main building and circulatory 'drive-thru' lie at the eastern end of the site. The 'drive-thru' lane provides a potential 19 car spaces within the circulatory road. In addition parking provision is made for 4 motorcycles and 10 cycles.

- 2.3 The main building is two storeys in height with an internal footprint of 520 sq.m and has an external seating/patio area to the front of the building. The 'drive-thru' runs around the outside of the building. The route splits into two lanes on the northern side to allow for orders to be given and converges to the rear of the building emerging as a single lane back into the main car parking area. Cycle parking is provided at the front of the building alongside the 'drive-thru' access.
- 2.4 The building is designed in a contemporary form over two storeys with a flat roof. The building measures approximately 27m long x 12.5m wide rising to 7.3m to the roof which over sails the walls of the building by 1.5m all around. The building uses a simple palette of materials incorporating large glazed areas as well as cladding, vertical boarding and grey faced blocks. The glazing is to be dark grey aluminium framed, the cladding is walnut effect in large horizontal proportioned panel with area of grey block separating the glazed areas from the cladding.
- 2.5 The four elevations of the building differ in elevational treatment but all use the same palette of materials. The front entrance facing the car parking area and external seating has large glazed areas to both floors and vertical cladding. The 'drive-thru' elevation to the south introduces predominantly cladding and grey block as well as pay-and-collect windows at ground floor. The front entrance to the west is predominantly glazed with the rear elevation almost wholly clad in the walnut cladding. A similar clad refuse store (5m x4m x 2.4m high) lies immediately to the east of the rear of the building.
- 2.6 Approximately 40% of the internal area is made over to customer dining area. The ground floor has a smaller area of dining space, the majority of the area being used for food preparation, storage and servicing the 'drive-thru'. Access to the upper floor is gained via an integral staircase or a customer lift. The upper floor contains plant and staff areas as wells as accessible toilets.
- 2.7 The mature tree lined frontage to Caton Road is to remain along with the low stone boundary wall. In total, three trees are to be lost to improve the site access but the specimens also have health and safety issues and poor long-term health. The sycamores are to be crown-raised and lifted to increase visibility of the building. The soft landscaped areas are mainly turf with low shrubs. The hard landscaped areas vary depending upon the level of use anticipated. The main car park and footways are to be tarmac, the 'drive-thru' is to be printed concrete. The service route for pushed deliveries and refuse store is a brushed-concrete path. The main parking area for service vehicles utilises the car parking areas.
- 2.8 Site security plays an important role in the design of the building and external spaces. The building has been designed with large glazed areas to provide natural surveillance both into and out of the building, CCTV system are provided to monitor the external areas of the site linked to the manager's office and kitchen area. Lighting is provided around the car park and drive-thru areas to avoid dark areas and hiding places. Litter collection is to be addressed with a minimum of three daily litter patrols picking up general litter as well as company litter within the vicinity of the restaurant.
- 2.9 Off-site works are to be provided in a number of forms to improve the accessibility and sustainably of the restaurant. To ensure traffic flows are maintained along Caton Road the road is to be widened slightly on it northern side. This enables two wide lanes to be maintained along with a provision of a right turning lane. The turning lane will be formed by white lining and a new pedestrian island to aid pedestrian movements across Caton Road. To improve cycle linkage to the city centre an existing narrow footway running from the west of the site under the aqueduct to the entrance of Dennison trailers is to be upgraded to a 3m-wide shared pedestrian/cycle route linking the application to the cycle network running alongside the canal north to the main Lune Cycleway.

### **3.0 Site History**

- 3.1 Land levels have been raised within the application site to develop a level plot which is distinctly separate from the haulage yard immediately to the north west of the site. These changes to land levels are longstanding. The site has a limited planning history with no planning applications for over 20 years until 2014. Under planning application 14/00775/FUL consent was granted in January 2015 for the *Erection of a two storey restaurant with associated drive-thru, canopy, car parking and landscaping.*
- 3.2 The development has not commenced but a number of follow up applications have been considered by the local planning authority to agree most of the detail reserved by planning condition.

#### 4.0 Consultation Responses

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

Consultee	Response
<b>County Highways Policy Section</b>	No response as yet, if received views will be verbally reported.  The strategic position has not changed since the determination of the earlier application in late 2014. This indicated that the land had been allocated for employment purposes within both the adopted Lancaster District Local Plan and the emerging allocations found within the Draft Preferred Options Land Allocations DPD. This site has been an established employment area for a number of decades and there is no indication that the employment area is no longer viable and will lead to future de-allocation. Therefore a proposal for a restaurant and drive-thru is contrary to Adopted Local Plan Policy EC5 and Emerging Policy EMP1 of the Draft Preferred Options Land Allocations DPD.  Whilst there is a clear conflict with adopted and emerging planning policy, a number of non-employment generating uses are established within the area, particularly opposite on the Lancaster Business Park which contains a pub, restaurant, gym and hotel. Therefore it is recognised that a precedent has already been set in relation to leisure-type uses being established in employment areas along Caton Road. Furthermore it is noted that the creation of this restaurant will deliver 65 jobs to the local area, which will particularly target bringing young people into the workplace. Therefore, whilst not a formal 'B-Class' employment use it is clear there will be significant job growth associated with this proposal which should be taken into consideration when balancing against the loss of employment land.  On balance, the creation of new employment opportunities and the precedent for leisure uses in this area of Lancaster outweigh the loss of the allocated employment land and departure from planning policy.
<b>Environmental Health</b>	No response as yet, if received views will be verbally reported.
<b>Environment Agency</b>	<b>No objections</b> – development should be undertaken in accordance with the submitted Flood Risk Assessment
<b>Conservation Officer</b>	<b>No objections</b> to the development. The separation distance to the Grade I Listed Lune Aqueduct together with changes in level and substantial tree screening and presence of industrial buildings would not lead to an impact upon the significance of the heritage asset.
<b>Tree Protection Officer</b>	No response as yet, if received views will be verbally reported.
<b>United Utilities</b>	No response as yet, if received views will be verbally reported.
<b>Canal and River Trust</b>	<b>Comments</b> - Confirms that the site is not viewed from the Lune Aqueduct but as an important Grade I listed structure, impact upon of the proposal upon the significance of the listed structure needs to be considered in accordance with para 128 of the National Planning Policy Framework.
<b>Lancaster Canal Trust</b>	No response as yet, if received views will be verbally reported.
<b>Lancashire County Policy</b>	No response as yet, if received views will be verbally reported.
<b>Lancaster Civic Society</b>	No response as yet, if received views will be verbally reported.
<b>Fire Safety Officer</b>	No response as yet, if received views will be verbally reported.
<b>Parish Council</b>	No response as yet, if received views will be verbally reported.

#### 5.0 Neighbour Representations

5.1 No to date, any comments will be reported verbally to committee

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework

Paragraphs 7, 14 and 17 (Sustainable Development and Core Principles)

Paragraphs 18-22 (Building a strong competitive economy).

Paragraphs 56 – 57 (Requiring Good Design)

Paragraphs 64 - (Requiring Good design)

Paragraphs 128-129, 131, 137 and 141 (Conserving and enhancing the historic environment)

Development Management DPD

DM1 – Town Centre Development

DM20 – Enhancing Accessibility and Transport linkages

DM21 – Walking and Cycling

DM32 - The setting of Designated Heritage Assets

DM35 - Key Design Principles (Gateway location)

Lancaster Core Strategy

SC1 - Sustainable development

SC2 - Urban Concentration

SC5 - Good Design

E1 - Environmental Capital

Lancaster District Local Plan – saved policies

EC5 – Employment Area

T26 – Links to Cycle network

**7.0 Comment and Analysis**

7.1 It is considered that the main issues relating to the development of the site are:

- Background to current application
- Principle of development
- Highway and traffic matters
- Impact upon heritage assets

7.2 Background to current application

7.2.1 As outlined in the site history (Section 3 above) the site has an extant consent for the erection of a restaurant and drive thru' approved under 14/00775/FUL. Following the grant of consent further applications have been submitted to agree details reserved by condition. These are in the main completed, however, an issue has arisen over the ability to develop the site as originally approved and the potential impact of the development on the trees fronting Caton Road. These trees are considered to be highly valuable both in terms of ecology as part of a longer green corridor running along Caton Road and linking to the neighbouring Lancaster Canal as well as the visual benefit to one of the main access corridors into Lancaster.

7.2.2 In refining the details for the drive thru' construction and contaminated land remediation it has become clear that the development of the site as approved will potentially effect the frontage trees. Following discussion with the agent it is clear that all parties are wishing to seek a solution to this issue and to keep a strong tree line to the site frontage.

7.2.3 The scheme as originally approved incorporated a large embankment to the rear of the site running across its full width. The original scheme included the embankment within its development but sought to simply landscape this area.

7.2.4 The current application is essentially a repeat of the original scheme including point of access onto the highway, building size, footprint and design and the layout of the external areas, including parking and drive thru' design. The key difference in the current arrangement to that approved has been the loss of the embankment and the construction of a retaining wall located at the toe of the current embankment. This simple redesign has allowed the whole footprint of the development to be moved into the site by approximately 5m. This re-positioning will enable the land remediation and

drive thru' lanes to be developed in a location outside the root protection area of the frontage trees safeguarding the green corridor along Caton Road.

### 7.3 Principle of Development

7.3.1 The site is allocated as employment land (Caton Road) and as such development within this area should be limited to B1 (Business), B2 (General Industrial) and B8 (Storage and Warehouse) uses only. The proposal is considered to be a mixed A3/A5 (Restaurant and Hot-Food Takeaway) use. Development as a restaurant will lead to future de-allocation of this site, and as such the development is contrary to the Development Plan.

7.3.2 However, the principle of the use and detail of the application has been previously accepted and the applicant has a viable fall-back position of the extant consent 14/00775/FUL. Whilst this fall-back position is not ideal for the long term protection of the trees, this resubmission is not considered to warrant a renegotiation of any matters previously agreed. In particular, in responding to the current proposal, the policy section has confirmed that the strategic position in respect of employment land has not changed since the earlier decision and on the creation of new employment opportunities and the precedent for leisure uses in this area of Lancaster outweigh the loss of this particular allocated employment land and departure from planning policy.

### 7.4 Highway and traffic matters

7.4.1 The current proposal seeks to retain the previously agreed access position and the off-site improvement works all of which gained the support of the highway authority. The current application has been supported by an agreed travel plan to be updated and audited, a Car Park Management and Delivery Plan/Strategy and Construction Management and Routing Plan. A site-specific travel plan will be drawn up (within 6 months of opening) to help facilitate modal shifts where possible. The plans will be annually updated and assessed over the next 5 years of operation. To aid assessment of the audited plans by the County Council, a request for a contribution figure of £6000 has been previously made which will be provided by the developer and secured by way of a Section 106 Agreement with the City Council. The applicant has recognised the need to provide this contribution and it is anticipated that the current proposal will be supported by a formal deed of variation (of the former agreement) or a self-standing S106 agreement.

7.4.2 A Section 278 Agreement under the Highways Act will be required for the off-site highway works. This will be entered into directly with the applicant and the County Council as Highway Authority. Operation of the restaurant would not be able to commence until the agreed works had been fully implemented. The requirement for the works and the timing of operation would be secured by condition.

7.4.3 Finally, the access design is not considered to highlight any operational concerns. Internally, the car park provides for sufficient car parking provision. The agreed management plan addresses parking, servicing, deliveries, waste collection, security, parking enforcing and prevention of misuse. The agreed plan will need to be implemented prior to the use of the car park and be aligned with the developing Travel Plan.

### 7.5 Impact on the Lune Aqueduct and other Heritage Assets

7.5.1 The site is located to the north east of the Lancaster Canal and west of the Grade I Lune aqueduct both of which are considered to be designated heritage assets. The canal towpath lies at a level of 21.6m Above Ordnance Datum (AOD) and the application site has a finished floor level of 12m AOD, some 10m below the canal towpath. The closest point of the canal is 65m from the edge of the site and over 120m to the building. The intervening area comprises a large tree-lined embankment supporting the canal and a recently constructed car-parking area for use by canal visitors. Views of the site from the canal towpath are limited to a narrow viewpoint on the bridge over Caton Road. The geometry of the canal preventing views on approach from the west, level change and vegetation prevent views of the site on approach from the north.

7.5.2 Lancaster Aqueduct is a Grade I construction which spans the Lune Gorge. It is a spectacular construction when viewed from the banks of the Lune and the lower areas of land surrounding the aqueduct. The aqueduct is situated approximately 260m from the application site at a significantly different level with only a visible backdrop of large industrial buildings to the east and west where the

extensive tree cover allows. Inter-visibility between the development site and the aqueduct is only gained on the bend of the canal over Caton Road. In this location the aqueduct is approximately 300m away and is perceived only as a stone balustrade. The nature of the aqueduct, its spanning of the Lune Gorge and its physical form are only appreciated much closer to the structure, further north along the canal than the application site.

- 7.5.3 Comments has been made by the Canal & Rivers Trust to seek assurance that the potential impact of the development upon the neighbouring heritage assets (the Lune Aqueduct and to a lesser degree the Lancaster Canal as a heritage asset in its own right) are considered in line with guidance set out in the National Planning Policy Framework. These consultation comments have been given careful consideration with a detailed site inspection having previously been undertaken by the Conservation Officer. The inspection included taking views along the canal, from the listed canal bridge on Halton Road and along the banks of the River Lune. The Conservation Officer concluded that proposal is not considered to have an impact on the setting of the Grade I listed aqueduct.
- 7.5.4 A limited view of the western end of the site i.e. the car park, is gained from the bridge over the canal but this restricted not only in position by the presence and retention of the trees along the site frontage and to a lesser degree by retained trees on the west boundary. Again, the development is not considered to have an undue impact the designated heritage asset, the Lancaster Canal.
- 7.5.5 Comment has also been raised over the effect of the development upon the recently developed Lune Aqueduct Habitat Enhancement Scheme. This is an area of land at the base of the canal embankment bounded on its eastern side by large portal framed buildings. The improvement were developed in conjunction with a new car park alongside the canal on its eastern side and improvements to cycle linkage from the Lune Cycleway onto the canal on its western side. They include a footpath link at the northern end of the enhancement scheme. Overall improvements included the retention of trees along the western boundary and additional tree planting to create a visual buffer between the nature area and the industrial site, including the current application site. The new building and car park could be partially visible, but it is not considered that development of the site will unduly impact upon the use of the nature area.

## 7.6 Other Matters

- 7.6.1 Trees – The scheme will result in the loss of three trees on the Caton Road frontage in part due to health but also to facilitate the widened site access. Works are also proposed to crown-raise the trees. The revisions to the scheme, in particular the re-positioning of the building and external works have allowed the remedial works to address de-contamination to be undertaken wholly outside the tree protection area resulting in no further impact on the frontage trees other than the loss of trees to facilitate the site access and address health and safety. The application is supported by a detailed tree survey and Arboricultural Impact Assessment and a landscaping scheme which includes the development of a 'living wall' to the north edge of the protected trees. The approach to the development and ongoing landscaping has the support of the Tree Protection Officer. The scheme is considered to satisfactorily address previous concerns over possible root damage in implementing the earlier extant planning consent. Subject to suitable conditions to ensure construction in accordance with the submitted AIA and landscape plans, the proposal is considered acceptable.
- 7.6.2 Contamination – The site lies close to railway sidings and a silk/acetate works in addition the land has been subject to levels changes (fill) in the relatively recent past. The application has been the subject of detailed examination since the grant of the original consent in 2015. The current proposal is supported by a suite of documents addressing contamination at the site. This includes a Radon report, a revised gas and radon assessment, a remedial and verification strategy to support the contamination report. The NPPF acknowledges that consideration must be given to assessing contamination and has already been the subject of discussion with the contaminated land officer.
- 7.6.3 The final views of the Contamination Officer have yet to be received but it is considered that given the nature of the development, assessment and remediation, if required, these issues can be satisfactorily addressed by condition subject to approval of the principle of the development.
- 7.6.4 Residential Amenity – The site lies on the north side of Caton road surrounded by industrial uses to the immediately to the north and east. The industrial operation have no restrictions on the hours of operation and many operate 24 hours a day. Caton Road is one the main arterial roads to and from Lancaster with direct links to the M6 at junction 34. The road is used at all times of the day and

night. A larger development of residential properties lie to the east of the site some 100m from the car parking area and site access and small number of dwellings are located directly opposite the site some 50m from the site entrance. The normal hours of operation for this development is 24 hours a day, 7 days a week and given the presence of the uncontrolled industrial development and main access road it is not considered reasonable to restrict the operational hours of the development.

- 7.6.5 Flood Risk – the site lies outside Flood Zone 2 and 3 but is immediately alongside areas which fall within the flood zones. In practice, the land contained within the application site lies significantly higher than the neighbouring land which is at the base of 3/4m high embankments. The drainage scheme has been designed to minimise the risk of flooding or affecting neighbouring land. The application has been supported by a Flood Risk Assessment (FRA) which is acceptable to the Environment Agency. Subject to development in accordance with the agreed FRA, the approach to flood protection is considered acceptable.
- 7.6.6 Drainage – the scheme is to be developed on a separated system, the foul water flows will be directly into the public sewer. The surface water strategy has investigated a soakaway system of drainage but given the site levels and the presence of embankments and lower level land uses this is not considered to be feasible. Instead the surface water will be connected to existing surface water drainage infrastructure in the area. The onsite drainage system will contain elements to minimise runoff and reduce the risk of flooding on site and to surrounding areas. Drainage will be designed to cater for a 1:100 year with 30% climate change rainfall. The discharge rate from the site will be controlled to greenfield runoff rates at less than 5l/s. This will be achieved using on-site attenuation storage. The approach and design of the drainage system has gained the support of Untiled Utilities as part of the agreement of condition under 14/00775/FUL. Subject to development in accordance with the submitted plans, the approach to foul and surface water drainage of the site is considered acceptable.
- 7.6.7 Litter Patrol – the supporting Planning Statement identifies that it is company policy to conduct a minimum of three daily litter patrols whereby employees pick up not only McDonald's packaging but also any other litter that may have been discarded in the vicinity of the restaurant.
- 7.6.8 The agents have set out in their response that it is considered that in principle litter patrols should not be conditioned as part of the planning consent. Litter is covered by the Environmental Protection Act 1990, Sections 89(1), 89(2), and 86(9). Matters which are covered by legislation outside of planning, should not be controlled by planning permissions. Controlling McDonald's litter patrols via condition is considered unreasonable and would fail the test set down within guidance.
- 7.6.9 Notwithstanding this view some further information has been provided as to the company's general approach to litter patrol being general collection within a minimum of 150m radius of the site. The precise routing and frequency only being determined after the restaurant is open. Litter bins are provided outside all restaurants, and packaging carries anti-littering symbols to encourage customers to dispose of litter responsibly. Anti-littering signage is displayed within restaurants and car parks. McDonalds consider that it is the communities' responsibility to reduce littering and they actively encourage this with their links to Keep Britain Tidy initiatives, and National Tidy Groups.
- 7.6.10 It is considered that the position statement set out by the applicant is correct, and whilst historically some restaurants have litter patrol conditions attached to them such issues are addressed by other legislation and as outlined, attachment of a condition demanding litter patrol via the planning consent is considered to unnecessary, not relevant to planning and unreasonable would fail the test set down in the National Planning Policy Framework.
- 7.6.11 The control of litter pollution will be addressed independently by public education, community involvement and on a day to day basis by the company's own policy to reduce litter in the location of the restaurant.

## **8.0 Planning Obligations**

- 8.1 County Highways have identified and agreed a need to provide a site specific Travel Plan following occupation of the development. This will enable specific staff travel modes to be understood and a site specific plan to be adopted to encourage modal shift to more sustainable transport measure. To aid assessment of the audited plans by the County Council, a request for a contribution figure of £6000 has previously been made and secured by way of a S106 Agreement with the City Council.



The applicant has previously recognised the need to provide this contribution with the provision of a S106 Agreement. The current proposal will need to be supported by a formal deed of variation (of the former agreement) or a self-standing S106 agreement.

### **9.0 Conclusions**

9.1 In conclusion, given the specific elements relating to this site it is concluded that upon balance, the creation of new employment opportunities and the precedent for leisure uses on this particular site outweigh the loss of allocated employment land and departure from planning policy. A position previously agreed under the extant consent 14/00775/FUL. It has been demonstrated that subject to the specific off-site highway works the development can be accommodated without significant impact on the highways network, character and appearance of the area or designated heritage assets and is an improvement upon the original consent in respect of its relationship to the protected trees along the Caton Road frontage. Subject to appropriate conditions, the development should be supported.

### **Recommendation**

That Planning Permission **BE GRANTED** subject to the following conditions with the determination being delegated to the Chief Officer to enable the following S106 agreement to be drafted, signed and endorsed.

- *The S106 legal agreement/Deed of Variation to provide for £6,000 to aid the assessment of the audited travel plans by the County Council.*

1. 3 year time limit
2. Development in accordance with the approved plans (General arrangement, foundation plan, external finishes, retaining wall construction, site levels, lighting arrangement, landscaping plan)
3. Off-site highway works as approved plans
4. Off-site works to be implemented prior to occupation
5. Agreed Travel plan to be audited and updated
6. Developed in accordance with the agreed Car Park Management and Delivery Plan/Strategy
7. Developed in accordance with the agreed Construction Management plan
8. Developed in accordance with the agreed Flood Risk Assessment
9. Developed in accordance with the agreed Ground gas and Radon Assessment
10. Developed in accordance with the agreed Remediation Strategy and Verification Plan
11. Developed in accordance with the agreed Arboricultural Impact Assessment and Method Statement
12. Gross floor areas not to be increased or parking areas reduced
13. Redundant vehicle crossing to be reinstated at the developer's expense
14. Development to be drained on a separated system
15. Hours of Construction

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

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

### **Human Rights Act**

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

### **Background Papers**

None

<p align="center"><b>Agenda Item</b></p> <p align="center">A12</p>	<p align="center"><b>Committee Date</b></p> <p align="center">25 July 2016</p>	<p align="center"><b>Application Number</b></p> <p align="center">16/00519/FUL</p>
<p align="center"><b>Application Site</b></p> <p align="center">1 Spring Garden Street Lancaster Lancashire LA1 1RQ</p>	<p align="center"><b>Proposal</b></p> <p align="center">Part demolition and alteration of existing building and erection of a two and three storey building above existing ground floor, with retail (A1) at ground floor and two 4-bed and one 3-bed student cluster flats (C4) on upper floors</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Mr Stephen Wilkinson</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">Mr Michael Harrison</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">22 June 2016</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">Committee Cycle</p>	
<p><b>Case Officer</b></p>	<p>Mrs Eleanor Fawcett</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Refusal</p>	

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, the applicant has declared that he is related to Councillor Wilkinson and, as such, the application must be determined by the Planning Committee.

**1.0 The Site and its Surroundings**

1.1 The site is located on Spring Garden Street in the centre of Lancaster, on the edge of the main retail area, within the Conservation Area It currently comprises a long single storey building which has a monopitch roof, giving it the appearance of a one and a half storey building at the front. It is finished in stone of the front elevation, which is painted white, with dark patent glazing above. The side and rear walls are constructed of brick. There is also a single storey flat roof outbuilding attached to the rear of the building, located towards the east of the site and adjacent to this is a yard area accessed via a pedestrian passageway at the rear of 70 Penny Street. The building abuts the rear of the footpath on Spring Garden Street. At present the property is used as a retail outlet for second hand goods.

1.2 A large electricity substation immediately adjoins the western boundary and its curtilage wraps partially around the rear of the application site. This also abuts the pavement and comprises a gated access immediately adjacent to the site, and a long rendered wall, approximately 4 metres high. To the east of the site is a terrace of traditional three storey stone buildings which front onto Penny Street and have retail units at ground floor. These are not listed but have been identified as contributing positively to the Conservation Area. On the opposite side of the road, to the north of the site is a lower three storey building fronting Penny Street and two storey buildings which face onto Spring Garden Street, one of which is a public house.

1.3 The site is within the City Centre area and is identified as other key frontage, as opposed to protected or primary retail frontage, set out on the Local Plan Proposals Map. Common Garden Street is also part of the Strategic Cycle Network and the pavement adjacent to the site contains a cycle lane/path.

## **2.0 The Proposal**

- 2.1 Planning permission is sought for a building comprising both four and three storeys to deliver two retail units and store rooms at the ground floor with student accommodation above. The ground floor is retained in largely its existing plan form with an extension to the existing rear outrigger to increase the floor space, incorporating the access to the student accommodation occupying the upper floors of 70/72 Penny Street. The mono-pitched roof is proposed to be removed with the front elevation, at ground floor, re-faced in ashlar stone. The higher section of the building would adjoin the adjacent property fronting Penny Street. The upper floors are proposed to be finished in render, with windows and doors powder coated metal in dark grey. A very shallow dual-pitched roof is proposed and would be finished in a standing seam metal roofing.
- 2.2 On the first and second floors the accommodation would comprise a 4 bedroom cluster flat with a kitchen/living / ding room and two bathrooms. The third floor consists of a three bedrooms, a shared living, kitchen, dining room and a bathroom. Access is proposed to utilise the rear outrigger at 70/72 Penny street with access onto Spring garden Street from the existing pedestrian access which will be built above. Within the rear yard a bike and bin store are to be provided.

## **3.0 Site History**

- 3.1 The only relevant planning history relates to a pre-application enquiry, ref. 15/00766/PRETWO, which comprised a similar proposed use but with an additional floor and a slightly different design.

## **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>County Highways</b>	<b>No objections</b> subject to conditions requiring: submission of a construction traffic management method statement; reinstatement to footway if required; and details of covered and secure cycle storage.
<b>Environmental Health</b>	<b>Comments</b> - A noise assessment is required to assess potential noise impacts at this location. Also request a condition in relation to hours of construction.
<b>Conservation</b>	<b>No objection</b> in principal to the redevelopment of the site. In view of its location in the street scene and its relationship to surrounding buildings it is suggested that on the front façade stone heads and cills are considered.
<b>Parking Services</b>	No comments received
<b>Lancashire Archaeological Advisory Service</b>	<b>No objection</b> subject to a condition requiring a programme of archaeological investigation, recording and analysis.
<b>LUSU Housing</b>	No comments received
<b>Lancaster Civic Society</b>	<b>Comments</b> - Whilst the demolition of this insignificant single-storey building and its replacement with a more substantial structure is welcome, there are concerns regarding the design. Little regard is paid to the manner in which it will relate to the only remaining traditional building on the corner to which it will be adjoined. The proposed flat roof adjoining the pitched roof of the existing building makes for a very uneasy juxtaposition. A continuation of the roofline would make for a more harmonious conjunction. Overall the windows are small and are insignificantly delineated. The use of ashlar and render above is to be welcomed.
<b>Lancashire Constabulary</b>	<b>Comments</b> - Recommended that the scheme is developed to Secured By Design security standards
<b>Electricity North West</b>	No comments received at the time of compiling this report.

## **5.0 Neighbour Representations**

- 5.1 No neighbour representations 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 23 – Ensuring the vitality of town centres  
Paragraph 32 – Access and Transport  
Paragraphs 49 and 50 – Delivering Housing  
Paragraphs 56, 58 and 60 – Requiring Good Design  
Paragraph 123 – Noise impacts  
Paragraphs 131 – 134, 137 and 141 – 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

6.3 Development Management Development Plan Document

DM1 – Town Centre Development  
DM2 – Retail Frontages  
DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM31 – Development Affecting Conservation Areas  
DM32 – The Setting of Designated Heritage Assets  
DM33 – Development Affecting Non-Designated Heritage Assets or their settings  
DM34 – Archaeological Features and Scheduled Monuments  
DM35 – Key Design Principles  
DM39 – Surface Water run-off and Sustainable Drainage  
DM46 – Accommodation for Students

Appendix D: Purpose Built and Converted Shared Accommodation

6.4 Other Material Considerations

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) 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
- Highway Implications
- Impact on amenity of neighbouring properties
- Standard of Accommodation

7.2 Principle of development

7.2.1 The site is located within the City Centre on a secondary retail frontage. The scheme is for residential, but retains the retail use at ground floor and will therefore not have a detrimental impact on the vitality of the city centre. The use of the application site for student accommodation is acceptable in principle. It is situated in a central sustainable location, close to local services and facilities. It is 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, so the principle of the scheme is accepted.

## 7.3 Scale, design and impact on heritage assets

- 7.3.1 As set out above, the site is located on Spring Garden Street, within the Conservation Area, close to the junction with Penny Street. Views can be obtained of the site from both Penny Street and King Street, in addition to the road on which it is located. The existing building is poor in terms of its design and does not contribute positively to the character and appearance of the Conservation Area, although its harm is limited given its relatively low height. The redevelopment of this site provides an opportunity to provide significant enhancements to this part of the Conservation Area.
- 7.3.2 A pre-application enquiry was submitted for a similar proposal but with an additional floor. The advice set out that any new building in this location would have to sensitively relate to the rear elevation of the adjacent buildings on Penny Street, in particular 70-72. It was considered that a five-storey building would dwarf 70-72, and would be inappropriate in scale and massing. Although the proposed building has been reduced to three and four storeys, it is considered that the building will have an awkward visual relationship with the adjoining building and does little to respect its surroundings. The eaves of the larger part of the building extends above that of the adjoining property resulting in an uncomfortable juxtaposition. The proposed roof slope is also very shallow which not only emphasises the bulk and massing of the front and side elevations, but also does not respect the form of the nearby traditional properties. As a result of the scale and massing of the building it also almost completely blocks the view of the stone terraces when viewed from the junction with King Street.
- 7.3.3 In terms of the materials, the ground floor is proposed to be faced in ashlar stone with the upper floors finished in a stone coloured render to the front and half the side elevation, with white render to the rear. A larger vertical section of glazing is proposed to serve the living areas with fairly tall and narrow windows to serve the bedrooms. Smaller squarer windows are proposed in the side elevation. There does not appear to be much cohesion in this elevation and no detailing around the windows to provide a contrast to the large mass of render. The side elevation will particularly prominent when approaching from King Street and it is considered to be poor in terms of its design, materials, portions and fenestration. The pitch of the roof particularly affects the appearance of this.
- 7.3.4 Although the proposal will remove a fairly poor single storey building, and the development of the site provides an opportunity to provide a focal point away from the adjacent substation, it is not considered that the proposal represent high quality urban design. It is acknowledged that there is some more modern development along George Street, such as City Block and the Police Station, but these are not in the immediate context of the site. It was advised during the pre-application advice that a more modern approach could be taken, but that it needed to take account of the adjacent historic development. The current proposal fails to respect the design, form, massing and scale of the adjacent buildings.
- 7.3.5 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Conservation Area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. 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.
- 7.3.6 Although the Conservation Officer has raised no objection to the scheme, for the reasons set out above in terms of the design and the buildings relationship to the adjacent development, it is not considered that the proposal complies with the requirements of Policy DM31 and will not preserve or enhance the character or appearance of the Conservation Area. It is also considered that it will be detrimental to the setting of the adjoining building fronting Penny Street, which are considered to be non-designated heritage assets.

- 7.3.7 Detailed comments have been received from the Lancashire Archaeological Advisory Service. The site falls within the known bounds of Lancaster's Roman cemetery, and evidence of a number of burials of this period was found on the site of 77-79 Penny Street prior to its redevelopment. Further evidence of Roman activity, including some bone fragments, was also found during works to the west side of the Spring Garden substation. These discoveries would suggest that the site lies outside the formal boundary of the Roman town, although it may be only just outside it. Little is known of the town's layout between the end of the Roman period and medieval times. It seems probable however that there was continued occupation on a similar pattern to before, which resulted in the preservation of the two main Roman road lines in the modern Penny Street/Cheapside and St Marygate/Church Street. Both Penny Street and King Street are noted during the medieval period and are shown on Lancaster's earliest map, that of John Speed of 1610. This map does not show Spring Garden Street, and it seems probable that it (and the parallel Common Garden Street) were later additions to bring former back lands into use in the early post medieval period.
- 7.3.8 A rapid assessment of the Historic Environment Record (HER) would suggest that Spring Garden Street was constructed at some point between 1684 (Docton's rediscovered survey) and 1778 (Mackreth's map), and that it was widened between 1913 and 1933. This widening involved demolition of properties on the north side of the road and it is notable that the 1848 mapping and the 1938 map show an almost identical pattern of buildings along the south side of the road, although there had been some demolition at the west end of the street, in the area of present public car park, by the later date. At some point between 1938 and 1968 the 19<sup>th</sup> (or 18<sup>th</sup>) century building on the site of 1 Spring Garden Street seems to have been demolished and the present one constructed, although it seems to re-use some of the former building lines. It does not appear to be cellared and the construction is relatively light, leading to the probability of earlier remains surviving here. The redevelopment of the site has a reasonably high potential for the preservation of Roman burials, medieval 'back land' development and buried remains of the earlier buildings on the site. Whilst it is unlikely that any such remains would be considered so important as to require preservation at the expense of development, they would certainly merit 'preservation by record'.
- 7.3.9 The archaeological advisory service has set out there will clearly be some problems in undertaking a formal archaeological excavation on the site, given its constricted nature and the surrounding buildings, but it does seem possible. The extent of these works cannot be specified at present, as foundation and service details have not been provided with the application. It must be assumed, however, that the proposed re-facing of the front elevation, the installation of a *'steel frame within the existing building footprint'* and the provision of appropriate service runs will require significant groundworks. A condition requiring a programme of investigation, recording and analysis has been requested and this would be considered necessary given the evidence of likely remains as set out above.
- 7.3.10 Lancashire Constabulary have advised that from a crime and incident search of the nearby areas during the period 04/05/2015 to 04/05/2016 there have been recorded crimes and incidents such as theft, criminal damage and assault. Student accommodation can often be targeted by offenders for criminal activity such as burglary and theft, facilitated by unauthorised entry being gained by methods such as human tailgating. They have recommended security measures for this scheme. Many of these cannot be covered by planning legislation, but heights of access gates and lighting can be addressed by planning condition and the applicant can be made aware of the recommendations.

## 7.4 Highway Implications

- 7.4.1 The scheme does not propose any parking of vehicular access to the site. Cycle storage is proposed in the rear yard. This does not appear to be covered and it would be expected to be to ensure that it is more secure and likely to be utilised. However, this could be controlled by condition. The site is easily accessible by a choice of sustainable travel modes including foot, cycle and public transport. The surrounding pedestrian environment is of an acceptable quality, with footways being well-lit adding to a sense of personal security. Signage and the built form add to a good level of legibility with adjacent pedestrian footway links providing an acceptable means of access to the application site. The site also lies adjacent to a designated cycle route which provides access to the city centre and surrounding cycle network. There is a city centre car park located within 50 metres of the site which could be utilised by occupants for the loading/unloading of belongings. The Highways Officer has set out that the effect of the development on the operation of the local highway network would

be negligible.

7.4.2 Due to the constraints of the site, the Highways Officer has set out that a construction management plan will be required and it is important that sufficient consideration is given to the methods to be employed with regards implementation of all demolition / construction activities. The site occupies a predominantly commercial area of the city and suffers from all the attendant congestion problems one would associate with a city centre location. Access, parking, loading/unloading restrictions apply to the whole length of Spring Garden Street. In view of the city's gyratory "one way" highway network, it have been emphasised that the County Council would not consider a temporary relaxation of parking restrictions in the vicinity of the same during the course of construction activities pertaining to the application. It is not considered that the proposal would have a detrimental impact on highways safety subject to a condition requiring the submission and implementation of a construction management plan.

## 7.5 Impact on amenity of neighbouring properties

7.5.1 The upper floors of the adjoining building, 70-72 Penny Street contain student accommodation which was granted consent in 2000. There are no windows facing the site, with the exception of some serving the stair well. The outlook to the rooms is onto Penny Street and Spring Garden street. As such, it is not considered that the proposal will have a detrimental impact on occupiers of this property. There do appear to be windows in the rear on numbers 74 and 76 Penny Street but it is unclear whether they serve residential accommodation. Due to the height, scale and massing of the building, it is likely that there would be some loss of light to these windows. There are also some windows in the second floor of the property on the opposite side of the highway, at the rear of 66 Spring Garden Street. There is approximately 11 metres between the site and this building which is not a distance which would usually be accepted between facing rooms in residential accommodation. However, the city centre location does need to be taken into consideration. Again it is not clear if it is residential accommodation, but appears to be. Clarification has been sought with regards to the existing use of the potentially affected properties and will be reported at committee.

## 7.6 Standard of Accommodation/ Amenity of occupiers

7.6.1 The scheme comprises three shared student flats, one on each of the upper floors. Two would have four bedrooms with two shared bathrooms and the upper unit would have three bedrooms with one bathroom. All of the cluster flats would each have a shared kitchen and living area and share the external yard containing a bin and bike store. The sizes of the rooms, light and outlook are considered to be acceptable and comply with the standards set out in Appendix D of the DM DPD.

7.6.2 The site is located in a busy city centre location, directly opposite a nightclub and other nearby licensed premises that are permitted to operate into early morning hours and regularly extend operating hours through the Licensing Act regime. Records held by the environmental health service show that noise complaints have been received from nearby businesses and local residents about music noise and people noise at and around this location. Environmental Health have advised that a noise assessment is required to assess potential noise impacts at this location and must focus on noise impacts at sensitive hours and seek to identify suitable mitigation solutions to controlling noise to meet internal design criteria specified with BS8233:2014 and World Health Organisation Guidelines for Community Noise. The assessment should also consider whether there is likely to be impacts from low frequency sound associated with music noise from the nightclub venue and should this be shown, recommend suitable mitigation measures to achieve 'No observed effect levels' for future occupants. It is considered that a favourable recommendation cannot be reached until this has been carried out as it could have a fundamental impact on the overall design of the scheme.

## **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 redevelopment of the site offers an opportunity to improve its overall appearance, and that of the Conservation Area, by replacing, or modifying, a building of relatively poor quality. Whilst officers are supportive of redevelopment in principle, and the uses involved, it is considered that the proposal fails to represent high quality urban design and would not preserve or enhance the

character or appearance of the Conservation Area. It is considered that the scheme requires a radical re-design to overcome the concerns (i.e. minor amendments would not resolve the reasons for refusal below). In addition, insufficient information has been provided to demonstrate that the future occupiers will not be adversely affected by unacceptable noise levels from the nearby late night uses. The applicant's son has asked for an extension of time to address this last issue, but also set out that this would give the opportunity to revisit the design. However, it is usually the practice to agree extensions of time to minor issues that do not go to the heart of the proposal. For the reasons referred to above, this scheme requires redesigning in terms of appearance, scale and mass in accordance with the pre-application advice previously provided.

### **Recommendation**

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

1. The current proposal fails to respect the design, form, massing and scale of the adjacent buildings and, as a result of this and the use of inappropriate materials, is not considered to represent high quality urban design as advocated by the NPPF and will have a detrimental impact on the streetscene. It is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 7 and Policy DM35 of the Development Management Development Plan Document.
2. As a result of the scale, form, massing, design and poor relationship to the adjacent buildings fronting Penny Street, it is not considered that the proposal will preserve or enhance the special character or appearance of the conservation area and will have a detrimental impact on the adjacent non-designated heritage assets. The scheme therefore fails to comply with the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 12 and Policies DM31 and DM33 of the Development Management Development Plan Document.
3. Insufficient information has been submitted to be able to fully assess the impacts of noise from nearby uses on the future occupiers of the accommodation to be able to determine if the accommodation proposed provides an acceptable level of amenity and if any impacts can be mitigated as part of the current scheme. It therefore fails to comply with the aims and objectives of the National planning Policy Framework, in particular the Core Planning Principles, Section 7 and Section 11 and Policy DM35 of the Development Management Development Plan Document.

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

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

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

### **Human Rights Act**

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

### **Background Papers**

None



<b>Agenda Item</b> A13	<b>Committee Date</b> 27 June 2016	<b>Application Number</b> 16/00053/CU
<b>Application Site</b> Green Dragon Hotel 54 Main Road Galgate Lancaster		<b>Proposal</b> Change of use of public house/cafe (A4/A3) to a 6-bed house of multiple occupancy (C4), a 2-bed flat (C3) and creation of a new access point
<b>Name of Applicant</b> Mr Lookman Thagia		<b>Name of Agent</b> Mr David Tarbun
<b>Decision Target Date</b> 11 March 2016 with extension of time agreed until 6 June 2016		<b>Reason For Delay</b> Awaiting further information
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Refusal	

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, the applicant is a member of staff and, as such, the application must be determined by the Planning Committee.

**1.0 The Site and its Surroundings**

1.1 This application relates to a large two storey stone building located on the corner of the A6 and Salford Road, in the centre of Galgate. It is currently vacant but was previously used as a public house, but more recently as a café, which was a permitted change of use not requiring planning permission. The building fronts onto the A6 and has a single storey extension to the north of the main part of the building, and a single storey attached garage to the west, which fronts onto Salford Road. In the vicinity of the site are predominantly terraced properties, with a row of 5 to the west set back from the highway, and a longer row to the south/ south west which abut the pavement. A number of the properties located around the main crossroads have a commercial use.

1.2 The site is located within the Countryside Area, as identified on the Local Plan Proposals Map. It is also within the Galgate Air Quality Management Area (AQMA) and Flood Zone 3.

**2.0 The Proposal**

2.1 Planning permission is sought for the change of use of the building to a six bedroom house in multiple occupancy (HMO) and a two bedroom flat. A new access point is proposed from the A6

**3.0 Site History**

3.1 The relevant site history is set out on the next page:

Application Number	Proposal	Decision
11/00440/CU	Change of use of part of the ground floor to a self-contained flat and erection of boundary fence to the northern yard area.	Approved
11/00131/CU	Change of use of part of the ground floor to self-contained flat and erection of boundary fence to the northern yard area	Withdrawn
10/01122/CU	Change of use of part of the ground floor to self-contained flat and replacement of existing windows throughout with uPVC windows.	Refused
07/01275/FUL	Erection of a covered area to rear and construction of new boundary wall	Approved
07/00736/FUL	Erection of an external covered area, decking and wall	Refused
1/79/27	Alterations and extensions to existing public house and new detached garage	Approved

#### **4.0 Consultation Responses**

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

Consultee	Response
Parish Council	<b>No objections</b> , but query where residents will park their cars, as there are no allocated parking spaces.
Environmental Health	<b>No objection</b> subject to conditions requiring: scheme for mechanical ventilation; assessment of noise impacts and mitigation; and hours of construction.
Environment Agency	<b>Comments</b> - Strongly recommend that there should not be sleeping accommodation on the ground floor.
County Highways	<b>No objection</b> . Any structures, such as air ventilation systems, should not overhang the highway.
Natural England	<b>No comments</b> to make

#### **5.0 Neighbour Representations**

5.1 Two pieces of correspondence have been received which comment that there is limited parking on Salford Road Parking and it is unclear where future residents would park.

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

- 6.1 National Planning Policy Framework (NPPF)
- Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles
  - Paragraphs 49 and 50 – Delivering Housing
  - Paragraphs 56, 58 and 60 – Requiring Good Design
  - Paragraph 70 – Loss of services and facilities
  - Paragraphs 100 and 103 - Flooding
  - Paragraph 118 – Conserving and Enhancing Biodiversity
  - Paragraphs 135 – Non-Designated Heritage Assets
- 6.2 Lancaster District Core Strategy (adopted July 2008)
- SC1 – Sustainable Development
  - SC5 – Achieving Quality in Design
- 6.3 Development Management Development Plan Document (adopted December 2014)
- DM20 – Enhancing Accessibility and Transport Linkages
  - DM33 – Development Affecting Non-Designated Heritage Assets or their Settings
  - DM35 – Key Design Principles
  - DM37 – Air Quality Management and Pollution
  - DM38 – Development and Flood Risk
  - DM41 – New Residential Development

- DM42 – Managing Rural Housing Growth
- DM44 – Residential Conversions
- DM49 – Local Services

### **7.0 Comment and Analysis**

7.1 The main issues are:

- Type of accommodation proposed
- Loss of rural facility
- Flooding
- Highway Implications
- Impact on residential amenity
- Design

#### **7.1 Type of accommodation proposed**

7.1.1 The application proposes a House in Multiple Occupation (HMO) to house 6 people and a self-contained two bedroom flat. The site is located within the centre of Galgate, which is a village identified as suitable for residential development in Policy DM42 of the DM DPD. Concerns have been raised with the agent with regards to the creation of a large HMO and further information was requested in relation to the proposed occupants. It was advised that accommodation for students may be acceptable, given the proximity to the University, but otherwise it would be unlikely that the Council would support an unrestricted HMO. The applicant has set out that the reason for the HMO is in order to preserve the building and bring it into a viable use, that there is an abundance of student accommodation in the area and still being approved/developed and there are other groups within the district that require accommodation such as local workers from the university as well as businesses within the Galgate area.

7.1.2 The Strategic Housing Officer has been consulted with regards to the proposal. Policy DM 44 states that proposals for residential conversions must provide accommodation that will address local housing needs and imbalances in the local housing market. The supporting text makes reference to HMOs and the negative impacts of living in HMO's can have both for the occupants and for the wider community. Whilst acknowledging that there is a shortage of one-bedroom accommodation for single people in Lancaster District, the main market need in Galgate is family housing and housing that meets the needs of the elderly. Whilst there could be a potential link to providing shared housing as workers' accommodation which may service staff working at Lancaster University, the actual demand and need for this is not proven, although these individuals may well be car owners and with no prospect of on-site car parking provision on a very busy main road, any potential change of use to an HMO may well cause further problems with existing limited on-street parking in that area. Furthermore, it would be difficult to practically control the future use of the HMO for workers only. As has been seen in other parts of the district, HMO's have been used to accommodate vulnerable and marginalised groups where demand from workers has fallen away, leading to a raft of issues that impact of the wider area where proper management arrangements have not been put in place or which are enforceable through the planning system. A proposal which seeks to create fully self-contained accommodation in this location is likely to better meet the needs of the occupier and would provide a more suitable housing solution in the longer term for the occupants.

7.1.3 It is therefore considered that that it has not been fully evidenced that this type of accommodation will address local housing needs and as such is contrary to Policy DM44 of the DM DPD.

#### **7.2 Loss of a rural facility**

7.2.1 The property was previously used as a pub and more recently a café, although this change of use did not require planning permission. It is considered that the proposal results in the loss of a local service and as such it must comply with Policy DM49. This sets out that proposals that would result in the loss of buildings/ uses which currently (or have previously) provided the community with a local service must provide compelling and detailed evidence to show:

- A robust and transparent marketing exercise has taken place demonstrating that the use is no longer economically viable or feasible, comprising an advertising period of at least 12

months at a realistic price;

- That alternative provision of the service existing within the settlement or a nearby settlement;
- That the use no longer retains an economic and social value for the community it serves.

7.2.2 The initial submission set out that there has been a 'for sale' sign at the property since 2014 but provided no further information or evidence. As such, this was requested from the agent. The information now provided is limited. A letter has been submitted from Thwaites Brewery regarding the reason for the sale of the property in 2010 to the applicant and have set out that the business at the property was not viable under their tenanted business model. Following the sale the building continued to be operated as a pub and then a café but proved not to be viable. The applicant has provided details of the tenants from 2005 until November 2015, setting out that none of these managed to operate a viable business. The agent has set out that the property has been for sale for over 18 months with a For Sale sign erected on the building and the details were added to Northwood Estate agents website 7 months ago and to date there have been no enquires. The letter from Northwood Estate agents sets out that the property was marketed from 14 August 2013 to 3 October 2013 and there were no viewings then from 21 August 2015 to 15 April 2016 with 1 viewing. The feedback from the viewing was that a lack of parking would not allow a restaurant business to succeed. This does not seem to correspond to the statement from the agent. Neither of these periods are for a continual 12 months and no information has been provided with regards to how the property has been marketed and at what value. Therefore it is not considered that sufficient justification has been provided with regards to the loss of a local service/facility to comply with the requirements of Policy DM49.

### 7.3 Flooding

7.3.1 The site is located within Flood Zone 3, defined by the Planning Practice Guidance to the National Planning Policy Framework as having a high probability of flooding. As it involves the change of use of a building, the applicant is not required to undertake a sequential test to demonstrate that the proposal cannot be provided in an area at lower risk of flooding. However, it needs to be ensured that the development is appropriately flood resilient and resistant, including safe access and escape routes where required.

7.3.2 The application proposes an HMO over two floors of the main building, with one of the bedrooms located on the ground floor, in addition to a two bedroom flat in the existing single storey extension. The Environment Agency have strongly recommended that there should not be sleeping accommodation on the ground floor. They have set out that, notwithstanding the mitigating measures now proposed in the submitted Flood Risk Assessment, the risk to life within the development from fluvial inundation remains high. The provision of sleeping accommodation on the ground floor, especially in the self-contained flat where there is no internal access to a safe haven, is of particular risk. The proposed development of self-contained ground floor flat does not have a safe means of access and/or egress in the event of flooding and no satisfactory alternative option for managing the safety of people has been provided as part of the application. Consequently, there would be a high risk to the health and safety of the occupants in a flood event. During a flood, residents trying to leave the site to reach safe haven would be at considerable danger from the floodwater itself and also from various other hazards such as unmarked drops and water-borne debris.

7.3.3 Following the comments from the Environment Agency, the agent has contacted them to discuss the concerns. They have advised, directly to the agent, that as the application is for a Change of Use where the vulnerability of the development does not change from 'More Vulnerable', they cannot object to the proposal. However, they would strongly recommend against the location of sleeping accommodation on the ground floor. The agent has suggested that a safe room is provided in the loft space of the single storey element to provide a safe haven in the event of a flood. In response, the Environment Agency has set out that they would consider that a safe room in the loft, accessed via a permanent staircase, and provided with emergency exit windows, would help reduce the risk from flooding and make this proposal more acceptable. However, the nature of the expected occupants must be taken into account and, if the dwelling is intended for elderly or infirm then this proposed compromise would not be suitable. In 2011, the Environment Agency did not raise an objection to the creation of the self-contained flat in the same part of the building, however this was partly due to it being occupied in association with the public house.

7.3.4 The solution proposed by the applicant does not seem to be ideal as there does still seem to be some concern by the Environment Agency regarding risk to occupants. It would also be too difficult to condition the age or health of the occupiers to ensure that they could access a safe space in the loft. The agent has set out that the safe room to the loft would have a simple boarded floor, suitable access stair and an escape type velux rooflight to the front elevation, but there is no detail regarding the proposed access stair. It also potentially raises issues with bats given the close proximity to a watercourse and proposed use of the roofspace. A survey would need to be carried out, at least to examine the potential for bats in this part of the building. Further information will be requested in relation to this and the Environment Agency contacted directly regarding the proposed solution. Members will be updated in relation to this issue at the Committee Meeting.

### 7.4 Highway Implications

7.4.1 The Highways Authority has raised no objection to the proposal and set out that the use of extensive traffic regulation orders restricting vehicle movements over surrounding lengths of the public highway network are likely in themselves to act as a deterrent and limit any perceived vehicular access problems one might associated with the consequences of additional on street parking requirements due to use of the site as a house in multiple occupation. There is very little in the way of on street parking in the vicinity of the site and a number of terraced properties that have no off street parking. The overall scheme would potentially likely have at least 8 occupants, and potentially a further 6 if the rooms in the HMO are let to couples, which would likely put strain on the existing limited parking provision in the area. The submission sets out that the existing garage can be used to house a car and provide cycle storage. A new access is proposed from the A6 but it is not clear how the yard is intended for the use of vehicles and the highways officer does not appear to have referred to this aspect in the response. Clarification has been sought with regards to this.

### 7.5 Impact on residential amenity

7.5.1 No extensions are proposed to the building and limited external alterations. The upper floor has already been used as residential accommodation in relation to the public house. Although the separation distance is less than would usually be expected with facing habitable room windows, this is due to the historic layout of the settlement and is an existing situation. There is a first floor window which faces towards the end of the adjacent terrace, 2 Salford Road, but this is a blank gable. The boundary wall adjacent to this property is also proposed to be raised to 2 metres. Given the above, it is not considered that there will be a significant impact on the amenities of the adjacent residential properties.

7.5.2 The application site adjoins a busy road and therefore a noise assessment is required to determine satisfactory mitigation measures in respect of noise impacts. Environmental Health have advised that this can be requested by way of condition. The site is also located within the Galgate AQMA. The submitted air quality assessment proposes the installation of mechanical ventilation system to take air from roof level at the rear of the development, as far as possible from the Main Road. Without the benefit of further air quality modelling based assessment it is recommended that the ventilation system serves the totality of the proposed residential development. Environmental Health have recommended that a condition is imposed to require a mechanical ventilation scheme for the totality of the proposed development to be submitted to the LPA for approval and subsequent installation in accordance with agreed scheme.

7.5.3 In terms of the standard of living accommodation, if an HMO was considered acceptable, it would comply with the standards that are usually applied to student accommodation, and the standard of flat accommodation is acceptable. There appears to be a small area of external space associated with the HMO and a larger area with the flat, although it is not clear if this is proposed for parking.

### 7.6 Design

7.6.1 There are limited alterations proposed to the external appearance of the building with just some external windows, facing into the site, increased in size. On a previous application, the replacement of the timber windows with UPVC was refused. However, the current windows in the building are UPVC and have been replaced without consent. The agent has argued that they do not look any different to the top hung timber windows. However, although the design is similar, it is clearly identifiable that they are UPVC and the central glazing bar appears to be integral so is not as

pronounced and, from some angles, is barely discernible. It would have been preferable if the timber windows had been retained, given the prominent position of the building and the likelihood that this would be considered as a non-designated heritage asset. However, the site is not in a Conservation Area and a number of the properties around the junction have UPVC windows. As such, this is not considered to be a substantive reason to refuse the application.

### **8.0 Planning Obligations**

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

### **9.0 Conclusions**

9.1 The application proposes an unrestricted HMO without sufficient justification of how this will meet identified local needs. Although the scheme provides residential accommodation, it is not in a form that the Council would wish to encourage. It also results in a loss of a local facility, with limited evidence provided to demonstrate that it has been adequately marketed. Therefore it is considered that the proposal does not comply with Local or National planning policy, in particular Policies DM44 and DM49 of the Development Management DPD.

### **Recommendation**

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

1. The proposal will result in the conversion of the main part of the building to a large House in Multiple Occupancy (HMO) without sufficient justification as to how this form of accommodation will address local housing needs and imbalances in the local housing market. It is not considered that the scheme will provide an appropriate form of residential accommodation and is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 6, and Policies DM41 and DM44 of the Development Management Development Plan Document.
2. Insufficient evidence has been provided to justify the loss of the local facility within this rural settlement. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 8, and Policy DM49 of the Development Management Development Plan Document.

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

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

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

<b>Agenda Item</b> A14	<b>Committee Date</b> 27 June 2016	<b>Application Number</b> 16/00222/FUL
<b>Application Site</b> Land Between 24 And 25 Hestham Crescent Morecambe Lancashire	<b>Proposal</b> Erection of two dwellings and three garages with associated access	
<b>Name of Applicant</b> Mrs C Stebbing	<b>Name of Agent</b> JMP Architects Ltd	
<b>Decision Target Date</b> 1 June 2016	<b>Reason For Delay</b> Committee Cycle	
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval subject to further information in relation to drainage and resolution of concerns regarding the proposed garage building	

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, the applicant has declared that she is related to Councillor Brayshaw and, as such, the application must be determined by the Planning Committee.

**1.0 The Site and its Surroundings**

1.1 This application relates to an area of land off Hestham Crescent in Morecambe, which is a cul-de-sac and part of a larger residential estate. The site comprises an area of unused scrub land to the rear of numbers 23 and 24 and to the side of no. 25. There is an existing access from the highway to a hard surfaced area at the front of number 25 with a gate adjacent to the side wall into the land. To the north of the site is an area of open land and to the east is a railway embankment. The highway is at a higher level than the site and slopes upwards to the north towards the end of the cul-de-sac. As a result of this, the dwellings at no. 23 and 24 are at a much higher level than the land at the rear, and no. 25 is at a similar level to the site, although there are variations across the land. The site is heavily overgrown with various trees and shrubs.

**2.0 The Proposal**

2.1 Planning permission is sought for the erection of a pair of semi-detached bungalows with accommodation in the roof space. An access drive, approximately 20 metres in length, is proposed to a large area which also contains three garages sited towards the southern boundary. The dwellings are proposed to the north of the site, to the rear of 23 and 24 with garden areas to the rear.

**3.0 Site History**

3.1 Outline planning permission was granted in 1993 for the erection of five houses on land between no. 10 and no. 24 Hestham Crescent. This was renewed in 1996 and 1999. In 2004, full planning permission was sought for the erection of three terraced and two semi-detached dwellings (ref.

04/00467/FUL). Two of these dwellings were proposed to the rear of 23 and 24 Hestham Crescent. This application was refused and the appeal was dismissed. The Inspector’s report set out that the two semi-detached dwellings would be only 11 metres at their nearest point from the rear of existing dwellings on the crescent. Although they would be at a much lower level due to the fall of the land, they would present a cramped appearance detrimental to the character and appearance of the area and would harm outlook from the rear of the existing properties.

3.2 A reserved matters application (ref. 04/01701/REM), in relation to the outline consent for 5 dwellings, was granted in 2005. This permission consisted of a terrace of three dwellings and a pair of semi-detached dwellings all fronting onto the highway, set back a similar distance to the other buildings on this road.

3.3 Planning permission (12/01086/FUL) was refused in 2013 for the erection of three dwellings on the application site for the following reasons:

1. *By reason of its location to the rear of the existing development and its proximity to the adjacent dwellings, the proposal would present a cramped appearance detrimental to the character and appearance of the area and would harm outlook from the rear of the existing properties. As such it is contrary to the aims and objectives of Section 7 of the National Planning Policy Framework, Policy SC5 of the Lancaster District Core Strategy, Saved policies H12 and H19 of the Lancaster District Local Plan.*
2. *Due to an under provision in the overall width of the sites means of access from the adjacent public highway there would be a significant risk of over-flow parking onto the surrounding road network and into existing developed areas thus creating obstruction or conflict to the detriment of the operation and ultimately the safety of the public highway itself. The proposal is therefore contrary to Saved Policy H19 of the Lancaster District Local Plan.*
3. *The proposal will result in the loss of an area of land which is identified as urban green space in the Lancaster District Local Plan and as part of the green space network in the Emerging Local Plan. As such the development is contrary to Policy E1 of the Lancaster District Core Strategy, Saved Policies H19 and E29 of the Lancaster District Local Plan and Policy EN1.1 of the Draft Development Management DPD.*

**4.0 Consultation Responses**

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

Consultee	Response
<b>Parish Council</b>	No comments received
<b>Environmental Health</b>	<b>No objection</b> subject to conditions requiring: scheme for assessment and control of noise from the adjacent railway line; and hours of construction and standard land contamination conditions
<b>County Highways</b>	<b>No objection</b> subject to conditions requiring access constructed to a minimum width of 3.15 metres and surfaced with a bound material for a distance of 7 metres; and scheme for construction of offsite highway works (an improved metaled and kerbed vehicular drop crossing)
<b>United Utilities</b>	<b>No objection.</b> The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
<b>Network Rail</b>	They do <b>not support</b> the proposal due to the layout potentially importing a risk of flooding or water saturation onto their land and could lead to de-stabilisation of land. They have set out measures that would allow the developer to take the proposal forward (and these are set out in the report).
<b>Fire Safety Officer</b>	It should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations.

**5.0 Neighbour Representations**

5.1 3 pieces of correspondence have been received which raise objections to the scheme. These set out the following concerns:



- Existing congestion and parking issues on the highway will be exacerbated by the proposal
- Width of access is very narrow
- Loss of privacy and noise impacts
- Loss of view from property
- Impact on wildlife
- Site is green belt land
- Issues with subsidence
- Previous application on site has been refused

## **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 123 – Noise impacts

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

SC1 – Sustainable Development  
SC5 – Achieving Quality in Design

### 6.3 Development Management Development Plan Document

DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM35 – Key Design Principles  
DM39 – Surface Water run-off and Sustainable Drainage  
DM41 – New Residential Development

## **7.0 Comment and Analysis**

- ### 7.1
- Principle of development
  - Design, appearance and scale of the development
  - Impact on residential amenity of neighbouring properties
  - Access and highway impacts
  - Loss of urban green space
  - Impact on Network Rail Infrastructure

### 7.2 Principle of development

- #### 7.2.1
- The site is located in a sustainable location, within the built up area of Heysham and, as such, the principle of residential development is acceptable.

### 7.3 Design, appearance and scale of development

- #### 7.3.1
- In 2004, permission was refused for the erection of five dwellings, two of which were positioned in a similar location to the current proposal. The appeal was dismissed and the Inspector concluded that the two semi-detached dwellings would present a cramped appearance detrimental to the character and appearance of the area and would therefore be contrary to Policy H19 of the Local Plan. The more recent proposal on the site in 2012/13 was slightly closer to the boundaries with 23 and 24 Hestham Crescent and comprised an additional dwelling. It also involved a large area of parking and turning to the front of the dwellings. As such, it was considered that the issues raised by the Inspector were relevant to that application, and the scheme would be likely to have more impact on the character and appearance of the area, as the previous scheme included an area of public open space where the parking and turning area was proposed.

7.3.2 The current application proposes a pair of semi-detached bungalows with a depth of 13.3 metres, a width of 10.95 metres and a height of 3.1 metres to the eaves and 6.3 metres to the ridge, at its highest point. There is a variation in levels across the site and as such a section has been provided. The walls are proposed to be finished in roughcast render and the roof in a thin edge flat concrete tile. The building will be at a lower level than the adjacent dwellings to the west (23 and 24), with the ridge height approximately in line with the ceiling of the ground floor of these properties, according to the submitted section. Although this type of development, to the rear of existing properties, is not usually desirable, it is unlikely that the proposal would have a significant adverse impact on the character and appearance of the area given the reduced scale of the proposal from previous proposals. Particularly given the orientation of the building, with the roof slope facing nos 23 and 24, it is not considered that the current scheme will result in an overly cramped appearance. It will result in a large area of hardstanding, but this should be mostly screened from the highway.

7.3.3 A detached garage is also proposed adjacent to the boundary with no 25. This would be 8.2m wide and 6m deep. As the land is sloping the building will be higher towards the east of the site, with a maximum height of 3.6m to the eaves and 5.3m to the ridge. It is set at a lower level than the highway, with the lower gable facing in this direction. It is considered appropriate in scale and design and should not have a detrimental impact on character and appearance of the area.

#### 7.4 Residential amenity

7.4.1 The proposed dwellings will be approx. 9.4 metres from the rear of no. 24 at its closest, although they are positioned at an angle. The section shows the bungalows set into the site with a retaining wall close to the building and the side garden sloping up to the boundary. Boundary treatments can be conditioned to prevent overlooking from the garden area. Given the position of the bungalows, set away from the boundary, and their height, it is not considered that the proposal will have an adverse impact on the amenities of nos 23 or 24. There are rooflights proposed in the side roofslope, however these will serve the landing and as such, it is not considered that they would result in a significant loss to privacy. There were concerns with the previous scheme in relation to overlooking from the neighbouring properties to the rear garden areas of those proposed. However, the bungalows have been afforded relatively longer rear gardens, at least 10 metres in length, with a large area of this at least 15 metres from the rear wall of no. 23. As such it is considered that the future occupiers will be afforded sufficient private amenity space.

7.4.2 Number 25 is to the south of the site and has been identified as being under the same ownership as the application site. However, there are some concerns with regards to the height, size and position of the garage block adjacent to the boundary with this property, whose garden is at a lower level. Although the building would be site to the north, it is likely that it would exert an overbearing impact on this property, in particular relation to the use of the garden area. It is not clear whether there are any habitable room windows in the rear wall, and as such clarification will be sought regarding this. It may be possible to set the building into the site more, like the dwelling, in order to reduce its overall height, although this may affect the parking area.

7.4.3 The site is located adjacent to the railway line to Heysham. Environmental Health have raised no objection but have advised that noise levels associated with this will need to be determined to ensure that adequate mitigation measures are put in place to protect residential amenity. They have advised that this can be dealt with by condition requiring an assessment to be carried and appropriate mitigation installed.

#### 7.5 Access and highway impacts

7.5.1 The scheme proposes a parking space for each unit, with three visitor spaces and three garages. It is not clear if this parking is proposed in conjunction with the adjacent properties and clarification is being sought regarding this, to ensure that their precise use is understood. This also relates to the garages as there is no information regarding which properties will utilise these. There is certainly sufficient parking proposed for the two bungalows. The application also appears to show a reconfiguration of the parking for the adjacent properties to the south west, so that unrestricted access can be provided to the site. The hardstanding is already there so it does not involve development and can therefore be conditioned to be implemented, as within the applicant's ownership.

7.5.2 The proposed access is wider than the previous application which was refused, and will have a width of 3.15 metres adjacent to the pavement. The Highways officer originally set out that there should be a width of 5.5 metres but has now considered the submitted plan and consider this acceptable. A drop crossing has been requested, but this already appears to be in place, and the first part of the access is already surfaced in tarmac. It is not considered that the proposal will have an adverse impact on highway safety.

### 7.6 Impact on Urban Green space

7.6.1 The site is identified as Urban Green space on the Local Plan proposals map. The loss of this was one of the reasons for refusal on the previous application. However the site comprises an overgrown piece of private land that does not appear to be functionally linked to any other space. Given its position behind the houses it provides little in terms of amenity value, except possibly by those whose properties overlook it. It is also a relatively small proportion of a larger identified area. As such, its loss is not considered to be a substantial reason to refuse the application.

### 7.7 Impact on trees

7.7.1 There are a number of trees within the site but mainly around the edges. None of these appear to be especially large and most should be capable of retention. Ideally a Tree assessment would have been submitted with the application, however one was not submitted on the previous one and this was not a reason for refusal. However, given the predominant position of the trees around the site it is considered that this information can be adequately conditioned, with a detailed landscaping scheme submitted prior to commencement, with any loss of trees adequately mitigated and protection measures detailed during works.

### 7.8 Impact on Network Rail Infrastructure

7.8.1 As already set out, the site is in close proximity to a railway line. Network Rail have raised some concerns regarding drainage in the site as the land slopes down towards the railway boundary and embankment. They have advised that the application raises concerns on the impact of water draining down to the embankment and they cannot support the proposal due to the layout of the site potentially importing a risk of flooding or water saturation onto their land. Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment / infrastructure; or lead to destabilisation of land through water saturation. They have set out the following advice:

1. That soakaways are not installed between the dwellings, driveways and garages and the railway boundary. Any water that flows into a soakaway cannot be controlled and due to the slope of the site will drain in the direction of the railway itself.
2. Details of the excavation works for piped drainage and the direction of the flows to be submitted to and agreed by the Network Rail Asset Protection Engineer.
3. Details of inspection chambers where the pipes connect to be submitted to and agreed by the Network Rail Asset Protection Engineer.
4. A Risk Assessment and Method Statement (RAMS) is to be submitted by the applicant to by the Network Rail Asset Protection Engineer for all works within 10m of the railway boundary (note not the railway tracks themselves) as the embankment is part of the critical infrastructure of the railway and there may also be lineside equipment and buried services on our land.

7.8.2 All of the issues outlined could be dealt with by way of condition. However there does need to be some level of comfort that there is a solution to the drainage issue. As such, further information has been sought and will be reported at the meeting.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

9.1 The scheme will provide two houses within a sustainable location. Although this is a form of backland development, it is not considered that the proposal will have a detrimental impact on the

character or appearance of the area, highway safety or parking and residential amenity, subject to the resolution of the concerns regarding the garage building. It is therefore considered to be acceptable.

### **Recommendation**

That Planning Permission **BE GRANTED** subject to the resolution of the concerns regarding the garage building and drainage onto the adjacent railway land, and following conditions:

1. Standard time condition
2. Approved plans
3. Scheme for disposal of surface water
4. A Construction Risk Assessment and Method Statement in relation to the adjacent railway line.
5. Contaminated land assessment and remediation is necessary
6. Landscaping scheme showing existing and proposed trees/shrubs and protection for retained trees during works.
7. Assessment of noise from railway line and mitigation measures
8. Materials/details including – render, roof tiles, windows/ doors, eaves and ridge details, surfacing materials
9. Creation of access, parking and turning prior to occupation, including reorganisation of parking on adjacent site
10. Use of garages and parking area
11. Removal of permitted development – extensions, outbuildings and alterations to the roof

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

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

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

### **Human Rights Act**

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

### **Background Papers**

None

<b>Agenda Item</b> A15	<b>Committee Date</b> 27 June 2016	<b>Application Number</b> 16/00555/LB
<b>Application Site</b> 15 Middleton Road Heysham Morecambe Lancashire	<b>Proposal</b> Listed building application for removal of existing ground floor floorboards and replace with solid floor construction with under-floor heating and removal of part chimney breast in first floor bathroom	
<b>Name of Applicant</b> Mr Stuart Bateson	<b>Name of Agent</b> Mr David Shepherd	
<b>Decision Target Date</b> 27 June 2016	<b>Reason For Delay</b> N/A	
<b>Case Officer</b>	Mrs Kim Ireland	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

(i) **Procedural Matters**

This application would normally be dealt with under the Scheme of Delegation. However the applicant is a City Councillor, and as such the application must be determined by 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 detached corner property that is Grade II listed, located on Middleton Road in Heysham. The surrounding area mainly consists of two and three storey residential properties with a commercial property opposite the application site.

1.2 The site is unallocated within the Lancaster District Local Plan proposals map.

**2.0 The Proposal**

2.1 The application proposes to remove the existing ground floor floorboards and replace with a solid floor construction with under-floor heating pipes and remove part of the chimney breast in the first floor bathroom.

**3.0 Site History**

3.1 The most recent application relates to the approval for refurbishment works to the property.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>15/01512/LB</b>	Listed Building Application for the new window arrangement on the south elevation, installation of a flue, re-installment of chimney pots to existing stacks, installation of double sided fireplace including the removal of the back of the fireplace, and removal of	Permitted

	internal walls with the insertion of steel beams and relocation of internal doors on the ground floor	
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#### **4.0 Consultation Responses**

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

Consultee	Response
<b>Parish Council</b>	No comments at the time of compiling this report.
<b>Conservation Officer</b>	No objections

#### **5.0 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:

##### 5.1 National Planning Policy Framework (NPPF)

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

##### 5.2 Development Management DPD

**DM30** – Development affecting Listed Buildings  
**DM35** – Key design principles

#### **6.0 Comment and Analysis**

6.1 The main issue on this Listed Building submission relates to design and heritage impact.

##### 6.2 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 DM30.

The proposed existing ground floor floorboards over the years have been damaged and cross cut to install heating pipes/electrics and other services and therefore they hold little architectural merit or significance. Consequently the removal of the ground floor floorboards to replace with a solid floor construction with under floor heating pipes is not thought to have a detrimental impact upon the listed building. The proposed removal of part of the chimney breast in the first floor bathroom, is not considered to impact or unduly harm the architectural significance of the listed building.

#### **7.0 Planning Obligations**

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

#### **8.0 Conclusions**

8.1 The proposed removal of existing ground floor floorboards and replace with solid floor construction with under-floor heating and removal of part chimney breast in first floor bathroom have been found acceptable in terms of design and built heritage conservation. In respect of these matters, it is in compliance with the relevant Development Plan policies and guidance provided in the NPPF.

## **Recommendation**

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

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

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

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

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

## **Human Rights Act**

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

## **Background Papers**

None

## LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
15/01343/FUL	Green Hill House Farm, Dunald Mill Lane, Nether Kellet Change of use of agricultural land adjacent to Greenhill House Farm for the siting of five eco-camping pods and facilities building, including landscaping and car park for Mr Ian Ward (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
15/01344/FUL	24 Salford Road, Galgate, Lancaster Demolition of existing side conservatory and garage and erection of a 3-bed dwelling with attached garage for Dr Alina Waite (Ellel Ward 2015 Ward)	Application Permitted
15/01442/FUL	Hare Hill, Smiths Barn And Corner House, Bay Horse Road, Ellel Retrospective application for the retention of three dwellinghouses for Mr Kevan Whittingham (Ellel Ward 2015 Ward)	Application Permitted
15/01569/FUL	Chapel House, Chapel Lane, Ellel Erection of a single storey side and rear extension, creation of a new access point and hard standing area to the front and side for Mr Peter Ballard (Ellel Ward 2015 Ward)	Application Permitted
16/00013/FUL	34 Slyne Road, Morecambe, Lancashire Erection of a part single part two storey extension to the front and a two storey extension to the side for Mr & Mrs C. Parker (Torrisholme Ward 2015 Ward)	Application Permitted
16/00050/DIS	Tewitfields Trout Fishery, Burton Road, Warton Discharge of condition 7 and 14 on application 15/01011/FUL for Mr (Warton Ward 2015 Ward)	Initial Response Sent
16/00059/VLA	Far Lodge, Postern Gate Road, Quernmore Variation of the Section 106 Agreement attached to application no. 99/00304/CU to allow the cottages to be used as permanent residential units for Mr D Gardner (Lower Lune Valley Ward 2015 Ward)	Application Refused
16/00065/DIS	Land At, Coastal Road, Bolton Le Sands Discharge of conditions 3, 4, 5, 6, 7, 8 and 9 on application 15/01278/FUL for c/o agent (Bolton And Slyne Ward 2015 Ward)	Initial Response Sent
16/00066/DIS	Agricultural Building Adj Disused Railway, Station Road, Hornby Discharge of condition nos. 3, 8, 9, 10, 11, 12, 14, 16, 17, 18, 19 and 25 on approved application 14/01030/FUL for Mrs Ian Beardsworth (Upper Lune Valley Ward)	Initial Response Sent
16/00087/DIS	Land South Of, King Street, Morecambe Discharge of conditions 4, 5, 6, 8, 9, 10, 14, 16, 18, 20, 21, 22 and 23 on application 14/01161/VCN for Mr Nick Pinington (Poulton Ward 2015 Ward)	Initial Response Sent



LIST OF DELEGATED PLANNING DECISIONS

16/00102/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)	Request Completed
16/00112/FUL	Coach House, Crag Road, Warton Change of use of existing garage, boat store and outbuilding to a 2 storey holiday cottage (C3), erection of a first floor extension with new raised roof above, relocation of existing vehicular access point and parking area for Mrs S Hall (Warton Ward 2015 Ward)	Application Permitted
16/00186/FUL	Land Near 9 Leach House Lane, Galgate, Lancashire Erection of one 2 storey dwelling with associated alterations to existing access for Mr E Bradshaw (Ellel Ward 2015 Ward)	Application Permitted
16/00199/FUL	29 Low Road, Halton, Lancaster Erection of a detached garage for Mr Duncan Carr (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
16/00220/FUL	Swarthdale Cottage, Swarthdale Road, Over Kellet Demolition of existing dwelling and erection of a replacement two storey dwelling for Mr R Cook (Kellet Ward 2015 Ward)	Application Permitted
16/00223/ADV	2 New Street, Lancaster, Lancashire Advertisement application for the display of a non illuminated hanging sign, 3 non illuminated letter signs, a non illuminated welcome sign, a non illuminated ATM surround and a poster sign for Williams & Glyn (Castle Ward 2015 Ward)	Application Permitted
16/00234/RCN	119 Main Road, Bolton Le Sands, Lancashire Construction of 12 apartments (pursuant to the removal of condition 2 and 3 on planning permission 15/01100/VCN to remove the requirement to provide affordable housing units) for Mr Adrian Gott (Bolton And Slyne Ward 2015 Ward)	Application Refused
16/00259/FUL	14 Gage Street, Lancaster, Lancashire Installation of a replacement shopfront with roller shutters for Mr D Lawson (Castle Ward 2015 Ward)	Application Permitted
16/00287/FUL	Wellington Crag Farm, Starbank, Bay Horse Erection of a two storey side and rear extension for Mr & Mrs Hough (Ellel Ward 2015 Ward)	Application Permitted
16/00305/CU	Coastal Taxis, 97A Penny Street, Lancaster Change of use of taxi office and warehouse (sui generis) to a carpet shop (A1) for J Balshaw (Castle Ward 2015 Ward)	Application Permitted
16/00311/FUL	21 Bath Street, Lancaster, Lancashire Erection of a single storey extension to the rear for Ms Julie Dobson (Bulk Ward 2015 Ward)	Application Withdrawn
16/00359/LB	2 New Street, Lancaster, Lancashire Listed Building application for the fixing of a hanging sign, 3 letter signs, a welcome sign, an ATM surround and a poster sign for Williams & Glyn (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

16/00361/CU	Falcon House, 4 Queen Square, Lancaster Change of use from offices (B1) to one 2-bed dwelling and one 3-bed dwelling (C3) for Aldcliffe Hall Estates (Castle Ward 2015 Ward)	Application Refused
16/00362/LB	Falcon House, 4 Queen Square, Lancaster Listed building application for the removal and creation of partition walls to the ground, first and second floor, creation of new internal openings on the ground and first floor, creation of a doorway from an existing window opening and creation of a window and boarded screen from an existing doorway to the courtyard elevations for Aldcliffe Hall Estates (Castle Ward 2015 Ward)	Application Refused
16/00365/LB	School House, Main Street, Whittington Listed building application for the demolition of rear storage building, erection of a single and two storey side and rear extension, installation of a timber framed window, removal of window and installation of a rooflight to the rear elevation for Mr Simon Raistrick (Upper Lune Valley Ward 2015 Ward)	Application Withdrawn
16/00366/FUL	Priory And Parish Church Of St Mary, St Marys Parade, Lancaster Installation of wire guards to stained glass window and 1 floodlighting column for Rev Chris Newlands (Castle Ward 2015 Ward)	Application Permitted
16/00373/FUL	School House, Main Street, Whittington Demolition of rear storage building and erection of a single and two storey side and rear extension for Mr Simon Raistrick (Upper Lune Valley Ward 2015 Ward)	Application Withdrawn
16/00378/FUL	Diviny Livery Stables, Middleton Road, Middleton Erection of a detached bungalow for use by equestrian worker for Miss H. Diviny-Day (Overton Ward 2015 Ward)	Application Permitted
16/00381/NMA	Arndale Shopping Centre, Royalty Mall, Morecambe Non material amendment to planning permission 15/01394/FUL to amend the plan of the Market Street elevation to reflect the number of existing first floor windows for Mr Paul Wright (Poulton Ward 2015 Ward)	Application Permitted
16/00384/FUL	16 Hazelmount Drive, Warton, Carnforth Demolition of existing garage, erection of a two storey side extension, a single storey side extension, a single storey rear extension, a front porch, 3 dormer windows to the front elevation and a dormer window to the rear for Mr Richard Cragg (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
16/00404/FUL	21 Dumbarton Road, Lancaster, Lancashire Demolition of rear shed and installation of external staircase/door to the rear for Mr Iftakhar Shah (John O'Gaunt Ward 2015 Ward)	Application Permitted
16/00413/FUL	Lane Foot Cottage, Hornby Road, Claughton Erection of a rear conservatory and construction of a side porch for Mr Charles Holl (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00414/FUL	1 Easdale Avenue, Morecambe, Lancashire Construction of a replacement dormer extension to the front elevation for Miss R. Capstick (Bare Ward 2015 Ward)	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

16/00420/RCN	Newlands Farm, Long Dales Lane, Nether Kellet Erection of a new workshop (pursuant to the removal of condition 2 on planning permission 93/00402/FUL to allow expanded use of the land) for Mr M Cowperthwaite (Kellet Ward 2015 Ward)	Application Permitted
16/00425/FUL	17 Taylor Grove, Morecambe, Lancashire Erection of a detached double garage for Mr I Matthews (Bare Ward 2015 Ward)	Application Permitted
16/00432/FUL	Morecambe Golf Club, Marine Road East, Morecambe Replacement of lean-to roof with balcony and associated access doors to the first floor side elevation with external staircase for Mr A Denham (Bare Ward 2015 Ward)	Application Permitted
16/00433/FUL	Lindale, 35 Chapel Lane, Overton Erection of a two storey side extension, single storey rear extension and construction of dormer extensions for Mr & Mrs Capocci (Overton Ward 2015 Ward)	Application Permitted
16/00447/PLDC	18 Sharpes Avenue, Lancaster, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension for Mr D Beswick (Scotforth West Ward 2015 Ward)	Lawful Development Certificate Granted
16/00450/FUL	Sizergh House, Ashton Road, Ashton With Stodday Erection of a detached double garage for Mrs Sarah Walton (Ellel Ward 2015 Ward)	Application Permitted
16/00451/FUL	New Bungalow, Quernmore Road, Quernmore Erection of an agricultural building to house machinery, equipment and livestock with a separate midden for Mr Michael Standen (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00456/CU	Waitham Barn, Middleton Road, Overton Change of use of building from equestrian to agricultural use (retrospective) and erection of concrete slurry tank for Mr Wannop (Overton Ward 2015 Ward)	Application Permitted
16/00460/LB	The Old Vicarage, Melling Road, Melling Listed building application for replacement roof and windows with removal of door to the rear and creation of a replacement window for Mr Robert Burke (Upper Lune Valley Ward 2015 Ward)	Application Withdrawn
16/00462/LB	Glebe House, Melling Road, Melling Listed building application for a replacement roof for Mr James Mallaband (Upper Lune Valley Ward 2015 Ward)	Application Withdrawn
16/00463/LB	Lancaster Castle, Castle Park, Lancaster Listed building application for the installation of router boxes and associated cabling for Mr David White (Castle Ward 2015 Ward)	Application Permitted
16/00465/FUL	83 Main Road, Bolton Le Sands, Carnforth Change of use and conversion of Coach House to 3 bed dwelling (C3), demolition of side extension and erection of a two storey side extension, single storey rear extension and a new boundary wall for Mr J Chadwick (Bolton And Slyne Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

16/00470/ADV	McDonalds Restaurant, Morecambe Road, Morecambe Advertisement application for the display of four internally illuminated 'M' logo signs, the display of one and relocation of two internally illuminated 'McDonald's' lettering signs for McDonald's Restaurants Ltd (Torrisholme Ward 2015 Ward)	Application Withdrawn
16/00472/FUL	14 Marine Drive, Hest Bank, Lancaster Demolition of existing single storey rear extension and erection of single storey side and rear extension, raised patio and erection of a replacement detached garage for Mrs D. Dimpleby (Bolton And Slyne Ward 2015 Ward)	Application Permitted
16/00473/FUL	Chirnside House, Abbeyfield Close, Lancaster Erection of two single storey front extensions and timber bin store for Mrs Howson (Scotforth East Ward 2015 Ward)	Application Permitted
16/00476/FUL	Lancaster University, Bigforth Drive, Bailrigg Redevelopment of public realm along the central circulation spine for Lancaster University (University And Scotforth Rural Ward)	Application Permitted
16/00480/FUL	The Sun House, Lindeth Road, Silverdale Erection of a two storey side extension for Mr Aitken And Mrs McLeod (Silverdale Ward 2015 Ward)	Application Refused
16/00485/FUL	61 Twemlow Parade, Heysham, Morecambe Erection of a first floor rear extension with balcony and alterations to existing staircase for Mr & Mrs Ian Smith (Heysham Central Ward 2015 Ward)	Application Permitted
16/00490/PLDC	119 Aldcliffe Road, Lancaster, Lancashire Proposed Lawful Development certificate for the erection of a single storey rear extension for Mr M. Goodwin (Castle Ward 2015 Ward)	Lawful Development Certificate Granted
16/00491/PLDC	Unit 7, Lansil Way, Lancaster Proposed lawful development certificate for the change of use of industrial unit to MOT centre for Mr N. Agnew (Bulk Ward 2015 Ward)	Lawful Development Certificate Granted
16/00492/VCN	Ex Focus Do It All, Westgate, Morecambe Demolition of existing building and erection of a retail warehouse with associated access, car parking and landscaping (pursuant to the variation of condition 2 on approved application 15/01014/FUL to amend elevations (entrance feature and materials) and layout (to create garden centre with enclosure fencing/gates/service yard and sprinkler tank) for Mr C/O Agent (Westgate Ward 2015 Ward)	Application Permitted
16/00493/CU	17 Cleveleys Avenue, Lancaster, Lancashire Change of use of a mixed use property comprising residential and a day nursery use to a day nursery only (D1) for Colin Edwards (Skerton West Ward 2015 Ward)	Application Permitted
16/00497/FUL	2 Tarnwater Cottages, Tarnwater Lane, Ashton With Stodday Demolition of a single storey side extension and erection of a two storey side and rear extension for Mrs J Pye (Ellel Ward 2015 Ward)	Application Permitted
16/00502/FUL	Tebay House, Main Street, Whittington Demolition of existing side extension and erection of a two storey side extension for Ms S Hall (Upper Lune Valley Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

16/00528/NMA	33 Chapel View, Overton, Morecambe Non material amendment to planning permission 11/00163/FUL to relocate one ground floor front window to the side elevation and removal of side window next to door for Mr Andrew Laytham (Overton Ward 2015 Ward)	Application Permitted
16/00531/FUL	5 St Johns Avenue, Silverdale, Carnforth Erection of a single storey side extension for Mr & Mrs David Brown (Silverdale Ward 2015 Ward)	Application Permitted
16/00535/FUL	14 Woodrush, Morecambe, Lancashire Erection of a two storey side extension for Mr & Mrs P. Broster (Bare Ward 2015 Ward)	Application Permitted
16/00544/FUL	1 Westgate Avenue, Morecambe, Lancashire Erection of a detached garage for Mr D. Greenwood (Westgate Ward 2015 Ward)	Application Permitted
16/00553/FUL	Greenways, Langthwaite Road, Quernmore Erection of a single storey side extension to form an annexe to existing dwelling for Ms Angela Cade (University And Scotforth Rural Ward)	Application Permitted
16/00554/FUL	14 Whitendale Drive, Bolton Le Sands, Carnforth Construction of a rear balcony for Mr N Kelly (Bolton And Slyne Ward 2015 Ward)	Application Refused
16/00575/FUL	31 Brentlea Crescent, Heysham, Morecambe Demolition of existing side porch and rear projection and erection of a two storey side extension and a part single, part two storey rear extension for Miss V Studholme (Heysham South Ward 2015 Ward)	Application Permitted
16/00583/FUL	10 Hawk Street, Carnforth, Lancashire Erection of a porch to the front for Mr Christopher De Silver (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
16/00642/NMA	288 Oxcliffe Road, Heaton With Oxcliffe, Morecambe Non-material amendment to planning permission 14/00214/FUL to change materials from local stone to K render finish for Mr R Howard (Westgate Ward 2015 Ward)	Application Permitted
16/00653/NMA	Land Rear Of 1, St Michaels Grove, Bolton Le Sands Non material amendment to planning permission 15/00556/REM to reduce the size of the dwelling for Mr James Dant (Bolton And Slyne Ward 2015 Ward)	Application Permitted