



**Committee:** PLANNING AND HIGHWAYS REGULATORY COMMITTEE

**Date:** MONDAY, 25<sup>TH</sup> JULY 2016

**Venue:** LANCASTER TOWN HALL

**Time:** 10.30 A.M.

## A G E N D A

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

### 1 Apologies for Absence

### 2 Minutes

Minutes of meeting held on 27<sup>th</sup> June, 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 16/00581/OUT</b>	<b>Land North Of New Quay Road, Lancaster, Lancashire</b>	<b>Marsh Ward</b>	<b>(Pages 1 - 10)</b>
		Outline application for the erection of up to 12 dwellings including associated cycle/pedestrian access for Lancaster Port Commissioners		
6	<b>A6 16/00623/RCN</b>	<b>Scale House Farm, Conder Green Road, Galgate</b>	<b>Ellel Ward</b>	<b>(Pages 11 - 15)</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		
7	<b>A7 16/00498/VCN</b>	<b>Quernmore Park, Former Nightingale Hall, Quernmore Road</b>	<b>Bulk Ward</b>	<b>(Pages 16 - 22)</b>
		Erection of 128 residential dwellings with associated access and landscaping following the demolition of existing buildings (pursuant to the variation of condition 1 on planning permission 15/00363/VCN to vary the site layout in relation to plots 22, 23 and 28, the landscape proposals and to introduce a new house type on plot 66) for Mr Jon Partington		
8	<b>A8 16/00697/FUL</b>	<b>McDonalds Restaurant, Morecambe Road, Morecambe</b>	<b>Torrisholme Ward</b>	<b>(Pages 23 - 29)</b>
		Erection of single storey extension to all elevations and reconfiguration of car park and drive-thru for McDonald's Restaurants Ltd		

9	A9 16/00698/ADV	<b>McDonalds Restaurant, Morecambe Road, Morecambe</b>	<b>Torrisholme (Pages 30 - 33) Ward</b>
<p>Advertisement application for the relocation of one internally illuminated rotating single 3-sided unit, relocation of two and display of two new internally illuminated rotating double 3-sided units, two internally illuminated customer order display units, relocation of one internally illuminated welcome sign and display of a non-illuminated directional sign for McDonald's Restaurants Ltd</p>			
10	A10 16/00171/FUL	<b>14 Damside Street, Lancaster, Lancashire</b>	<b>Bulk Ward (Pages 34 - 43)</b>
<p>Redevelopment of 14 Damside Street, 20 Wood Street and adjacent land, comprising change of use of first and second floors of 20 Wood street to one 3 bedroom student cluster flat, erection of first and second floors to 14 Damside Street to create two 3 bedroom and two 5 bedroom student cluster flats, installation of new shop front to both properties, erection of a 4 storey building of eight 2 bedroom flats and creation of a 9 bay car park at rear for Burt Properties</p>			
11	A11 16/00533/OUT	<b>Land At 50 Market Street, Carnforth, Lancashire</b>	<b>Carnforth (Pages 44 - 51) and Millhead Ward</b>
<p>Erection of 8 dwellings and 4 apartments with associated parking for Mr T Johnson</p>			
12	A12 16/00672/FUL	<b>81 Hest Bank Lane, Hest Bank, Lancaster</b>	<b>Bolton and (Pages 52 - 55) Slyne</b>
<p>Erection of a 2 storey side extension, construction of a rear dormer extension and creation of a new vehicular access for Mr P. Jackson</p>			

- 13     **A13 16/00676/FUL**     **72 South Road, Morecambe,  
Lancashire**     **Bare Ward**     **(Pages 56 - 58)**
- Erection of a single storey side extension, construction of a dormer extension to the rear elevation and hip to gable roof extension for Mr Michael Drury

### **Category D Applications**

Applications for development by the City Council

- 14     **A14 16/00552/FUL**     **Salt Ayre Sports Centre, Doris  
Henderson Way, Heaton With  
Oxcliffe**     **Skerton  
West Ward**     **(Pages 59 - 64)**
- Erection of an extension, alterations to the main entrance and construction of a jump tower with a briefing cabin for Suzanne Lodge

15     **Quarterly Reports - April to June 2016 (Pages 65 - 71)**

16     **Delegated Planning Decisions (Pages 72 - 80)**

### **ADMINISTRATIVE ARRANGEMENTS**

**(i)     Membership**

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

**(ii)    Substitute Membership**

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

**(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).

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Published on Tuesday 12<sup>th</sup> July, 2016.

<b>Agenda Item</b> A5	<b>Committee Date</b> 25 July 2016	<b>Application Number</b> 16/00581/OUT
<b>Application Site</b> Land North Of New Quay Road Lancaster Lancashire	<b>Proposal</b> Outline application for the erection of up to 12 dwellings and provision of cycle/pedestrian access.	
<b>Name of Applicant</b> Lancaster Port Commissioners	<b>Name of Agent</b> Mr Rob Moore	
<b>Decision Target Date</b> 9 August 2016	<b>Reason For Delay</b> Not applicable	
<b>Case Officer</b>	Mr Mark Potts	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval (Delegated back to Chief Officer when the statutory consultation period has expired, and subject to no objections being received from the Environment Agency, Lead Local Flood Authority, United Utilities and County Highways in respect of the shared pedestrian/cycleway plans).	

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

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

## **2.0 The Proposal**

- 2.1 The proposed development consists of the erection of up to 12 units (Use Class C3). The application is in outline, with all matters reserved for future consideration. An illustrative layout has been supplied in support of the application which consist of all detached units being 2 storeys high, (however with eaves height of up to 10 metres).

- 2.2 This application is only seeking the principle of development and therefore should the outline scheme be approved by Committee the detail will be considered as part of a reserved matters application.
- 2.3 Since the time of the submission the scheme has been amended to account for a shared cycleway/pedestrian link (3 metres in width and 180 metres in length) along the flood defence wall which would be sited within the 8 metre easement to connect into the cycleway to the east and west. The indicative plan showing the generalised layout of this was received in July 2016 and a full re-consultation has occurred, with the views of consultees being reported to members.

### 3.0 Site History

- 3.1 A similar application for 14 houses (15/01282/OUT) was withdrawn in January 2016, following concerns in relation to the proposal being within a flood zone, land drainage, design and concerns regarding the deliverability of the scheme. A second application for 14 houses (16/00090/OUT) was withdrawn in April 2016 which raised the same concerns that are mentioned above.

The site was used as a former quay for the former Lune Mills Linoleum Works.

### 4.0 Consultation Responses

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

Consultee	Response
<b>Environment Agency</b>	Originally objected to the development, however since amended plans have been received showing an 8 metre easement they have withdrawn their objection and raise <b>No Objection</b> . To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
<b>Lead Local Flood Authority</b>	Raised concerns with the indicative drainage layout, however they have since responded with <b>No Objection</b> subject to conditions requiring the development to be undertaken in accordance with the FRA, submission of a surface water drainage scheme, and construction method statement. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
<b>United Utilities</b>	<b>No Objection</b> , however have raised concern regarding a 750mm public combined rising main/pressurized sewer crossing the site; recommended conditions associated with foul and surface water. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
<b>County Highways</b>	<b>No Objection</b> , recommend conditions associated with highway improvements along the frontage to the site in addition to the provision of a shared cycle/pedestrian link along the landward site of the flood defence wall. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
<b>Dynamo (Lancaster and District Cycle Campaign)</b>	<b>Objection</b> , on the basis that the driveways cross a shared cycleway/pathway and will present a risk to passing cyclists and pedestrians. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
<b>Environmental Health</b>	No comments received in relation to this application, however raised <b>No Objection</b> to application 16/00090/OUT, but recommended conditions regarding electric vehicle points, hours of work conditions and a scheme for dust control. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
<b>Contaminated Land Officer</b>	No comments received in relation to this application, however raised <b>No Objection</b> to application 16/00090/OUT, but recommended further site investigation. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
<b>Conservation Officer</b>	<b>No Objection</b> , however the site is a non-designated heritage asset. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.

<b>Public Realm Officer</b>	<b>No Objection;</b> recommends that 218m <sup>2</sup> of open space is provided on site and an off-site contribution of £38,828 is provided for. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
<b>Lancaster Civic Society</b>	<b>Objection,</b> the land is not appropriate for housing. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
<b>Planning Policy</b>	No comments in relation to this application however <b>raised concerns</b> regarding the extent of the 'Sequential Test' only covering a small geographic area in response to application 16/00090/OUT. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
<b>County Ecologist</b>	<b>No observations</b> received within the timescales.
<b>Strategic Housing Officer</b>	<b>No comments</b> received within the timescales.
<b>Natural England</b>	<b>No Objection</b> to the development.
<b>Ramblers Association</b>	<b>Comments;</b> the English Coastal Trail is likely to pass along the river bank, the exact route will be understood in 2016. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
<b>Lancashire Police</b>	<b>Raised concerns</b> with use of land in between the properties and the flood wall having no real use and could encourage nuisance/fly-tipping/anti-social behaviour, to date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
<b>Public Rights of Way Officer</b>	<b>No Objection.</b> To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
<b>Lancashire Fire and Rescue</b>	<b>No Objection.</b> To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
<b>Lancashire Archaeological Advisory Service</b>	<b>No Objection;</b> and recommends a condition regarding securing a programme of archaeological investigation, recording and analysis.

## **5.0 Neighbour Representations**

5.1 To date there has been 17 letters of objection in relation to the application. The reasons for objection are noted below;

- Loss of view (not a planning consideration);
- Premium Price paid for properties along New Quay Road (not a planning consideration);
- Flood and surface water drainage concerns, including the potential impact on the flood defence wall and the development will require drainage implemented by Barratt's;
- Design and Layout concerns, including visually overbearing to adjacent properties; loss of amenity; insufficient size to accommodate the number of dwellings;
- Traffic and Highway concerns, including traffic safety and detrimental impact upon National Cycle Route 6;
- Loss of Maritime and Historic Heritage, including narrow gauge railway;
- Lack of existing infrastructure to support development, including education provision;
- Ecological concerns, including loss of an important Green Corridor; adverse impact upon nature conservation; and information in relation to ecology has not been uploaded correctly;
- Alternative use as a place for reflection and nature study area should be considered;
- Noise and Light disturbance;
- Development is not in keeping with the frontage along the River Lune;
- Development is not in conformance with the Development Plan or National Planning Policy;

Barratt Homes have objected to the development based on reasons that were contained within the committee report to planning application 16/00090/OUT.

## **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 100- 104 – Flooding  
Paragraphs 109, 115,117,118 – Conserving the Natural Environment  
Paragraphs 128-134 – Conserving and Enhancing the Historic Environment  
Paragraph 173 – Deliverability  
Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

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

SC1 – Sustainable Development  
SC4 – Meeting the District’s Housing Requirements  
SC7 – Development and the Risk of Flooding  
E1 – Environmental Capital  
ER2 – Regeneration Priority Areas

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

T24 – Strategic Cycle Network  
E30 – Green Corridors

### 6.4 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM26 – Open Space, Sports and Recreational Facilities  
DM27 – Protection and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM32 – The Setting of Designated Heritage Assets  
DM33 – The Setting of Non-Designated Heritage Assets  
DM34 – Archaeology  
DM35 – Key Design Principles  
DM38 – Development and Flood Risk  
DM39 – Surface Water Run-off and Sustainable Drainage  
DM41 – New Residential dwellings

### 6.5 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**

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

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

### 7.1 Principal of Development

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

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

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

As a consequence there is a clear expectation that unless material considerations imply otherwise sites that offer the opportunity for housing delivery should be considered favourably. Notwithstanding this the site has been assessed as part of the Council's Strategic Housing Land Availability Assessment (Site SHLAA\_266) and has been found to be undeliverable for housing (reflecting the high flood risk) and coupled with this, the site would need to be considered as part of the wider regeneration proposals in the Luneside Area. Therefore it needs to be considered whether the scheme can pass the Sequential and Exception Test.

### 7.2 Flooding

7.2.1 The site falls within Flood Zone 3 which is defined as having a high probability of flooding, albeit it is protected by flood defences which gives protection for a 1 in 500 year flood event, providing a crest level of 8.11 metres. Notwithstanding this, given the location of the proposed scheme, a Sequential Test is required to assess whether more appropriate locations for the proposed development exist which are in areas which are at lower risk of flooding. The need and importance of the Sequential Test is set out in NPPF Paragraph 101, which states that "*The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development with a lower probability of flooding*". The NPPG is clear in Paragraph 33 that for individual planning applications where there has been no previous sequential testing via the local development plan that a Sequential Test will be required. If it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should be applied. For this to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk; and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall.

7.2.2 The applicants have submitted a Sequential Test in support of this planning application, however despite officer advice that this should be district-wide, the applicants have only sought to consider land within the Luneside Regeneration Area and its setting (the site does not fall within Luneside East or West allocations). The assessment highlights four sites which are located outside Flood Zones 2 and 3.

7.2.3 Whilst a Sequential Test has been submitted in support of the scheme, the scheme has not sought to bring forward development which meets a specific identified local need and specific regeneration objectives for the Luneside area. Notwithstanding this, government guidance is clear that an area of search based on a regeneration area may be appropriate. The area is referred to under Policy ER2 as a Regeneration Priority Area for a 'Mixed-Use Waterfront Regeneration' for both housing and employment. Policy ER2 does not specify specific areas of land for each type of land use. The applicant has considered paragraph 33 of the NPPG, given it would not be achievable to pass the

Sequential Test on the type of development proposed. They have sought to introduce more local circumstances to narrow the scope of the test. The NPPG does make clear that fulfilling regeneration objectives can be an example to where local circumstances can be applied. If the applicant's logic was expanded to all sites at Luneside, there could be no employment development at all, which is not what Policy ER2 had in mind, and there is some doubt as to whether the delivery of a small housing development is contributing to the regeneration objectives of Policy ER2.

7.2.4 Whilst officers do not wholly agree with the approach offered by the applicant's agent, it is logical in the circumstances to accept the stance. As already mentioned, the area of search based on a Regeneration Area can be appropriate, and given this, it is considered that to refuse a scheme based on the development not satisfying the Sequential Test on a district wide basis would be hard to justify at appeal, and with this, the Sequential Test can be passed. There is however still a need to pass the Exception Test.

7.2.5 Moving to the Exception Test, it is considered that it would provide wider sustainability benefits given the site is part of a wider regeneration strategy area on what is brownfield land. A detailed Flood Risk Assessment has been submitted in support of the scheme, the Lead Local Flood Authority (LLFA) have raised concern with the outline drainage layout and subsequently a revised drainage layout has been provided to address these concerns and relayed to the LLFA, who now offer no objection. Previously officers had concerns that with an objection from the Environment Agency (EA) there could have been a real risk of flooding elsewhere, but assuming both consultees are amenable to the revised layout to provide for the shared cycle/pedestrian access then it is considered that in line with Paragraph 103 of the NPPF that the Exception Test can be passed on the site. The additional comments of the EA and LLFA will be verbally reported to Members.

### 7.3 Surface Water Drainage

7.3.1 The application is accompanied by a Flood Risk Assessment (FRA), however the Lead Local Flood Authority raised concern regarding a lack of a coherent drainage strategy for the site, however following the receipt of an amended plan raise no objection subject to conditions. It is proposed that flood mitigation measures within the FRA which include Property Level Protection to assist in making the development flood resilient and resistant should be controlled by condition. Whilst there is some concern that New Quay Road could become impassable in severe flood events, residents could sign up for the Environment Agency Early Warning Flood System for evacuation purposes. Given the above (and subject to no objection from the LLFA) surface water drainage can be secured by condition and therefore the proposal complies with Policy DM39 of the DM DPD.

### 7.4 Flood Defences

7.4.1 The local community have raised concern with the application in that it may well lead to flooding by undermining and restricting access to the flood defence wall that forms the boundary of the site and the concerns are fully understood, not least because these concerns (namely restricting access to the flood defence wall) were endorsed by the EA on the two previous planning applications. The rationale for the previous objections by the EA related to the fact that the proposal involved developing within 8 metres of the flood defence and would restrict essential maintenance and emergency access to the defences. The withdrawn application provided for private gardens within the 8 metre easement, which was found unacceptable to both the EA and also the Local Authority (because individual boundary treatments would have limited the ability to access the defences). The revised scheme provides for an 8 metre easement which will include a combined pedestrian/cycleway running the length of the site. The EA have verbally confirmed they are amenable to such a proposal assuming artificial lighting is limited in extent and number, and no tree planting is proposed. Their official response to the amended information has still to be received at the time that this committee report was being prepared but from a perspective of protection of the flood defences it is considered that the development will not be detrimental to the flood defence wall, or increase the likelihood of flooding occurring elsewhere within the local area. With this in mind (and assuming no objections from the EA and LLFA), and whilst previously it was considered that the scheme had the potential to negatively impact on the flood defences, as part of this revised scheme given the amended layout it is considered that the scheme will not adversely impact on the flood defences, and therefore the scheme complies to Policy DM38 of the DM DPD.

### 7.5 Highways

7.5.1 There has been local concern regarding the capacity of the local highway network to accommodate additional vehicles and more so in relation to the potential conflict with cycle users and pedestrians who use the footway in front of the site. With respect to highways, the County Council raise no objection to the scheme subject to conditions, including a need for the 2 metre footway along the frontage of New Quay Road to tie into the existing footway, together with 4.5 metre wide dropped crossings. The County are also requesting a footway/cycleway within the site following the flood defence wall, which could serve a dual purpose as a cycleway and maintenance strip for the Environment Agency. The latter proposal was not included on the response to the first withdrawn application (15/01282/OUT) however it would be a valuable addition and therefore the applicants have sought to amend the scheme to incorporate this at the request of officers (see below).

7.5.2 A number of the representations received in response to the application have raised concern regarding conflict between pedestrians and cyclists who utilise the footway to the front of the site. From a review of online maps it would appear that the official route utilises the road, however it makes sense why cyclists have been using the footway in front of the site. The land in question is not currently adopted. As part of discussions between the applicant's agent, the EA and officers the provision of a shared cycleway/pedestrian link that runs around the flood defence wall has now been included within the scheme and this would be a significant positive which may not have been possible to achieve if this site had not come forward for development. Whilst not requested by the County, additional signage could be provided and this can be addressed by means of planning condition should a scheme be supported.

### 7.6 Design and Layout

7.6.1 The applicant engaged in the Council's pre-application advice service in 2015 when concerns were raised that any scheme in this prominent location would need to have active frontages on all four elevations so as not to undermine the wider regeneration of the area. The scheme proposed consists of the erection of 12 detached units which does generally reflect the emerging character and appearance of the surrounding Luneside West area. The scheme is at a high density (in the region of 40 dwellings per hectare) but this is considered to make efficient use of land and is not uncharacteristic of the surrounding area. Notwithstanding this, all properties along St Georges Quay and New Quay Road face the River Lune and there is no development on the riverside aspect of the road (such as the proposed development). The applicant has sought to address the concerns of the LPA by reducing the number of dwellings proposed to 12, and using L-shaped properties which in some respects would assist with making the development not entirely car-dominated when viewed from along New Quay Road. One critical concern raised by officers was the undeveloped nature of the land that fell within the 8 metre easement and these concerns were shared with the applicant, that it was likely that the area could be utilised for anti-social behaviour, and this was endorsed by the Architectural Liaison Officer from Lancashire Constabulary. Whilst it is not ideal to have a footway/cycleway to the rear of properties, subject to lighting being installed and through the use of effective boundary treatments (which should consist of a stone wall and not closed boarded fencing) officers are satisfied in design terms.

7.6.2 The scheme at 2 storeys (eaves height up to 10 metres) in height would be akin to the adjacent development and whilst a number of concerns have been raised with respect to privacy, this should be protected given there would be 21 metres between dwellings where windows of habitable windows face each other. Whilst the gardens proposed are not 10 metres in length they adhere to the Council's standards of 50sqm and would all be located outside of the EA's 8 metre easement. In the circumstances whilst this does not strictly accord to Policy DM35 it is considered that the restrictions imposed by the EA are such that an exception to the rule can be made here.

### Drainage Infrastructure

7.7.1 United Utilities do not object but they have raised significant concerns regarding the presence of a 750mm public combined rising main/pressurised sewer crossing the site. There is a requirement (under building regulations) that there cannot be any development over or within 3 metre of the rising main because the proposed development would be exposed to a high risk in the event of a failure of the rising main. It is very evident from the indicative plan that the development as proposed would not be acceptable given all the units currently proposed are within 3 metres of the mains, meaning

that a diversion would be required to facilitate the development. The applicant's supporting statement suggests that the cost of a diversion would be a cost incurred by United Utilities due to a legal agreement between the parties. Notwithstanding this, it raises issues as to whether the development can be accommodated here and whether this is a 'deliverable scheme'. Notwithstanding this, the applicants have not sought to include the cost of the diversion of the rising main in the viability assessment that has been submitted in support of the scheme. Concerns of deliverability were given as a reason for refusal previously but in the absence of no objection from United Utilities, and given there are no technical constraints now limiting the development, combined with the deeds that the applicant has provided to demonstrate that the diversion of the pipeline should not be a barrier to the development, officers are satisfied that there is a solution to deliver the development on the site.

### 7.8 Affordable Housing / Housing Needs

7.8.1 There is a need to provide 20% on-site affordable provision, equating to 2.4 units. The withdrawn application was accompanied by a viability assessment that suggested that the development could not afford to support any contribution to affordable housing. There were significant concerns with the figures contained within the assessment. Since the time of the withdrawn application the applicants have committed to providing a contribution of 20% affordable housing (to be based on a financial contribution) to be assessed at reserved matters stage, given this, and subject to the applicant entering into a Legal Agreement to secure this provision within the 13 week timescale, this would adhere to Policy DM41 of the DM DPD. Notwithstanding the above, and following the Court of Appeal decision (Reading and West Berkshire Councils) from May 2016, should a scheme come forward with less than 10 dwellings and occupy a footprint of less than 1000m<sup>2</sup> then no affordable housing provision would indeed be required, given there are 12 units proposed however a contribution of 20% is in-fact required.

7.8.2 The scheme proposes 8 4-bedroom units and 4 3-bedroom units. The Meeting Housing Needs SPD sets out the general need for the area is predominantly properties consisting of 2 and 3 bedrooms within a mixture of dwelling types. It could be considered that the application deviates from the identified need; however if a scheme was approved this could be considered further at reserved matters stage and in the absence of a response from the Strategic Housing Officer, overall it is considered that matters relating to type and size of properties could be addressed further at reserved matters stage to ensure that the development is capable of meeting a local identified need.

### 7.9 Air Quality

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

### 7.10 Heritage

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

7.10.2 One of the reasons of refusal of the application earlier in 2016 was due to a lack of a heritage assessment to support the determination of the planning application. The statement submitted whilst

comprehensive, does not address the fundamental question of the survival of the first quay in the 18<sup>th</sup> Century and whether or not it was removed prior to the construction of the present structure in the later 19<sup>th</sup> Century. Whilst the survival of the first quay is uncertain, this can be addressed by a scheme of archaeological investigation being controlled by means of planning condition. The Lancashire Archaeological Advisory Service now have no objection to the scheme subject to the condition mentioned above, and therefore it is considered that the proposed development accords with the provisions of Policy DM34 of the DM DPD and the wider policies contained within the NPPF, subject to conditions being imposed on the permission in relation to archaeological recording.

### Ecology

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

### Other Material Considerations

- 7.12.1 The Public Realm Development Manager has requested the provision of 218m<sup>2</sup> of open space provided on the site together with an off-site contribution of £38,828 to be provided. Given the addition to the scheme of the cycleway/pedestrian access along the quay wall, which will be an important gain as part of this scheme, it is considered that in the circumstances that this would negate the need for any open space to be provided on the site and also due to the cost of this an off-site contribution would not be required.
- 7.12.2 Concerns have been raised that drainage would need to be connected to the adjacent residential estates main foul and surface water systems, whilst the formal observations to the amended information has still be to receive from the likes of the Lead Local Flood Authority and United Utilities, these are more civil matters. Concern has been raised that further development would create further pressure on the local schools in the area, the County Council are responsible for education provision and to date have not provided a response in relation to the application.

## **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 20% 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);

With Committee's support, Officers seek delegation back to the Chief Officer to ensure that the Section 106 Agreement is signed within the agreed time period for decision-making (i.e. before 9<sup>th</sup> August 2016).

## **9.0 Conclusion**

- 9.1 Whilst a small site, this is a challenging one, and this has been demonstrated by the succession of planning applications that have been submitted on the site over the course of the last 9 months. The site is considered to be in a sustainable location and has the potential to accommodate development given the technical issues have now been addressed (assuming no consultees object to the amended plans submitted in support of the scheme). It is not considered that the development will have any adverse impacts on flood defences or indeed create flooding elsewhere; whilst the Local Planning Authority are sympathetic to those who have recently purchased properties on New Quay Road, there is no right to a view and assuming the dwellings are appropriate in height then there will be no loss of privacy for existing or proposed residents; the scheme provides a link in the cycleway/pathway which will be of a significant benefit to cycle users in the district; the scheme will

assist in the delivery of much needed housing in Lancaster and therefore in social, economic and environmental terms can be found acceptable, and therefore it is recommended to Members that the development is approved (on the assumption that the EA, LLFA, UU, and County Highways raise no objection to the scheme based on the latest set of amended plans).

### **Recommendation**

That subject to the receipt of satisfactory statutory consultation responses regarding the amended plans, and the applicant entering into a Section 106, Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard outline condition with all matters reserved
2. Dwellings limited to 2 storeys in height
3. Offsite Highway Works – re-instatement of 2 metre footway and 4.5m drop crossings
4. Cycle/Pedestrian link along the Quay wall to be agreed.
5. Scheme for foul water to be agreed
6. Surface Water Drainage Scheme to be agreed
7. Surface Water Management Scheme
8. Construction Management Scheme
9. Standard Condition – Contamination
10. Ecology scheme to be agreed
11. Written Scheme of Investigation – Archaeology
12. Removal of Permitted Development Rights
13. Finished Floor Levels
14. Development in accordance with the Flood Risk Assessment – Flood Mitigation Measures.
15. Vehicle charging point scheme

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

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

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

### **Human Rights Act**

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

### **Background Papers**

None

<b>Agenda Item</b> A6	<b>Committee Date</b> 25 July 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.

The application was reported to Planning Committee on 27 June 2016, however Members resolved to defer the application to allow a site visit to be undertaken on 18 July 2016.

**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.

Agenda Item A7	Committee Date 25 <sup>th</sup> July 2016	Application Number 16/00498/VCN
<p align="center"><b>Application Site</b></p> <p align="center">Quernmore Park Former Nightingale Hall Quernmore Road Lancaster</p>	<p align="center"><b>Proposal</b></p> <p>Erection of 128 residential dwellings with associated access and landscaping following the demolition of existing buildings (pursuant to the variation of condition 1 on planning permission 15/00363/VCN to vary the site layout in relation to plots 22, 23 and 28, the landscape proposals and to introduce a new house type on plot 66)</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Mr Jon Partington</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">None</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">26 July 2016</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">None</p>	
<p><b>Case Officer</b></p>	<p>Mrs Jennifer Rehman</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Subject to consultation on the recently submitted further information/revisions, the variations proposed can be supported.</p>	

## 1.0 The Site and its Surroundings

- 1.1 The application site relates to the former animal rendering plant (Nightingale Hall Farm) and adjoining greenfield land located west of the M6 and approximately 0.7 miles east of the city centre currently being developed for housing by Barratt Homes following the grant of planning permission on 11 September 2014 for the “*erection of 128 residential dwellings with associated access and landscaping following the demolition of existing buildings*”. The new housing comprises 18 two bedroom properties; 34 three bedroom properties and 76 four bedroom properties. Of the 128 units, 30 will be affordable units.
- 1.2 The site is allocated as a Housing Opportunity Site in the Local Plan (Saved Policy H3) and occupies a position off Quernmore Road on the eastern outskirts of Lancaster nestled between Lancaster Cemetery, which is a Grade II Registered Historic Park and Garden, to the east; Christ Church Primary School to the west; the Grammar School War Memorial Fields to the north and Williamson Park to the south which is also a Grade II Registered Historic Park and Garden and Conservation Area. The surrounding school grounds are designated as Urban Greenspace. Beyond the Urban Greenspace to the west of the development site lies the residential area of Freehold, which is characterised as a gridiron pattern of Victorian stone terraces. To the north of Freehold lies the Ridge housing estate. Williamson Park is home to the Grade I listed Ashton Memorial that occupies elevated land on the south side of Quernmore Road. Other land uses include allotments (designated as a Key Urban Landscape under Saved Local Plan Policy E31) and Highfield recreation grounds to the south west. There is a small row of terraced residential properties on Willow Grove located on the eastern boundary of part of the application site and a group of stone properties immediately south of the site (Highfield House and Farm) some of which share the access off Quernmore Road with the application site. There is also a pronounced difference in land levels between the Quernmore Road access point and the remainder of the site with significant retaining walls to both the eastern and western boundaries.

1.3 The site has been cleared and development has commenced on site with several new houses already complete and occupied.

**2.0 The Proposal**

2.1 The current application seeks minor-material amendments to vary the positions of plots 22, 23 and 28, omit the garage to plot 22, revisions to the position of the garage on plot 28 and a new house type for plot 66. These changes have come about as a consequence of the site levels. The changes minimise the level of engineering works required to facilitate the dwellings on these plots.

**3.0 Site History**

3.1 The site has been subject to various applications over the years when its previous use was in operation. The animal rendering plant ceased operations after a widespread fire around 2005. There was an unauthorised intervening use as a timber recycling centre in 2008/9. The planning applications of direct relevance to this application are listed in the table below:

Application Number	Proposal	Decision
15/00363/VCN	Erection of 128 residential dwellings with associated access and landscaping following the demolition of existing buildings (pursuant to the variation of conditions 2, 14, 15, 16, 17 and 29 on approved application 14/00129/FUL to substitute approved drawings). Proposed changes include: road and school footpath re-alignment around Plot 114 to allow retention of tree; trees facing Plots 107 & 108 removed to accommodate sloping embankment with associated changes to the footpath leading to the area of public open space; Plots 1 to 4 amended to allow retention of tree; and additional tree planting along Willow Grove.	Approved
14/00156/DIS	Discharge of conditions 3, 5, 7, 11, 13, 20, 21, 24, 26, 27 & 28 on approved application 14/00129/FUL	Withdrawn (matters addressed under 15/00363/VCN)
14/00129/FUL	Erection of 128 residential dwellings with associated access and landscaping following the demolition of existing buildings.	Approved
14/00044/REM	Reserved matters application for redevelopment of the site for 94 residential dwellings with associated access and landscaping.	Withdrawn
10/00306/OUT	Extension of time limit on application 06/00661/OUT for the redevelopment of the site for residential use (approximately 165 dwellings)	Approved
06/00661/OUT	Redevelopment of the site for residential use (approximately 165 dwellings).	Approved

**4.0 Consultation Responses**

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

Consultee	Response
County Highways	Revised comments - <b>no objections</b> to the proposed amendments. Satisfied with level of parking/cycle provision.
Environmental Health Service	<b>No further comments</b> to add - the change in layout does not seem to expose future householders to soil contamination.  Validation certificates for the newly occupied dwellings following the 2015 permission (15/00363/VCN) have now been submitted. The Case Officer has

	consulted the Council's Contaminated Land Officer for confirmation this information is satisfactory to allow the condition 15 to remain unaltered.
<b>Tree Protection Officer</b>	No objections. The proposal landscape scheme must be implemented in full and maintained for a minimum of ten years.
<b>United Utilities</b>	A revised drainage plan was submitted on the 5 <sup>th</sup> July 2016. Subsequently at the time of writing this report comments had not been received. A verbal update will be provided.
<b>Environment Agency</b>	A revised drainage plan was submitted on the 5 <sup>th</sup> July 2016. Subsequently at the time of writing this report comments had not been received. A verbal update will be provided.

**5.0 Neighbour Representations**

5.1 One letter of objection has been received on behalf of Park Ward Allotments (off Derwent Road). The objection is on the grounds that the current boundary plan shows the existing dry stone wall retained. The existing dry stone wall combined with the increased ground levels on the development side now means that the allotment holders no longer feel they have a secure site – effectively the wall is now of reduced height and could be climbed over. Original plans had shown a high timber fence. This was varied to retain the stone wall under 15/00363/VCN, albeit it was not made particularly clear that these changes were sought.

**6.0 Principal National and Development Plan Policies**

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

National Planning Policy Framework (NPPF)

- Paragraph 17 – Core planning principles
- Section 6 – Delivering a wide choice of high quality homes
- Section 7 - Requiring Good Design
- Section 11 - Conserving and enhancing the natural environment

The following Development Plan policies are relevant:

Lancaster District Development Management DPD (DM DPD)

- Policy DM20 – Enhancing Accessibility and Transport Linkages
- Policy DM21 – Walking and Cycling
- Policy DM22 - Vehicle Parking Provision
- Policy DM25 – Green Infrastructure
- Policy DM26 – Open Space, Sports and Recreational Facilities
- Policy DM27 – The Protection and Enhancement of Biodiversity
- Policy DM28 – Development and Landscape Impact
- Policy DM29 – Protection of Trees, hedgerows and Woodland
- Policy DM32 – The Setting of Designated Heritage Assets
- Policy DM35 – Key Design Principles
- Policy DM39 – Surface Water Run-Off and Sustainable Drainage
- Policy DM40 – Protecting Water Resources and Infrastructure
- Policy DM41 – New Residential Development

Lancaster District Core Strategy

- Policy SC1 – Sustainable Development
- Policy SC2 – Urban Concentration
- Policy SC4 – Meeting the District's Housing Requirements
- Policy SC8 – Recreation and Open Space

## **7.0 Comment and Analysis**

7.1 The main issues associated with this application relate to the need to make minor-material changes to the layout of the development to account for the sites land levels. The area affected relates to the southern boundary of the parcel of land immediately east of Willow Grove, where plots 22-34 are proposed. The previously approved scheme proposed an internal road along the western boundary of this parcel of land (serving plots 22-23) and a further road along the eastern boundary wrapping around the southern boundary too (serving plots 28-33). The repositioning of plot 28 and the relocation of its garage, together with the omission of the garage serving plot 22 leads to enhanced landscaping between the southern boundary and the development. These revisions are welcomed and will deal better with the changes in land levels in this location. The change in house type to Plot 66 and the loss of the double garage which was approved forward of the front elevation on plot 66 is acceptable. The scheme now proposes a single garage between 66 and 67 and a smaller detached house on this plot. The scale, design and use of materials for the revised house type and garage are proportionate to the rest of the scheme and is considered compliant with policy DM35. The proposed amendments are not considered to affect the setting of designated heritage assets and so designated assets are preserved and enhanced in accordance with Policy DM32.

7.2 The changes to the planning layout have resulted in minor changes to the proposed landscaping scheme. The Council's Tree Protection Officer has raised no concerns and is satisfied that proposed mitigation planting is satisfactory, provided the landscaping is provided in full and maintained for 10 years. The development must be carried out in accordance with the previously approved 10 year landscape maintenance scheme. The proposals are considered to be in accordance with Policy DM29 and revised conditions are recommended accordingly.

7.3 Habitat and protected species surveys previously submitted as part of the existing planning permission highlighted a number of ecological issues that needed to be addressed as part of the development including:

- The eradication of Japanese Knotweed present in clusters across the site;
- The enhancement of the site boundaries to improve the quality of the bat commuting and foraging routes after roosts were identified in neighbouring buildings and bat activity was recorded on the site;
- The protection of these areas from disturbance such as excessive artificial light pollution;
- Ongoing management to ensure biodiversity is maintained.

The proposed amendments do not materially affect the previously approved habitat mitigation proposals covered in the Japanese Knotweed Eradication Report, Addendum Bat Report (July 2014), Ecological Management Plan (September 2015), street lighting proposals and landscaping proposals and the Ecological Management Plan (September 2015). As the development is still ongoing the habitat mitigation and management proposals still stand and will remain a condition of the planning permission.

7.4 The refuse strategy layout plan, hard landscaping, material layout, and drainage plans have been revised to account for the proposed changes to the layout of the scheme. While reviewing the proposed changes and the conditions originally imposed, officers have been re-negotiating the boundary treatment layout plan in relation to the boundary between the development site and the adjacent allotments. This has come about following an objection from the allotment holders in relation to the loss of security following the developer raising land levels on the development site. Officers have negotiated a suitable alternative treatment in this location comprising a 1.8m high bow top railing. The Case Officer has informed the allotment representative of the amendments. The amendments will result in the loss of a low drystone wall which was originally complementary to the scheme. Whilst this may be disappointing the revised detail is not unacceptable and will resolve the objections received. It will also prevent the need of the allotment holders potentially installing unsightly security measures, as suggested in their objection letter, which would be detrimental to the character and appearance of the area and would affect the outlook from the new dwellings. The amendments therefore seem a reasonable compromise to all parties.



- 7.5 The previous application made under Section 73 of the Town and Country Planning Act (15/00363/VCN) dealt with the agreement of details reserved by condition on the original planning permission. All the conditions were revised to reflect the information submitted (to address the conditions previously imposed) and were agreed in consultation with the relevant consultees. This application seeks minor-material amendments to 4 plots and does not result materially change the permissions already granted. However, all the conditions will be reviewed as part of this process to ensure they remain relevant. Conditions will be updated where revised plans have been submitted to reflect the changes sought by this application. For the purposes of clarification, the conditions listed below will be labelled in such a way to identify whether this application has prompted any changes to the wording of any of the conditions previously imposed.
- 7.6 Other conditions have been revised previously (15/00363/VCN) to account for the phasing of the development, such as flood risk mitigation, contamination verification reports/certificates and off-site highway works. With regards to drainage, a scheme has been approved (Engineering Layout 441/ED/03 Rev Z) by the local planning authority in consultation with the Environment Agency and United Utilities. It is understood that there is on-going issues over the drainage of the site that the developer and United Utilities are working to resolve. Officers had asked the developer whether the approved drainage scheme has changed as a consequence of the ongoing issues. Barratt Homes have now confirmed they are still constructing the development out in accordance with the approved plan, with the exception for some minor alterations to account for the amended plots proposed by this application. A revised drainage plan has been submitted. Consultation with United Utilities and the Environment Agency is still pending. A verbal update will be provided. If this plan is acceptable condition 14 will be updated to reflect the revised drainage plan.
- 7.7 Whilst reviewing the conditions, it also transpires that additional units have been occupied since 15/0363/VCN was approved but the verification certificates (contaminated land) had not been submitted for approval via a discharge of condition application. These certificates have now been provided as part of this application and consultation has been undertaken with the Council's Contaminated Land Officer. If the Contaminated Land Officer is satisfied with the certificates submitted, condition 15 will be retained as originally worded. A verbal update will be provided on this matter.

### **8.0 Planning Obligations**

- 8.1 The legal agreement that forms part of the existing planning permission also applies to any planning permissions granted under Section 73 of the Act. There is therefore no need for a deed of variation to transfer existing planning obligations to any grant of planning permission in this case.

For information, the existing legal agreement secures:

- the delivery of affordable homes on the site (minimum 30 houses – 50% rented /50% shared ownership);
  - commuted sum towards off-site pedestrian and cycle improvement works on Quernmore Road between the site access and Derwent Road;
  - commuted sum towards additional primary school places to serve the development;
  - commuted sum towards the provision of a new pedestrian links to the Lancaster Christ Church Primary School immediately to the west; and
  - the appointment of a management company to maintain all areas of open space on the site for the lifetime of the development.
- 8.2 In accordance with the terms of the Agreement, the transport contribution to the sum of £70,000 has now been paid to the Council. This was required prior to first occupation of any dwelling on the site. The triggers for the other contributions are based on the occupation of the 20<sup>th</sup> dwelling (school link contribution) and the 60<sup>th</sup> dwelling (education contribution).
- 8.3 Officers have been in negotiations with the developer in respect of the developers obligations relating to the provision of affordable housing. Unfortunately, the developer has been unable to secure the transfer of all of the affordable housing units to a registered provider as required by the Section 10 (s106). In accordance with the legal agreement, the developer has put forward an alternative affordable housing scheme. The Council's Strategic Housing Officer has been liaising closely with the developer in finding an appropriate solution which still secures 30 affordable units on the site based on the approved tenure split. The terms of the Agreement allow for these

negotiations to take place without the need for a formal application to vary the legal agreement under s106A of the Town & County Planning Act 1990.

- 8.4 The proposed alternative affordable housing scheme still secures 30 affordable units with 50% social rented (to be delivered by a registered provider) and 50% shared ownership (to be delivered by Heylo Housing) and does not exceed the combined transfer values set out in the s106. On this basis and given satisfactory evidence has been submitted demonstrating the developer has actively tried to secure the transfer of the shared ownership units to a registered provider, the alternative affordable housing scheme has been approved.

## **9.0 Conclusions**

- 9.1 The proposed changes to the scheme constitute minor-material amendments. As discussed above, these amendments are not significant and will not have a material impact on the scale, layout and design of the approved development. The changes are to ease the construction of the plots in question and bring about a modest increase to the amount of landscaping along the southern boundary of the lower part of the site. The amendments to the boundary treatment layout plan will hopefully remove the objection from the adjacent allotment holders. In any case officers are of the opinion the revised detail provides improved security to the allotment and is also aesthetically acceptable in this location. Overall the amendments remain compliant with the policies contained within the Development Plan.
- 9.2 As part of considering the amendments a review of the current conditions is required. The majority of conditions will be retained and largely unaltered, except where plan references are to be updated to account for the changes proposed.
- 9.3 The proposed changes to plots 22, 23, 28 and 66 together with the changes to the boundary layout plan are considered acceptable and compliant with planning policy. Subject to the outcome of the additional consultation with United Utilities, Environment Agency and the Council's Contaminated Land Officer to address conditions 14 and 15, Members are recommended that this s73 application can be supported.

## **Recommendation**

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

1. Approved plans – RETAIN (updated to reflect amended plans including boundary treatment layout
  2. plan)
  3. Hours of construction – RETAIN
  4. Access phasing – RETAIN
  5. Off-site highway improvement works – RETAIN
  6. Travel plan implementation – RETAIN
  7. Parking provision – RETAIN
  8. Garage use restriction – RETAIN
  9. Cycle storage – RETAIN
  10. Boundary treatments – RETAIN
  11. Public open space provision – RETAIN (update to specify revised planning layout)
  12. Landscaping scheme and management plan – RETAIN
  13. Arboricultural Method Statement and Tree Protection and Retention Plan – RETAIN
  14. Flood risk assessment – RETAIN
  15. Drainage - TBC (subject to consultation with UU and EA)
  16. Contaminated land – RETAIN (subject to consultation with Contaminated Land Officer)
  17. Imported soils – RETAIN
  18. Bunded tanks – RETAIN
  19. Permitted development rights removed – RETAIN
  20. Ecological Management Plan – RETAIN
  21. Japanese Knotweed – RETAIN
- Potential future cycle route connection – RETAIN (update with current approved plan references)

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

In accordance with the above legislation, the City Council can confirm that they have 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

<b>Agenda Item</b> A8	<b>Committee Date</b> 25 <sup>th</sup> July 2016	<b>Application Number</b> 16/00697/FUL
<b>Application Site</b> McDonalds Restaurant Morecambe Road Morecambe Lancashire	<b>Proposal</b> Erection of single storey extension to all elevations and reconfiguration of car park and drive-thru	
<b>Name of Applicant</b> McDonald's Restaurants Ltd	<b>Name of Agent</b> Mrs Sarah Carpenter	
<b>Decision Target Date</b> 28 <sup>th</sup> July 2016	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Mr Andrew Clement	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval subject to conditions	

**(i) Procedural Matters**

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

**1.0 The Site and its Surroundings**

1.1 The application site is located to the south of the A589 Morecambe Road close to Lancaster and Morecambe College. The site currently lies on the edge of the major highway junction (currently under construction) to be known as part of The Bay Gateway. The grass verge fronting the site has been re-profiled, and the site access has been re-located from the centre of the frontage to northern end of the site, further from the new junction. The layout of the access and car parking area has been re-arranged as part of The Bay Gateway construction, with an increased outdoor dining area and reduced parking provision, from a total of 34 car parking spaces prior to the highway improvement to 25 spaces provided as existing.

1.2 The site lies close to residential properties at Stanhope Court, Hadrian Road and Morecambe Road. The closest properties to the site are located immediately across Morecambe Road, approximately 40 metres from the car park and 80 metres from the restaurant building. The playing fields to Morecambe Road School lie immediately to the south-west.

**2.0 The Proposal**

2.1 The application seeks planning permission to erect a single storey extension to all elevations, and to reconfigure the car park and drive-thru. The extensions will increase the floor area of the building from 255.8sqm to 331.8sqm, increasing the restaurant seating and queuing area by approximately 35.3sqm, with the remaining 40.7sqm extension to other areas of the restaurant. To facilitate the proposed extensions, the outdoor dining area will be reduced in size, the pedestrian crossing over the drive-thru and exit lanes will be located slightly further west, and one parking space is proposed to be removed.

2.2 The reconfiguration of the drive-thru will split the car lane into two, providing two ordering points for this takeaway use, and will accommodate additional cars in this drive-thru area. To facilitate the additional drive-thru ordering lane, the waste storage and collection point will be detached from the main building and relocated across the drive-thru lanes to the south east corner of the site, between the outer drive-thru lane and vehicle exit road.

**3.0 Site History**

3.1 The site has a long planning history dating back to 1995 with approval for the restaurant under 95/00994/FUL. The building has been previously extended through permission 97/00719/FUL, with the drive-thru and extended hours of operation approved a variation of condition 13/00333/VCN.

Application Number	Proposal	Decision
95/00994/FUL	Demolition of existing buildings and erection of drive-thru restaurant with associated parking, staff, storage and office accommodation	Permitted
97/00719/FUL	Erection of a single storey extension to existing restaurant	Permitted
13/00333/VCN	Demolition of existing buildings and erection of drive-thru restaurant with associated parking, staff, storage and office accommodation (pursuant to the variation of condition 4 on application 11/00087/VCN to extend restaurant opening hours to 5am - 12am daily)	Permitted
16/00001/BRECON	Breach of condition of site management plan (as per condition 5 of 13/00333/VCN re delivery hours and litter picks, and condition 3 re deliveries)	Pending Consideration
16/00468/FUL	Erection of single storey extension to all elevations, reconfiguration of car park and drive-thru	Withdrawn
16/00698/ADV	Advertisement application for the relocation of one internally illuminated rotating single 3-sided unit, relocation of two and display of two new internally illuminated rotating double 3-sided units, two internally illuminated customer order display units, relocation of one internally illuminated welcome sign and display of a non-illuminated directional sign	Pending Consideration
16/00699/ADV	Advertisement application for the display of one new internally illuminated fascia sign and the display of one and relocation of two internally illuminated individual letter signs	Pending Consideration

**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> – increased demand for the site is likely, but this has been compensated for via remodelling of the A589 and the junction with the A683.
Tree Protection Officer	No observations received within statutory timescales. <b>No objection</b> to an identical, recently-withdrawn application, subject to conditions regarding a scheme for tree/hedge protection, scheme of new planting and no trees to be removed.
Environmental Health	No observations received within statutory timescales.
Lancashire Constabulary	<b>No objection</b> , advise a condition for twice daily litter patrols by the restaurant, however an existing condition for the use require four daily litter patrols already. Similarly, a condition regarding external CCTV has been recommended, however the existing Site Management Plan details that 3 external camera are already in place.

**5.0 Neighbour Representations**

5.1 4 pieces of correspondence have been received raising objections to the proposal, with the site notice period expired on 30<sup>th</sup> May 2016. 26 pieces of correspondence were received for an identical withdrawn application, raising similar objections. These raise the following concerns:

- Highway and traffic issues, including traffic issues at the new junction; insufficient parking; (employees and customers), and lack of HGV parking;
- Residential amenity issues, including noise from vehicles and delivery vehicles; noise from customers; noise and odour from extractors; relocation of waste storage and collection area closer to residents; and illumination from car lights and signage;
- Operational issues, including litter (not adhering to previous Site Management planning conditions); no additional staff proposed; and concern regarding possible future extended opening hours (*permission has not be sought for altering the hours of operation*);
- Additional signage detracting from residential area; and,
- Increase in the number of unhealthy fast food outlets in the area.

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework

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

**Paragraph 17.** Core planning principles

**Section 1.** Building a strong, competitive economy

**Section 7.** Requiring Good Design

6.2 Development Management DPD

**DM22:** Vehicle Parking Provision

**DM23:** Transport Efficiency and Travel Plans

**DM29:** Protection of Trees, Hedgerows & Woodland

**DM35:** Key Design Principles

6.3 Lancaster District Core Strategy – saved policies

**SC1** (Sustainable development)

**SC5** (Good Design)

**E1** (Environmental Capital)

**7.0 Comment and Analysis**

7.1 The key considerations arising from the proposal are:

- Principle of the Development;
- Scale, Design and Landscape Impact;
- Highways and Parking;
- Residential Amenity and Littering;
- Impact on Trees;
- Security and Risk of Crime;

7.2 Principle of the Development

7.2.1 The application relates to the existing McDonalds restaurant and takeaway located to the south of the A589 Morecambe Road close to Lancaster and Morecambe College. The application seeks planning permission for single storey extensions to all elevations, resulting in an increased building floorspace of 76sqm, in addition to the existing 255.8sqm. This will increase the restaurant seating and queuing area by approximately 35.3sqm, which will accommodate addition customers to the premises. The extensions will result in a reduction in outdoor dining space and the loss of one car parking space. The access and parking arrangements were recently reconfigured as part of the major highway improvement construction site associated with The Bay Gateway, with the access relocated to the west end of the site further from the new junction, and exit onto Hadrian Road. In

addition, the parking allocation was reduced from 34 spaces and two 'grill bays' to 25 spaces and two 'grill bays'.

7.2.2 The application includes a re-configuration of the existing drive-thru lane, which will split to provide an additional ordering point and accommodate more vehicles in this area of the site. To facilitate the extension to the drive-thru and exit lane, the pedestrian crossing over the drive-thru and exit lanes will be moved approximately 5 metres north west, and the waste storage and collection corral sited between the drive-thru outer lane and the vehicle exit lane in the south east corner of the site, near the existing location attached to the south east elevation of the main building.

7.2.3 Subject to the issues discussed later in this report, the principle of the development to extend the existing restaurant building and install an additional ordering drive-thru lane is acceptable.

### 7.3 Scale, Design and Landscape Impact

7.3.1 The proposed development will extend this building floorspace by 76sqm. This results in an increase to the length of the building by 4.1 metres and an increase of the building's width by 1.1 metre. The remaining extensions to the south-east and south-west elevations represent minor infilling and do not project beyond the existing building line. The ridge and eaves height of the existing roof will be unaffected by the proposal, with the proposed extensions corresponding with the height of the existing building. Therefore, the scale of the proposed extensions to the building are considered to be modest, and will appear inconspicuous in relation to the existing building.

7.3.2 The proposed materials match those of the existing building, namely brick walls, khaki coloured aluminium cladding and stall risers, glazing, and a tiled roof. The drive-thru booths will be clad in a dark grey colour, although this elevation faces directly onto 3-4 metre tall trees between the application site and the adjacent school, and will therefore be visually contained within the site. Due to the matching materials, the proposed extensions will assimilate with the existing building, resulting in a negligible visual impact.

7.3.3 The site of the proposed additional drive-thru lane split and ordering point is to the south of the main building, in the location of the existing corral waste storage and collection area. The removal of this open-top brick wall and concrete floor corral, to be replaced with an additional asphalt vehicle lane and block paving, raises no visual or landscape concerns. This element of the proposal will result in the removal of the existing built form, and the new drive-thru provision will be viewed in the context of the adjacent new major road junction and existing on site vehicle lanes and parking spaces.

7.3.4 The waste storage and collection corral will be detached from the main building, relocated to the south east corner of the site, between the outer drive-thru lane and the exit road. Although detachment from the main building, the proposed location is visually contained by the main restaurant building and adjacent trees. The open-top corral structure will measure a maximum of 2.4 metres tall, with the lower 0.75 metre constructed in bricks and the upper 1.65 metres khaki-painted timber fencing, both to match the brickwork and khaki coloured cladding of the main building. The position of the corral within the site is below the neighbouring road level, which reduces the visual impact of the proposal from the perspective of the public area. Due to the visual context of the corral, matching colour to the main building, and the predominantly khaki green colour in close proximity to trees, the visual impact of the proposed corral is considered acceptable.

7.3.5 The extension to the building and additional drive-thru lane split and ordering point have been applied for concurrently with advertisement applications for additional signage and lengthening of the existing vehicle height restrictor. The proposed advertisements and vehicle height restrictor will be assessed through these concurrent advertisement applications.

7.3.6 Therefore, the application is considered to have an acceptable landscape and visual impact, due to the modest size, matching materials, existing landscaping, topography and location of the proposed developments. The proposal is consistent with policy DM35 and NPPF Section 7.

### 7.4 Highways and Parking

7.4.1 One of the concerns raised from the neighbour consultation relates to the access arrangements and capacity of the carpark and drive-thru areas, particularly in relation to the new road junction and loss of parking provision. County Highways returned no highway objection to the application, as the

remodelling of the A589 (Morecambe Road) and its junction with the A683 (Lancaster/Morecambe Bypass) has compensated for the pedestrian and vehicle movements to and from the application site, with the increased distance between signalised junction stop lines and the site points of access reducing the likelihood of vehicular congestion on that particular area of the network. Although the proposal is likely to attract additional trips to the site by a range of transport methods, consideration should be given as to whether the proposed development will exacerbate any traffic concerns at the site to an extent to cause a several highway impact.

- 7.4.2 The application site access, egress and parking arrangements were altered as part of The Bay Gateway junction intersecting with Morecambe Road. The access to the site was moved further from this junction to the north-west corner of the application site, and exit links to Hadrian Road, with a left only turn joining The Bay Gateway to the south of the junction with Morecambe Road. This new access has extended the length of vehicular route within the site, and now cars that would previously have queued on the highway can be accommodated within the application site. However, to facilitate these alterations, the car parking provision was reduced from 34 parking spaces to 25 (both excluding two 'grill bays'). The existing access and egress provided through the new junction are adequate for the safe operation of the highway, and once the junction is fully operational, access to the site should operate satisfactorily. However, the increased public floor space of the building will increase demand on parking, whilst the proposal also involves a reduction in parking provision of one further vehicle space. Unless adequate parking is provided, there may be consequential highway and parking issues.
- 7.4.3 The proposed development will reduce the carpark capacity by one car parking space, down to 24 car parking spaces, including two disabled spaces, but excluding two motorcycle spaces, and also excluding two 'grill bays', which are considered to facilitate the drive-thru and takeaway function of the site rather than the parking and restaurant element. In the Design and Access Statement, the applicant concluded that the site had 'ample parking', and supplementary information from a highway consultant, which concluded that the proposed changes will result in better operation of the store due to the larger kitchen and additional drive-thru ordering point.
- 7.4.4 To test these assertions, planners have assessed the maximum car parking standards for a restaurant use (which are measured from the internal public floor space of the property, which is the internal restaurant dining and queuing area of the restaurant). Of the total 76sqm floorspace increase, approximately 35.3sqm of this increase is for public floor space, with a proposed total public floor space of approximately 112.965sqm. For a restaurant use outside of the city, town or neighbourhood centre, a maximum of 1 car parking space should be provided per 5sqm of public floor space. Therefore, the maximum vehicle parking provision for the restaurant use of the site as proposed is rounded up to 23 car parking space, one below the proposed provision. Consequently, under the proposed arrangements, the vehicle parking provision is considered sufficient for the additional public floor space proposed.
- 7.4.5 In addition to the proposed parking provision, the applicant's plans indicate that the additional drive-thru split and ordering point will accommodate additional cars in this area. The split drive-thru ordering point can accommodate three additional cars in the drive-thru queue, with a further domestic vehicle able to join the back of this queue due to the location of the removed parking space and relocation of the pedestrian crossing, lengthening the drive-thru lane by 4.5 metres. Once past the drive-thru collection point, vehicles must travel approximately 135 metres further within the application site before exiting onto the public highway, and therefore it is likely that any queuing or stagnation of vehicles will be retained within the application site, rather than extending onto the public highway. Furthermore, the distance from the entrance to the site to the start of the drive-thru lane queue has already increased, from approximately 32 metres prior to the alterations for the new junction, to approximately 68 metres as existing and proposed for the new Bay Gateway junction. The retention of the two 'grill bays' for the drive-thru use will help prevent orders requiring long preparation and cooking times from restricting the flow of vehicles through the drive-thru, as these can be parked off this vehicle lane.
- 7.4.6 Therefore, subject to a condition to restrict the public floor space area of the building to a maximum of 120sqm and retention of the parking proposed, to ensure parking provision continues to achieve the maximum parking provision stipulated in Appendix B of the Development Management DPD, the parking provision is considered sufficient. This parking provision and the greater capacity of the drive-thru are both compatible with policies DM22 and DM23.



### 7.5 Residential Amenity and Littering

- 7.5.1 The other most prevalent concern raised through consultation regarded the impact of the existing operation and proposed development on the residential amenity of the area. The application site is in close proximity to properties on Morecambe Road, Stanhope Court and Hadrian Road, although the closest proposed development is over 80 metres from any residential dwellinghouse.
- 7.5.2 The specific concerns regarding the impact on residential amenity were regarding noise, odour and light pollution the car park, extraction system, waste management, signage and hours of operation and deliveries. Although the increase of floorspace is likely to facilitate additional customer and vehicle traffic, this is not considered to be notably detrimental by itself, due to the existing impact of the heavily trafficked Morecambe Road, and the proximity of the application site to the new major highway junction. There are no changes proposed to the extraction system, delivery hours or hours of operation. The proposed signage and vehicle height restrictor will be assessed through the concurrent advertisement applications.
- 7.5.3 The most prevalent concern raised from the public regarding this application was regarding litter. Given the number of responses, this presents significant anecdotal information that litter is an issue with the existing operation of the site, and given the proposal will facilitate additional customers to the site, this concern may be exacerbated through the proposal. Through condition 5 of the approved variation of condition application 13/00333/VCN to extend the operating hours of the business, the site should operate in accordance with the Site Management Plan received on 7<sup>th</sup> May 2013, which stipulates that three patrols each day at 6am, 2pm and 6pm for litter picking along Morecambe Road, The Way and Hadrian Road shall take place. This condition also stipulates that a further litter patrol/pick should be undertaken at 10am daily, totalling four litter patrol/picks per day. Despite the increased public floor space and drive-thru capacity, the existing requirement for litter picks four times a day and the provision of 6 external bins within the application site is considered sufficient.
- 7.5.4 Officers have witnessed the litter patrol taking place whilst visiting the site during the consideration of this planning application. However Members will recall the advice provided at the last Planning Committee, for a different drive-thru proposal, which stated that the issue of litter is covered by the Environmental Protection Act 1990, Sections 89(1), 89(2), and 86(9). Matters which are covered by separate legislation outside of planning, should not be controlled by conditions attached to planning permissions. Whilst in this case the planning condition is historic, and remains in force, it is unlikely that it would meet the tests of reasonableness and necessity set down in the National Planning Practice Guidance.

### 7.6 Impact on Trees

- 7.6.1 No trees are proposed to be removed from the site, however there are a number of existing conifer trees along the south-westerly boundary of the site, forming a screen between the application site and the adjacent school. Although no formal consultation response has been received from the Tree Protection Officer, this has been verbally discussed and agreed to apply the response for the previous withdrawn application. In this response, the Tree Protection Officer recommended conditions for no trees to be removed from the site, a scheme for new planting, a scheme for tree/hedge protection and an Arboricultural Method Statement. Subject to the inclusion of conditions to control these concern, the proposal is considered to have no detrimental impact upon trees, and is consistent with policy DM29.

### 7.7 Security and Risk of Crime

- 7.7.1 Through the Site Management Plan received on 7<sup>th</sup> May 2013 for approved variation of condition 13/00333/VCN, the application site operates a digital CCTV system, including three external cameras and vehicle barriers to the access and egress of the site. Further information has been submitted to demonstrate that the current arrangement has a total of six external and externally facing CCTV cameras. This provision, in addition to other security measures in the Site Management Plan, are considered sufficient for the increased building and drive-thru area of the site. It is considered that the proposed development will not exacerbate any security or crime concerns in relation to the existing operation of the site, and the recommendations of the Lancashire Constabulary consultation response are already met by the existing provision and Site Management Plan.

**8.0 Planning Obligations**

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

**9.0 Conclusions**

9.1 In conclusion, it is considered that the proposal will have no detrimental visual impact upon the landscape, does not exacerbate the risk of crime or security requirements, and through conditions to protect trees will no detrimental impact on trees. The development will provide additional public floor space and drive-thru area to accommodate more customers, which will be likely to intensify the use of the site. However, considering the change in appearance of the wider area following the major new junction linking Morecambe Road to The Bay Gateway, with additional lanes and traffic lights, the proposed development will have an acceptable impact on residential amenity. Through the new junction development, the recently altered access, egress and parking arrangements are satisfactory for the operation of the site. County Highways concluded that the proposal can be accommodated following a review of carriageway centre line and ghost island markings. The proposal provides sufficient car parking provision, and therefore the application is recommended for approval.

**Recommendation**

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

1. Standard 3 year timescale
2. Development to be carried out in accordance to approved plans
3. Arboricultural Method Statement
4. Scheme for tree/hedge protection
5. Scheme for new trees on site
6. No trees to be removed
7. Maximum public floor space 120sqm and retention of carpark provision

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

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

**Human Rights Act**

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

**Background Papers**

None

<p align="center"><b>Agenda Item</b></p> <p align="center">A9</p>	<p align="center"><b>Committee Date</b></p> <p align="center">25<sup>th</sup> July 2016</p>	<p align="center"><b>Application Number</b></p> <p align="center">16/00698/ADV</p>
<p align="center"><b>Application Site</b></p> <p align="center">McDonalds Restaurant Morecambe Road Morecambe Lancashire</p>		<p align="center"><b>Proposal</b></p> <p>Advertisement application for the relocation of one internally illuminated rotating single 3-sided unit, relocation of two and display of two new internally illuminated rotating double 3-sided units, two internally illuminated customer order display units, relocation of one internally illuminated welcome sign and display of a non-illuminated directional sign</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">Mrs Sarah Carpenter</p>
<p align="center"><b>Decision Target Date</b></p> <p align="center">28<sup>th</sup> July 2016</p>		<p align="center"><b>Reason For Delay</b></p> <p align="center">None</p>
<p><b>Case Officer</b></p>		<p>Mr Andrew Clement</p>
<p><b>Departure</b></p>		<p>No</p>
<p><b>Summary of Recommendation</b></p>		<p>Approval subject to conditions</p>

**(i) Procedural Matters**

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

**1.0 The Site and its Surroundings**

1.1 The application site is located to the south of the A589 Morecambe Road close to Lancaster and Morecambe College. The site currently lies on the edge of a major highway improvement construction site associated with The Bay Gateway. The grass verge fronting the site has been re-profiled and the site access has been re-location from the centre of the frontage to northern end of the site. The layout of the access and car parking area have been re-arranged, with an increased outdoor dining area and reduced parking provision from a total of 36 car parking spaces prior to the highway improvement to 25 spaces provided as existing.

1.2 The site lies close to residential properties at Stanhope Court, Hadrian Road and Morecambe Road. The closest properties to the site are located immediate across Morecambe Road, approx. 40m from the car park and 80m from the restaurant. The playing fields to Morecambe Road School lie immediately to the west.

**2.0 The Proposal**

2.1 The application seeks advertisement consent for the display of one relocated internally illuminated rotating single 3-sided unit, relocation of two and display of two new internally illuminated rotating double 3-sided units, relocation of one internally illuminated welcome sign and display of a new non-illuminated directional sign. The rotating signage and welcome sign all measure 1.9 metres tall, and direction sign measure 0.7 metres wide by 1 metre tall. The welcome sign has already been relocated to the new access route and is applied for retrospectively. All other signage will be located

to the south-east corner of the site, at the back of the restaurant building in the vicinity of the proposed split drive-thru lane, concurrently applied for through 16/00697/FUL. In addition, the existing vehicle height restrictor is proposed to extend across both drive-thru split lanes, and replace the existing customer order display unit with two new units, measuring 2.11 metres tall and internally illuminated.

**3.0 Site History**

3.1 The site has a long planning history dating back to 1995 with approval for the restaurant under 95/00994/FUL. The building has been previously extended through permission 97/00719/FUL, with the drive through approved a variation of condition 13/00333/VCN. Related advertisement consent have been granted over the years.

Application Number	Proposal	Decision
08/01176/ADV	Installation of various replacement and new signs in line with refurbishment including 4 replacement roof fascia signs, 1 new height restrictor, 4 replacement freestanding signs, 2 new banners and 1 customer order display	Refused
08/01427/ADV	Erection of replacement signage including 3 roof facias, 4 freestanding signs and 1 customer order display sign	Permitted
15/01582/ADV	Advertisement application for the display of an internally illuminated 6.45 metre pole sign	Permitted
16/00001/BRECON	Breach of condition of site management plan (as per condition 5 of 13/00333/VCN re delivery hours and litter picks, and condition 3 re deliveries)	Pending Consideration
16/00697/FUL	Erection of single storey extension to all elevations and reconfiguration of car park and drive-thru	Pending Consideration
16/00699/ADV	Advertisement application for the display of one new internally illuminated fascia sign and the display of one and relocation of two internally illuminated individual letter signs	Pending Consideration

**4.0 Consultation Responses**

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

Consultee	Response
County Highways	No objection subject to a condition regarding signage luminance.

**5.0 Neighbour Representations**

5.1 The advertisement application has raised no individual objections - however some of the 4 objections to the planning application 16/00697/FUL and previously withdrawn development application objected to signage, in particular regarding light pollution and concentration of signage deteriorating the residential appearance of the area.

**6.0 Principal National and Development Plan Policies**

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

**Paragraph 17.** Core planning principles  
**Section 7.** Requiring Good Design

## Development Management DPD

**DM6:** Advertisements

**DM35:** Key Design Principles

## Lancaster District Core Strategy – saved policies

**SC5** (Achieving Quality in Design)

**SPG7** (Advertisements and shop fronts design guide)

### **7.0 Comment and Analysis**

7.1 The key considerations arising from the advertisement proposal are:

- Amenity; and
- Highway safety.

#### 7.2 Amenity

7.2.1 Through permission 08/01427/ADV, advertisement consent was granted for two internally illuminated rotating double 3-sided units, two internally illuminated rotating single 3-sided units, one customer order display unit and a 'goalpost' vehicle height restrictor across the single drive-thru lane. To facilitate the split and doubling of drive-thru ordering points applied for through concurrent application 16/00697/FUL, the application seeks consent to relocate the above signage, doubling the number of internally illuminated rotating double 3-sided units to four in total, replacing the existing customer order display unit with two new units, and extending the 'goal-post' vehicle height restrictor across both lanes. As part of the application, only one of the previously permitted two internally illuminated rotating single 3-sided units will be retained in a new location, and a new non-illuminated lane-split directional sign will be installed.

7.2.2 Despite the relocation of signage, with the exception of the welcome sign, all proposed signage will remain in the same area of the site, behind the main restaurant building to the south-east drive-thru area of the site. This area is visually contained by the main restaurant building to the north-west, large conifer trees to the south-west, and topography at a lower elevation to the adjacent public highway. The relocations and additional signage reflect the proposed development of an extra drive-thru ordering point, and are not considered excessive to facilitate this proposed extended drive-thru area. The relocated welcome sign is considered appropriate considering the new access point to the site approved through the recent highway junction alterations to facilitate The Bay Gateway.

7.2.3 Considered the proposed expansion of the restaurant building and additional drive-thru lane applied for through application 16/00697/FUL, the proposed advertisements are considered proportionate to facilitate the proposed developments. The context of the area has recently been altered due to the construction of a major new highway junction linking Morecambe Road to The Bay Gateway, with additional lanes and traffic lights. Given this change in nature to the site and wider area, it is not considered that the additional signage will have a detrimental impact upon the amenity of the area, and the proposal is consistent with policy DM6, DM35 and NPPF Section 7.

7.2.4 The standard time limit for advertisement consents is 5 years. The current application does not specify a time limit for the advertisements, and it is considered that the scheme should align with standard advertisement conditions. To prevent unnecessary illumination and lighting in this area, the illumination of signage should be restricted to the opening hours of the premises, similar to the previously approved pole sign through permission 15/01582/ADV.

#### 7.3 Highway safety

7.3.1 The proposal has raised no objection from the Highway Authority but a condition to control the level of illumination has been suggested, which is considered appropriate.

### **8.0 Planning Obligations**

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

**9.0 Conclusions**

9.1 The area surrounding the application site has been altered through the construction of the new junction linking Morecambe Road to The Bay Gateway, with additional traffic lanes and traffic lights increasing the surrounding built form. A concurrent applications for the development of an extended building and additional drive-thru lane would increase the size of restaurant and drive-thru facilities at the site if approved, and the proposed advertisements are considered proportionate to this concurrent proposal. Although the application site is located in a residential area, the majority of proposed signage will be visually contained to the south-east of the site behind the restaurant building. In the context of the new major road junction, the proposal is considered to have no detrimental impact on the amenity of the area or highway safety, subject to conditions.

**Recommendation**

That Advertisement Consent **BE GRANTED** subject to the following conditions:

1. Standard Advertisement Timescale (5 years)
2. Advertisements to be carried out in accordance to approved plans
3. Advertisement Standard Condition Number 1
4. Advertisement Standard Condition Number 2
5. Advertisement Standard Condition Number 3
6. Advertisement Standard Condition Number 4
7. Advertisement Standard Condition Number 5
8. Illumination of the signage restricted to approved store opening hours
9. Limits of the luminance of signage

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

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

**Human Rights Act**

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

**Background Papers**

None

<p align="center"><b>Agenda Item</b></p> <p align="center">A10</p>	<p align="center"><b>Committee Date</b></p> <p align="center">31 May 2016</p>	<p align="center"><b>Application Number</b></p> <p align="center">16/00171/FUL</p>
<p align="center"><b>Application Site</b></p> <p align="center">14 Damside Street Lancaster Lancashire LA1 1PB</p>	<p align="center"><b>Proposal</b></p> <p align="center">Redevelopment of 14 Damside Street, 20 Wood Street and adjacent land, comprising change of use of first and second floors of 20 Wood street to one 3 bedroom student cluster flat, erection of first and second floors to 14 Damside Street to create two 3 bedroom and two 5 bedroom student cluster flats, installation of new shop front to both properties, erection of a 4 storey building of eight 2 bedroom flats and creation of a 9 bay car park at rear</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Burt Properties</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">Extension of time agreed until 28 July 2016</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">Amendments to the proposal and provision of further information</p>	
<p><b>Case Officer</b></p>	<p>Mrs Eleanor Fawcett</p>	
<p><b>Departure</b></p>	<p>None</p>	
<p><b>Summary of Recommendation</b></p>	<p>Refusal</p>	

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

- 1.1 The site is located in the centre of Lancaster, adjacent to the bus station, and faces onto both Damside Street and Wood Street. There are a number of existing buildings on the site, which form a terrace at the corner of the two roads. These consist of a three storey building, adjoining a property of the same height which is located on the corner of Damside Street and Dye House Lane, a long single storey element which turns the corner, and a two storey building with the gable facing Wood Street. The site also comprises a large area of hardstanding to the north and east of the site which is used as a private car park and extends up to Butterfield Street, to the north, and Dye House Lane, to the east.
- 1.2 To the north of the site is a large, currently vacant, retail unit, beyond Butterfield Street, and to the east are three storey properties which front onto Chapel Street and back onto Dye House Lane. The nearest building to the site contains offices occupied by Age UK. There are serviced holiday apartments in the upper floors but it is not clear if these extend around the rear of the building or just front onto Cable Street. Adjoining the existing building fronting Damside Street, to the east, are two three storey properties with commercial units and ground floor and at least one of these has flats above. The bus station is located to the west, separated by Wood Street.
- 1.3 The site is located within the identified City Centre boundary and the frontage with both Damside Street and Wood Street is shown as Other Key Frontage on the Local Plan Proposals Map. All of the site is located within Flood Zone 3 and the Conservation Area. The adjacent properties to the east, between Dye House Lane and Chapel Street, are Grade II Listed. The Grade II\* Listed St Johns Church is located approximately 40 metres to the east, on the other side of these properties.

## 2.0 The Proposal

2.1 Planning permission is sought for the redevelopment of the site comprising:

- Alterations to the front and rear elevations of the three storey building fronting Damside Street and the change of use of the upper floors to a three bedroom student flat;
- Installation of new shop fronts to ground floor;
- First and second floor additions to the existing single storey element, and second floor addition to the two storey element with the upper floors used for student accommodation comprising two five-bedroom and two three bedroom student cluster flats;
- Addition of a four storey building to the north elevation to contain eight two-bedroom student flats; and,
- Alterations to the car park to provide nine spaces to the east of the site.

## 3.0 Site History

3.1 The most recent site history is set out below:

Application Number	Proposal	Decision
06/00024/CU	Change of use of shop into amusement centre with new shop front as extension to existing adjoining unit	Approved
85/00946	Erection of new pitched roof and shop front and alterations	Approved
83/01207	Demolition and rebuilding for amusement centre etc	Approved
83/00737	Renovation and extension of existing garage and storage facilities and change of use to an amusement centre	Approved

## 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> subject to conditions requiring: a construction traffic management plan, re-constructed/resurfacing or shared surface in accordance with " <i>Specification for Construction of Estate Roads (2011)</i> "; provision of cycle storage; layout to enable vehicles to enter and leave the highway in a forward gear and a scheme for the construction of off-site highway improvement works.
Environmental Health	<b>No objection</b> subject to conditions requiring: noise mitigation measures including ventilation; a scheme for dust control; mechanical ventilation to resolve issues of air quality; and assessment of contamination.
Historic England	Do not consider it necessary for this application to be notified to Historic England.
Conservation Officer	<b>Comments</b> - Concerned that the impact the four-storey element will have on townscape views within this part of the Conservation Area. Some features on this building are poor and could be improved. The elevation to Damside Street is considered acceptable, as is the Dye House Lane elevation. Some enhancement could be made to the Butterfield Street elevation.
Lancaster Civic Society	<b>Comments</b> - Pleased that Number 14 is to be restored, the new-build, four-storey element, although pastiche, is well proportioned and in sympathy with other Georgian-style houses in Cable Street. However, the block above the retail units makes for an uneasy linking feature, presenting a 1950s style of architecture; some re-design here would be welcomed. The fenestration pattern breaks up the vertical lines and the proposed metal sidings to the windows seem somewhat incongruous.
Lancashire County Council Archaeology	<b>No objections</b> subject to a condition requiring the implementation of a programme of archaeological recording and analysis.
Environment Agency	<b>Object.</b> The submitted FRA fails to consider how people will be kept safe from flood hazards identified; consider the effect of a range of flooding events including extreme events on people and property; consider the increased risk of siting sleeping accommodation on the ground floor - sleeping accommodation should not be sited on



	the ground floor; and consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.
<b>Lead Local flood Authority</b>	<b>Object.</b> Reiterates the same reasons as the Environment Agency.
<b>LCC Parking and Administration</b>	<b>Advice</b> - occupiers of the property will not be eligible for residents parking permits for the Lancaster City Council Residents Parking Scheme – Central Zone A.
<b>United Utilities</b>	<b>No objections</b>
<b>Lancashire Constabulary</b>	<b>Comments</b> – Suggest a various security measures to reduce the risk of the types of crimes affecting the students living within the proposed development.
<b>Lancashire Fire and Rescue</b>	<b>Comments</b> - t should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations.

**5.0 Neighbour Representations**

5.1 1 piece of correspondence has been received, from 6a Damside Street, which raises an objection to the proposal due to the following concerns:

- Loss of light to property;
- Will exacerbate serious problems with the storm water and sewage systems in the Damside street area;
- The continued building on the limited car parking spaces will be to the detriment of both commercial enterprises and members of the public who either live or visit the city; and,
- No consideration of the design and modern requirements of urban living including lack of open spaces, communal areas and facilities for families and retired people in the city centre.

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework (NPPF)

- Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
- Paragraph 32 – Access and Transport
- Paragraphs 49 and 50 – Delivering Housing
- Paragraphs 56, 58 and 60 – Requiring Good Design
- Paragraphs 100 – 103 – Flooding
- Paragraph 124 – Air Quality Management Areas
- Paragraphs 131 – 134 and 137 – Designated Heritage Assets
- Paragraph 135 – Non-designated Heritage Assets

6.2 Lancaster District Core Strategy (adopted July 2008)

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

6.4 Development Management Development Plan Document

- DM1 – Town Centre Development
- DM2 – Retail Frontages
- DM20 – Enhancing Accessibility and Transport Linkages
- DM22 – Vehicle Parking Provision
- DM31 – Development Affecting Conservation Areas
- DM32 – The Setting of Designated Heritage Assets
- DM34 – Archaeological Features and Scheduled Monuments
- DM35 – Key Design Principles
- DM38 – Development and Flood Risk
- DM39 – Surface Water Run-Off and Sustainable Drainage
- DM46 – Accommodation for Students

Appendix D: Purpose Built and Converted Shared Accommodation  
 Appendix F: Studio Accommodation

## 6.5 Other Material Considerations

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

## **7.0 Comment and Analysis**

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

- Principle of development
- Scale, design and impact on heritage assets
- Flooding
- Highway Safety
- Impact on amenity of neighbouring properties
- Standard of Accommodation

### 7.2 Principle of development

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

7.2.2 The site is located within the identified city centre area but is not identified as primary retail frontage. The ground floor of the existing building has been shown as retail space, with residential accommodation above. This is considered to be acceptable in this location. The new building proposed as part of the scheme has residential accommodation on all four floors. Policy DM1 sets out that proposals for residential development within town centre locations will be considered favourably provided that are above ground floor level and do not restrict the maintenance of an active street frontage. This part of the site currently comprises a car park so does not have an existing active street frontage. There are also benefits of developing the site, in terms of improvements to the Conservation Area, and the site is located towards the northern end of the identified city centre. Therefore the loss of the opportunity for an active street frontage in this location will need to be balanced against the benefits of the scheme.

### 7.3 Scale, design and impact on heritage assets

7.3.1 The site is located within the Lancaster Conservation Area and is in close proximity to a group of Grade II Listed Buildings, and is located slightly further from St John's Church which is Grade II\* listed. The buildings to the east of the site, fronting Damside Street are all considered to contribute positively to the Conservation Area. The buildings and site, to which the application relates, do not do this and are relatively low quality in terms of their design, out of keeping with historic buildings close to the site and, in particular those in the block around Dye House Lane. The redevelopment of this site therefore provides an opportunity to significantly enhance this part of the Conservation Area.

7.3.2 The current buildings on the site are fairly low in scale comprising mainly single storey and partly two storey. A development of a similar scale to the existing three storey block would be considered to be acceptable, and the design has taken an approach of extending the existing terrace. The initial submitted plans showed a mix of render, grey cladding and a small element of ashlar stone to the upper floors of the existing building. A grey shopfront was also proposed that was considered to relate poorly to the upper floors. In particular there were concerns regarding the materials and the horizontal emphasis that this produced, in addition to a proposed gable that was considered to relate poorly to the block which it adjoins. As a result, the front wall of this element of the scheme has been altered to coursed stone for the upper floors and ashlar for the shopfront. Unfortunately, the gable has been retained, which is still considered to be a poor element of the scheme, and a continuation of the pitched roof is considered to be more appropriate. Overall, it is considered that this section of the scheme will produce a building that will enhance this part of the Conservation Area.

- 7.3.3 Significant concerns were raised with the agent with regards to the height of the four storey building, which is proposed at the end of the terrace to the north of the site. This was originally shown as being 2.3 metres above the height of the main part of the proposed development and approximately 1 metre higher than the Listed Building to the east. All of the buildings positioned around Dye House Lane are three storey, although with a slight variation in height. It was considered that this element of the proposal should relate better to the group which it adjoins, and the agent was advised of this. It was also considered that the design took a pastiche approach and there were concerns that this approach was not really compatible with the immediate context of the site. Although a pastiche approach can work, the design obviously incorporates modern floor heights and would not have the same detailing as the large buildings on Cable Street that it appears to be trying to emulate. It was advised that a slightly different approach was taken, which could be more contemporary. Another concern with regards to the type of dormer proposed was that it resulted in two downpipes towards the centre of the elevation, resulting in a poor detail across the stonework. Suggestions were made with how this could be overcome and detailed discussions were undertaken with how the design could be improved, taking a slightly more contemporary approach on a traditional design.
- 7.3.4 Following the concerns being raised with regards to the height and design of the four storey element, amended plans were submitted. These have completely altered the original design concept and, instead of reducing the height, have increased this to approximately 2.7 metres above the rest of the proposed development. The dormer windows have been removed from the proposal and the development is now over four full floors, rather than utilising some of the roof space. The changes have now emphasised the height of the building in relation to the adjacent existing and proposed development and it is particularly poor that the eaves level is higher than the ridge of the adjoining building. There are also significant concerns regarding the amended design which proposes coursed stone with a relatively narrow central gable finished in ashlar. The gable appears to emphasise the height of the building and the proportions have a jarring effect with the gable on the adjacent part of the proposed scheme. It is also not considered that the building relates well to its immediate surrounds, the side elevation will produce a large mass of rendered wall with no detailing and the fenestration and detailing is considered to be poor. It is considered that the proposal does not represent high quality urban design.
- 7.3.5 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Conservation Area or the setting of a listed building, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area or the setting of the building. This is reiterated in policies DM31 and DM32, with the former setting out that new buildings within Conservation Areas will only be permitted where it has been demonstrated that:
- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
  - Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
  - Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.
- 7.3.6 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.
- 7.3.7 The County Archaeologist has submitted detailed comments in relation to the proposal. It has been advised that the development site is located on or adjacent to Lancaster's medieval corn mill site. The mill was powered by water taken from the Lune at Skerton weir and run in a millrace around the Green Ayre and back into the river at Fleet Square. This millrace was gradually culverted over and integrated into Lancaster's drainage system, with the section in this area now followed by the line of Damside Street. Archaeological work was also undertaken on the site of the recently erected 11 Damside Street, the work revealing limited Roman material but also evidence of pre-Conquest occupation – a rare survival in the City. The area inside the millrace was not generally developed in the 17th century, the land being open and used for recreation and grazing, but by the 18th century development had started encroaching upon it, leading to a dense network of streets and houses in

the area of the development. The mill building itself is not obvious on that rather general map, although it does seem to survive on Mackreth's map of 1778 in the centre of an open area and it is possible that some remains may be incorporated into the present 14 Damside Street. The present open portion of the development site bounded by Wood Street, Butterfield Street and Dye House Lane had been built up by 1810.

- 7.3.8 It has been advised that the redevelopment of the more modern building that wraps the corner to Wood Street and the infill of the present open area has some limited potential to expose remains associated with the mill building, but these will have been damaged by the development which had appeared by 1810 and modern works. Remains of the pre-1810 buildings are, however, of some local importance and this part of the work should be accompanied by a formal archaeological watching brief during all ground disturbance. This can be adequately controlled by condition.

### 7.4 Flooding

- 7.4.1 The site is located wholly within flood zone 3, which is defined as having a high probability of flooding in the National Planning Practice Guidance (NPPG), and it is understood that it would be subject to flooding during the winter storms. Both the Environment Agency and the Lead Local Flood Authority have been consulted on the application. Most of the proposal reuses existing buildings and proposes residential accommodation on the upper floors. However, the new four storey building proposes residential accommodation on all floors. The submission has aimed to overcome the flooding issues by significantly raising the ground floor level of the accommodation above the existing ground level of the carpark.

- 7.4.2 The NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high risk, but where development is necessary, making it safe without increasing flood risk elsewhere. As such, a Sequential Test was requested. The aim of this is to steer new development to areas with lowest probability of flooding and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If, following the application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied. For this to be passed it must be demonstrated that the development provides wider sustainability benefits to the community which outweigh the risks posed by flooding and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.

- 7.4.3 The submitted Sequential Test sets out a series of alternative sites outside highlighted flood risk areas where the development could reasonably take place. This has focussed on the City Centre, which is considered to be an appropriate approach given that the accommodation is specifically to house students. The City Council have over a number of years had a consistent approach to the delivery of student accommodation, in that any proposals for new accommodation should be located within the existing campus area or located within appropriate locations within Lancaster City Centre. This approach has been taken to alleviate pressure on residential properties in the suburban areas of the town and to ensure that student accommodation is located in places which have good access to a range of key services and public transport. All sites identified have been discounted for a range of reasons, including land availability, site size and site deliverability. The NPPG suggests that when applying the Sequential Test, a pragmatic approach on the availability of sites should be taken. On this basis it is considered that the site selection presents a reasonable consideration of alternative sites in Lancaster City Centre and the reasons identified for discounting these sites are pragmatic, taking account the needs of the proposed development, in terms of the scale of development. It is therefore considered that the Sequential Test has been passed.

- 7.4.4 In terms of the first part of the Exception Test, in relation to wider sustainability benefits, locating student accommodation in Lancaster City Centre has been supported by the Council through a variety of historic planning applications and is acknowledged to have a wider range of sustainability benefits. The application will also result in a regeneration of the site and improvement to its overall appearance and that of the Conservation Area, subject to an appropriate design. This part of the Exception Test is also considered to be passed.

7.4.5 It is the role of the Environment Agency (EA) to provide comments in relation to the second part of the Exception Test which relates to the safety of the development for its lifetime, taking into account the vulnerability of users. They have raised an objection to the proposal and have set out that the flood risk assessment fails to:

- Consider how people will be kept safe from flood hazards identified;
- Consider the effect of a range of flooding events including extreme events on people and property;
- Consider the increased risk of siting sleeping accommodation on the ground floor. Sleeping accommodation should not be sited on the ground floor; and,
- Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.

7.4.6 Following the initial comments, the applicant submitted a sequential and exception test, which included some flood resilience measures. However, the EA have maintained their objection. The main issue with regard to the proposal is the siting of sleeping accommodation on ground floor. The units proposed are self-contained and, as such, there would be nowhere to escape in the event of the flood. The agent has argued that the significant increase in the floor area would mean that occupants would not be at risk from flooding, however the EA (as statutory consultee) comments are a material consideration in this matter. The agent has also cited a development on Cable Street that received consent in February this year. However, at that time, the full data from the December 2015 flooding events was not available, and the EA have since advised that they may now come to different views on proposals that they have previously considered acceptable. It has been advised that the agent investigate providing the accommodation in another way, to keep sleeping accommodation from the ground floor. In response, it has been set out that the number of units is required to make the whole scheme viable, although no detailed information has been provided in support of this. Irrespective of this, it is not considered that these issues would outweigh the flooding concerns and potential risk to life.

### 7.4.1 Highway Safety

Part of the site currently comprises a private car park with access from Dye House Lane and Butterfield Street. The application proposes to retain nine parking spaces as a car park, but not to serve the proposed development. 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 is within close proximity of cycle routes on Chapel Street which provide access to the city centre and surrounding cycle network. Covered and secure cycle parking is proposed on the site in a convenient location and the number of on-site cycle parking spaces proposed complies with the Highway Authority's requirements of providing 10 secure cycle spaces.

7.4.2 The Highways Officer has advised that the location of proposed loading/unloading arrangements off Dye House Lane for students arriving and departing the site with their belongings at the start and end of term are appropriate for the proposed use of the site. This is not clear on the submitted plan, although there is a section adjacent to the parking bays that has been widened which would allow vehicles to pull off the highway. The creation and demarcation of this could be requested by condition. The proposed development would generate a very small number of vehicle trips to the area during traditional highway "peak hour" periods during term time and also at the start and end of the academic year. As such, the effect of the development on the operation of the local highway network would be negligible.

7.4.3 In relation to vehicular access, the junction of Chapel and Butterfield Street has a known accident record. The Highways Officer has advised that in view of safety concerns, this will be the subject of a "prohibition of motor vehicle" order. Butterfield Street/Dye House Lane is to be considered as a pedestrian / vehicular shared surface with the latter considered the sites principle means of access/ egress onto Damside Street. Deliveries and servicing should be undertaken via the rear of the premises on Dye however the layout of the rear of the premises provides little indication that large vehicles serving the development can turn within curtilage. Under no circumstances would it be deemed acceptable to allow vehicles to reverse from the site and onto Damside Street. The agent

has been asked to address this issue on several occasions but has failed to do so. The Highways Officer has set out that vehicular access / egress in a forwards gear will be a matter covered by appropriate condition. However, the current proposed layout of the car park does not show any provision for turning within the site and it is not clear how this could be achieved within the space available. Clarification will be sought from the Highways Officer with regards to this.

7.4.4 The Highways Officer has raised no objections to the proposal subject to conditions requiring: a construction traffic management plan, re-constructed / resurfacing or shared surface in accordance with the Lancashire County Council document "Specification for Construction of Estate Roads (2011)"; provision of cycle storage; layout to enable vehicles to enter and leave the highway in a forward gear and a scheme for the construction of off-site highway improvement works namely:

- Kerb-line realignment of Dye House Lane as well as in the vicinity of 8 Damside Street - such as to improve driver forward visibility when egressing Dye House Lane.
- Amendment to the existing Traffic Regulation / Prohibition of driving order (Butterfield Street / Dye House Lane) with the same meeting all of the costs associated with advertisement, consultation & implementation of the order.
- Prohibition of vehicular access from Butterfield Street to Chapel Street through the placement of a series of bollards in the highway.

### 7.5 Impact on amenity of neighbouring properties

7.5.1 There are some flats in the upper floors of properties fronting Damside Street and those fronting onto Chapel Street. At its closest the new part of the development is approx. 13 metres from the property to the rear, but given the angle, most of it is further than this, approx. 16 metres at its maximum. This is sufficient to not have a significant impact on light but there is some potential for overlooking. All the windows at the rear are proposed to serve bedrooms, with the living accommodation at the front. There does not appear to be permanent living accommodation in the closest building to the east, some research has shown that at least some of the upper floor is let as holiday accommodation, but this may just be at the front facing Chapel Street. Given the number and position of windows and the slight angle of the building it is not considered that there will be a significant adverse impact on the privacy of either property. It is also a city centre location and therefore more difficult to maintain separation distances that would usually be expected.

7.5.2 The proposed upper floors to the existing building are further from the development to the rear, between 18 and 22 metres. It is not therefore considered that there will be a detrimental impact on the amenities of upper floor flats. There are flats in the upper floors of some of the buildings to the east, fronting onto Damside Street. Given the oblique angle, it is not considered that there will be overlooking to windows in these properties. There may be some limited loss of light but this would be limited given the position of the building to the north west. Concerns have been raised from the occupiers of 6a Damside Street with regards to loss of light, however this is approximately 24 metres from the rear wall of the upper floors of the development. As such, it is unlikely that this would have a significant impact, although occupiers would likely see this at an oblique angle. Access to the properties in the upper floor of the existing building would be at the rear utilising an existing flat roofed area, surrounded by a wall approximately 1.2 metres high. This gives quite a large terrace area which is likely to be used as external amenity space by residents. In order to ensure that there are no detrimental impacts on neighbouring properties through the use of this, it may be appropriate to raise the wall by around 0.3 metres.

7.5.3 Flats are proposed in the upper floor of the building fronting Damside Street, and there are some properties on the opposite side of the road to the south. Most of the building in this location is already three storey, except the section which turns the corner. There are some flats opposite at first floor and within the roof space, separated by approx. 13 metres. As most of the building is already there, it is not considered that there would be an impact on light. The development is separated by the road, at a slight angle and a slightly different level. There are also limited openings in the opposite building. Although it is quite a close relationship, the building line already exists and, as set out above, it is a city centre location. As such, it is not considered that the proposal would have a significant impact on the amenities of either property.

7.6 Standard of Accommodation/ amenity for occupiers

7.6.1 Appendix D sets out standards in relation to shared student accommodation and Appendix F refers studio apartment standards. In terms of the sizes of rooms, these are broadly acceptable however, with regards to the two bedroom flats, the smaller room appears to be below 9 square metres, which is what we would usually expect. These units are only for two students and do have a large amount of shared living space. Given this, it is considered that the slightly smaller sized bedroom is acceptable in this instance. All the rooms benefit from an appropriate level of light and outlook.

7.6.2 A noise impact assessment has been submitted which identifies the environmental noise impacts at this location and demonstrates that there are likely to be significant observed noise effect levels if noise impacts are unmitigated. However, with provision of certain glazing specifications and with additional ventilation solutions noise can be mitigated to achieve internal design criteria targets specified within British Standards. The site is also located in close proximity to the Lancaster AQMA and the Lancaster Bus Station. There is therefore potential for the introduction of new exposure to poorer air quality as a consequence of its proximity to these sources. The submitted air quality assessment recommends the provision of mechanical ventilation to the living accommodation on the ground, first and second floors, taking air from a point above third floor level as far as possible away from Wood Street. Environmental Health have recommended a scheme for mechanical ventilation to be submitted and implemented.

**8.0 Planning Obligations**

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

**9.0 Conclusions**

9.1 The development will provide student accommodation in a sustainable city centre location on a currently vacant site. However, the site is located within flood zone 3 and proposal will result in sleeping accommodation on the ground floor. Although measures have been shown to try to limit impacts on future occupiers, the Environment Agency is not satisfied the development will be safe for its lifetime. The proposed redevelopment of the site does offer 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, 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, for the reason contained below.

**Recommendation**

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

1. As a result of the location of the site within flood zone 3, and the location of residential accommodation on the ground floor, in particular sleeping accommodation, it is considered that the proposal would result in unacceptable risks of flooding to future occupiers of the development, which have not been adequately mitigated. As a result, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 10 and Policy DM38 of the Development Management Development Plan Document.
2. The current proposal, in particular relation to the four storey element, fails to respect the design, form, massing and scale of the adjacent buildings and, as a result of this is not considered to represent high quality urban design as advocated by the NPPF and will have a detrimental impact on the streetscene and the special character and appearance of this part of the conservation area. It is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 7 and Section 12 and Policies DM31 and 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. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons set out in this report. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

### **Human Rights Act**

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

### **Background Papers**

None



<p align="center"><b>Agenda Item</b></p> <p align="center">A11</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">16/00533/OUT</p>
<p align="center"><b>Application Site</b></p> <p align="center">Land At 50 Market Street Carnforth Lancashire LA5 9LB</p>	<p align="center"><b>Proposal</b></p> <p align="center">Erection of 8 dwellings and 4 apartments with associated parking</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Mr T Johnson</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">Mr Lee Donner</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">2 August 2016</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">None</p>	
<p><b>Case Officer</b></p>	<p>Mrs Eleanor Fawcett</p>	
<p><b>Departure</b></p>	<p>None</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval subject to receipt of minor amendments</p>	

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

- 1.1 The site relates to an area of land located between Market Street and Hawk Street, within the centre of Carnforth. Most of the site is currently used as a car park in relation to the adjacent businesses, and has an existing vehicle access from Market Street. There is a significant difference in levels between the two highways and there are grassed bankings and retaining walls towards the northeast and southeast boundaries. Along the boundary with Market Street is a rendered wall, approximately 2 metres in height, and the boundary with Hawk Street comprises a hedgerow and trees.
- 1.2 To the north west of the site is a row of commercial properties fronting onto Market Street, and a terrace of two storey dwellings fronting onto Hawk Street. To the south east is a detached dormer bungalow, facing onto Market Street and at a higher level than the site and the highway, and a commercial garage fronting onto Hawk Street. On the opposite side of Market Street, to the southwest of the site, is a block of residential accommodation which is ancillary to the County Hotel. To the north east of the site, on the opposite side of Hawk street, are some semi-detached and detached dwellings which are set back from the highway, at a higher level.
- 1.3 The site is located within the defined urban area of Carnforth and is adjacent to the Conservation Area. It is also just outside the identified Town Centre on the Local Plan proposals map. The Lancaster Canal lies approximately 100 metres to the south east. The Carnforth Air Quality Management Area (AQMA) is concentrated around the nearby crossroads and is approximately 35 metres from the application site at its closest.

## **2.0 The Proposal**

- 2.1 The application seeks outline consent for the erection of 8 dwellings and four apartments with associated parking facilities. The 8 dwellings are proposed to face onto Hawk Street in the form of a terrace, with the four apartments facing onto Market Street. Vehicle access would be from Market Street, in the existing position. Consent is sought for the access and the siting of the dwellings, with scale, design and landscaping being matters that would be considered by a subsequent reserved matters application.

**3.0 Site History**

3.1 The relevant recent site history is set out below.

Application Number	Proposal	Decision
15/01564/OUT	Outline application for the erection of 8 dwellings and 4 apartments with associated parking	Withdrawn

**4.0 Consultation Responses**

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

Consultee	Response
<b>Carnforth Town Council</b>	<b>Comments</b> - Considered that this application had been approved by Lancaster City Council using officers' delegated powers (not the case). The Town Council have been re-consulted on the amended layout plan.
<b>Environmental Health</b>	<b>Agree</b> with the proposed contamination site investigation, the scope of which must be agreed prior to execution.
<b>Conservation</b>	<b>Comments</b> - The design is not considered to have an adverse impact on the conservation area. However, there could be some improvement in the relationship of the windows to surrounding built form. Details could be submitted through a subsequent reserved matters application.
<b>Tree Protection Officer</b>	<b>No objection</b> subject to conditions requiring: compliance with submitted arboricultural implications assessment; submission of a scheme for new tree planting; submission of a tree protection plan.
<b>Public Realm Officer</b>	<b>Comments</b> - 182m <sup>2</sup> of Amenity Space is required on site in addition to an off-site contribution of £17,680 towards young people's facilities and a children's play area.
<b>County Highways</b>	<b>No objection</b> subject to conditions requiring: a construction method statement; construction of hardstanding in a porous material; and a review of existing Traffic Regulation Orders and on-street parking arrangements on Market Street.
<b>United Utilities</b>	<b>No objection</b> subject to conditions requiring foul and surface water to be drained on separate systems and a surface water drainage scheme including management and maintenance.
<b>Canal and River Trust</b>	<b>No comments</b> to make.
<b>Lead Local Flood Authority</b>	No comments received within statutory timescale.

**5.0 Neighbour Representations**

5.1 4 pieces of correspondence have been received which raise objections to the proposal and include the following concerns:

- Unsuitable access to the site and loss of parking for commercial properties;
- Use of the lane to the rear of 3-9 Hawk Street is inappropriate for construction traffic, drainage or parking associated with the development;
- Insufficient parking and impact on Hawk Street.

2 additional pieces of correspondence do not raise an objection but raise the following concerns:

- Loss of parking for commercial properties could have a detrimental impact on these businesses. Suggest that parking spaces outside the businesses have a limited parking time so that spaces can be used throughout the day.

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles  
Paragraph 32 – Access and Transport  
Paragraphs 49 and 50 - Delivering Housing  
Paragraphs 56, 58 and 60 – Requiring Good Design  
Paragraph 124 – Air Quality Management Areas  
Paragraphs 131 – 134 and 137 – Designated Heritage Assets

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

SC2 – Urban Concentration  
SC4 – Meeting Housing Requirements  
SC5 – Achieving Quality in Design

## 6.3 Development Management Development Plan Document (DM DPD)

DM1 – Town Centre Development  
DM20 – Enhancing Accessibility and Transport Linkages  
DM22 – Vehicle Parking Provision  
DM29 – Protection of Trees, Hedgerows and woodland  
DM31 – Development Affecting Conservation Areas  
DM32 – The Setting of Designated Heritage Assets  
DM35 – Key Design Principles  
DM37 – Air Quality Management and Pollution  
DM41 – New Residential dwellings

## 6.4 Other Material Considerations

- Meeting Housing Needs Supplementary Planning Document
- Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that the local planning authority should pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

## **7.0 Comment and Analysis**

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

- Principle of development
- Siting, Scale, Design and Impact on Conservation Area
- Access and highway impacts
- Residential Amenity
- Affordable Housing
- Drainage
- Open space

## 7.2 Principle of development

7.2.1 The site is located in a highly accessible location within the centre of Carnforth. It is therefore a sustainable location for new residential development given the proximity to a variety of services. Policy DM1 of the DM DPD sets out that proposals for residential development within town centre locations will be considered favourably where they are above ground floor level and do not restrict the maintenance of an active street frontage, particularly within designated retail frontages. The site is just outside the identified town centre area and as such will not conflict with this policy.

7.2.2 The site does however currently serve as a car park for the adjacent commercial businesses, although it is in separate private ownership. Some of these have direct access onto the site. The proposed layout appears to retain pedestrian access from the units to the north east of the site. However, there would be no parking to serve these properties. It is under private ownership so its use could be withdrawn at any time and there is a large town centre car park approximately 110 metres to the northwest. Some comments have been submitted from the adjacent businesses requesting whether the parking space to the front of the commercial properties, within the highway, could be time-limited to allow more opportunity for customers to mark close to the businesses

throughout the day. This has also been recommended by the Highways Officer and could be covered by condition. This would be secured through a Traffic Regulation Order (TRO)

### 7.3 Siting, Scale, Design and Impact on Conservation Area

7.3.1 The application only seeks consent for the siting of the buildings and the access from the highway. Scale, design and landscaping would be covered by any subsequent reserved matters application. However, given the proximity to the Conservation Area, indicative drawings have been provided showing the possible height and design of the buildings. In terms of the layout, a terrace of 8 dwellings is proposed fronting onto Hawk Street. They would have two storeys, when viewed from this road, but definitely some would be three storey at the rear given the difference in levels between the main part of the site and Hawk Street. The indicative elevation plan shows an increase in height for every two of these, following the gradient of the adjacent highway. This is similar to the existing terrace of properties to the northwest. The four apartments are proposed to be positioned adjacent to the existing boundary wall with Market Street. They have been shown within a two storey building with two apartments on each floor.

7.3.2 The position of the buildings follows that of the adjacent development and it is unlikely that the height of the buildings would change significantly given the development proposed and the constraints of the site. There are some concerns regarding the appearance of the apartment building adjacent to the large boundary wall and it is not clear if a strong frontage can be achieved in the position proposed. Lowering the wall may improve the appearance but would likely lead to windows of the ground floor apartments onto Market Street. One solution could be setting the building back slightly, with a small front yard to the apartments, and lowering the wall to give a better frontage. A simple sloping roof would probably be more appropriate, rather than the projecting gables shown on the indicative plan. As this change will affect the layout, and the application seeks consent for this element, alterations have been sought from the agent. There were concerns regarding the lack of private amenity space to serve the dwellings fronting onto Hawk Street and the layout has been amended to include these. This had had an implication on shared amenity space and parking, with the removal of integral garage, but these issues will be considered below. This alteration does not significantly alter how the development would be seen from outside the site.

7.3.3 Along Market Street, the boundary of the main part of the Conservation Area extends to 48 Market Street, approximately 20 metres to the northwest. However this boundary abuts the application site where it fronts onto Hawk Street. There is a separate part of the Conservation Area, focussing around North Road up to the Canal, the boundary of which lies approx. 25 metres to the southeast. The special character of the area relates to the market town's expansion in the latter half of the 19th century. In the conservation area, the buildings are a mixture of 2 and 3 storeyed terraced houses and first floor apartments with ground floor 19th century shop fronts. Their construction is characterised by sandstone walling (often rusticated), slate pitched roofs, sash windows, canted bay windows and timber panelled doors. Given the proximity of the site to the Conservation Area and the nature and position of the site, it is considered that the proposal will impact on the character and appearance of the conservation area.

7.3.4 Conservation areas are designated under the Planning (Listed Buildings and Conservation Areas) Act 1990 for their 'special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. In terms of the siting, providing that the above concerns regarding the position of the apartment building, is addressed, it is considered that the siting respects the layout of the surrounding development. In addition, it is not considered that the proposed principle height and design of the buildings will not have an adverse impact on the conservation area. However, there could be some improvement in the relationship of the windows to surrounding built form, in relation to the dwellings on Hawk Street. As set out above, there were some concerns regarding the form of the building fronting Market Street, and a simplified approach with a strong frontage would be more appropriate. The precise details and materials to be used on the development would be fully considered at the reserved matters stage.

### 7.4 Access and highway impacts

7.4.1 The development site has an existing access off Market Street which provides pedestrian and vehicular access to J.N Wilson Funeral Directors and Tile Doctor, including servicing space for large vehicles to enter, load/unload, turn and exit in forward gear onto Market Street. The site also provides a partly surfaced car park with marked bays for 8 vehicles and a partly unmade hard

standing car parking area which can accommodate approximately 7 vehicles. There is a sign at the access point to the car park which states '*Private Car Park for the customers of – Iretons Hardware, St Gregory's Homecare, Hi-Style Hairdressers and J.N.Wilson Funeral Directors* (all reside in the building fronting Market Street and numbered 50, 50a, 50b, 50c). There is an additional sign alongside the marked car parking bays which states - *Customer parking only – 1 hour maximum*. The car park appears to be well-used during the working day which is expected due to the lack of nearby public car parking for shoppers. On Market Street, directly outside number 50, there are approximately 3 car-length spaces where vehicles can park without restriction and the remaining on-street parking is prohibited during the working day. The section of unrestricted on-street parking lies within the visibility splay of the existing development site access, which the Highways Officer does not determine to be a highway safety concern when considering the existing vehicle movements, low vehicle speeds and no recorded collisions at the junction within the previous 5 years.

- 7.4.2 The Highways Authority have advised that the existing site access off Market Street is unsuitable to serve the proposed development and it will be necessary for the existing access to be widened to allow two vehicles to pass side by side with a footway provided on the northerly side of the access for the safety of pedestrians and the customers/staff of the Funeral Directors and Tile Doctor. It will be necessary to remove part of the existing wall which bounds the site along Market Street to accommodate widening of the access. The Highways Officer recommended a carriageway width of 5.5 metres with a footway width of 1 metre (to accommodate a wheelchair user). It is currently approximately 4.4 metres wide so the widening may affect the position of the apartment building slightly. It has been advised that the existing vehicular crossing/footway crossover arrangement should be replaced with a radius kerb arrangement to better accommodate the vehicle movements from the development site (completed via a Section 278 Agreement with the Highway Authority).
- 7.4.3 The application proposes a secondary access point from the site along a private narrow unmade lane to the rear of 3 – 9 Hawk Street which connects to an adopted back street named rear 2-6 Scotland Road and then to Market Street and Hawk Street. Currently the lane is gated at the midpoint, with a steel container positioned at the development site end preventing vehicular and pedestrian access. The Highways Officer has advised that it is not necessary to provide a secondary vehicular access to the proposed development site and the narrow width, proximity of neighbouring properties and unmade nature make it unsuitable to accommodate any development traffic, including construction traffic and therefore measures should be proposed to restrict vehicle movements. However, there are no objections to its use as a pedestrian cycle link to serve the development site.
- 7.4.4 It has been advised that the developer contact Lancaster City Council Refuse Team to seek their comments on the layout. If the refuse is to be collected from the highway on Market Street, then a wheelie bin collection point needs to be provided adjacent to Market Street to accommodate the bins from the 12 units. It would not be suitable to have the bins located on the footway of Market Street which would cause an obstruction and be a highway safety concern. Alternatively if the refuse wagon is to enter the development site, this should be agreed with the refuse team and a vehicle tracking drawing should be provided to show that a full size refuse vehicle can enter, load, turn and exit in forward gear.
- 7.4.5 The original layout plan showed 13 off street parking spaces serving the 8 dwellings, 5 of which were garage spaces. The access to these is off Market Street with no vehicular access from Hawk Street, although two gated (coded) residential pedestrian access points are proposed at the ends of the terraced block. The Highways Officer set out that it is anticipated that potential residents would chose to park on Hawk Street itself for convenience but it is not anticipated that this will present a highway safety concern. There is currently a level of on-street parking on Hawk Street, overnight and during the daytime on both sides and the Highway Officer considered that there was spare capacity to accommodate any additional residential parking. The layout has now been altered to include rear garden areas to the dwelling, which has removed the garage parking element of the proposal, leaving a space for each dwelling. Comments have been sought from the Highways Authority in relation to these amendments and will be reported to the Planning Committee.
- 7.4.6 The four one-bedroom flats which front Market Street will have four off street parking spaces proposed, at the rear of the units within the shared parking area. Secure, covered cycle parking will be necessary for the dwellings and the apartment units. Each dwelling could have this incorporated into the garden area, and there is scope for an external cycle store to be sited to serve the apartments. With a suitable provision of cycle parking at the development, the highways officer has recommended that the off-street parking provision accords with the parking and that it is suitable to

accommodate the development without causing a detriment to highway safety or neighbour amenity. As set out above, this provision has changed and further advice has been sought.

7.4.7 Given the loss of the parking area to serve the adjacent commercial businesses, the Highways Authority has recommended that the short section of on-road parking is proposed as 1 hour limited waiting during the working day, to reflect other sections of limited waiting nearby, to assist the customers of the businesses by providing a turnover of vehicles throughout the day. This would be proposed by Lancashire County Council through its Traffic Regulation Order process and the costs would be borne by the developer and would partly compensate for the loss of the off-street parking provision which is currently available to the businesses at 50 Market Street.

### 7.5 Residential Amenity

7.5.1 There is a detached bungalow on Market Street, no. 58, which is set back from the highway and at a higher level. There are some windows in the side elevation facing the application site which appear to serve habitable rooms. The apartment building would be located approx. 1.7 metres from the boundary with this property, at its closest and approx. 14 metres from the side wall of the dwelling. Given the distance and the difference in levels, it is not considered that proposal will have a detrimental impact on light to this dwelling. The indicative elevations show one window serving a habitable room facing this dwelling. However there are other windows serving this room so it could be ensured that there would be no loss of privacy to this property.

7.5.2 There are no windows in the side wall of the adjacent dwelling on Hawk Street and those opposite are set back from the highway and separated from the site by approximately 28 metres. As such it is not considered that there would be a detrimental impact on the amenities of the residents on Hawk Street. On the opposite side of the road to the site, on Market Street, is residential accommodation which is ancillary to the County Hotel and has some windows fronting the road. There is approximately 17 metres between this building and the site. Although this is slightly less than usually considered acceptable, this is an urban setting and views would be across the highway. The setting back of the building, as suggested above, will provide a slightly greater separation distance. It is not considered that there will be significant detrimental impact on the amenities of the neighbouring property or the proposed apartment building.

### 7.6 Impact on trees and hedgerows

7.6.1 A tree survey has been submitted with the application as there is a hedgerow and some trees along the boundary with Hawk Street, and some trees along the southeast boundary. The Tree Officer has advised that generally, the existing tree and hedge stock is poor, in terms of both quality and quantity. A total of 2 hedges (Privet & Hawthorn and Ash & Elder), 2 individual trees (Ash and Beech) and a group, comprised of young ash and elder, have been identified. With the exception of one of the trees, all existing trees and hedges have been categorised as "U", which relates to trees and hedges in such a condition that they cannot be realistically be retained as living trees in the context of the current land use for more than 10 years. It is proposed that these are removed because of their severely limited life potential. It is recommended that the Beech, a boundary tree, is retained in the medium term and as such, tree protection measures will be required to safeguard this tree through the proposed development period. The alterations to the layout may have implications for this tree, but its removal is not considered to have a significant adverse impact on the character and appearance of the site. Additional new planting would be required, in the interest of public amenity and wildlife benefit.

### 7.7 Affordable Housing

7.7.1 Policy DM41 of the DM DPD sets out that within urban areas, proposals for 5 to 14 residential units will be expected to provide 20% affordable housing on site, which equates to 2.4 dwellings in relation to the proposal. The submission set out that 2 of the 4 apartments would be made available at 80% of market value and the additional requirement would be made up through a commuted sum. However, it is not considered that the type proposed is acceptable and does not comply with the Council's policy. It would be expected that any affordable housing would be managed by a Registered Provider as otherwise it puts an additional burden on the Council and is difficult to control. A Registered Provider would not take on units within a block of apartments due to issues with additional service charges. They may take on two of the dwellings but, as it is a small number, this is not guaranteed. The agent has been advised that a contribution may be acceptable, in lieu of

onsite provision, equivalent to providing 20% on site, if it is demonstrated that there is no interest in the units by a Registered Provider. Further information is awaited with regards to this, however a calculation of the likely contribution, if considered to be acceptable, has been provided. The agent has set out that the contribution, based on the likely open market value of the properties, would be £56,166. As this is outline, and the scheme could alter, it would be more appropriate to agree a Unilateral Undertaking for the amount to be calculated at reserved matters stage.

### 7.8 Drainage

7.8.1 The site currently contains a large area of hardstanding but also a grassed banking towards two edges of the site. A response has not been received from the Lead Local Flood Authority, however the Highways Officer has advised that the surfacing should be permeable. A surface water scheme can be controlled by condition and this would need to ensure that it was adequately managed, likely through the creation of a management company.

### 7.9 Open Space

7.9.1 A response has been provided by the Public Realm Officer in relation to the need for open space in relation to the development. It has been set out that 182 square metres should be provided on site. The original plan just showed space on the banking, however this was amended to show a larger, more usable area of open space to serve all of the units. However, there were concerns that the dwellings did not benefit from any private amenity space. The incorporation of this has resulted in the removal of the shared space, but it is considered more important that the three bedroom dwellings have some private amenity space, even in this urban setting.

7.9.2 In addition to the above, some contributions have been requested in relation to children's play areas and young people's facilities. In particular, a contribution of £10,400 towards the play area on Kellet Road or Dunkirk Avenue, and £4,160 towards improving the recreation football area on Dunkirk Avenue which requires some levelling and other improvements for young people on this site. It has also been suggested that combining the contribution that would have been required for parks and gardens, if there was one within an appropriate distance, with the money towards young people's facilities would make a significant and positive improvement to facilities in the locality. This would give an addition £3,120 giving a total contribution of £17,680. It may be appropriate to request this additional amount given that no shared amenity space is to be provided within the site.

## 8.0 Planning Obligations

8.1 The application would require a Unilateral Undertaking in relation to:

- A financial contribution towards affordable housing within the District, in lieu of on-site provision; and,
- A financial contribution towards off site play facilities.

## 9.0 Conclusions

9.1 The site is located in an accessible location within Carnforth and helps towards the housing provision within the District. It is considered that the development can be adequately accommodated within the site without having a detrimental impact on the character and appearance of the Conservation area, highway safety, residential amenity or the adjacent commercial properties. The proposal is therefore considered to be acceptable, subject to the minor amendments and further information, as set out in this report.

## Recommendation

That Outline Planning Permission **BE GRANTED** subject to the receipt of an amended layout plan and the following conditions:

1. Standard outline condition with scale, design and landscaping reserved
2. Approved plans
3. Construction management plan
4. Widening of access and construction details
5. Review of existing Traffic Regulation Orders

6. Finished floor and site levels
7. Surface water drainage scheme
8. Management scheme for surface water drainage scheme and shared external areas.
9. Investigation of contamination
10. Development to be carried out in accordance with the submitted arboricultural implications assessment
11. Tree Protection Plan
12. Cycle storage
13. Bin storage

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

In accordance with the above legislation, the City Council can confirm that they have 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<sup>th</sup> July 2016</p>	<p align="center"><b>Application Number</b></p> <p align="center">16/00672/FUL</p>
<p align="center"><b>Application Site</b></p> <p align="center">81 Hest Bank Lane Hest Bank Lancaster Lancashire</p>	<p align="center"><b>Proposal</b></p> <p align="center">Erection of a 2 storey side extension, construction of a rear dormer extension and creation of a new vehicular access</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Mr P. Jackson</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">Building Plan Services</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">21 July 2016</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">Committee Cycle</p>	
<p><b>Case Officer</b></p>	<p>Mr Robert Clarke</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval</p>	

**(i) Procedural Matters**

The proposed development would normally fall within the scheme of delegation. However, Councillor Rogerson requested it be referred to the Planning Committee for a decision on grounds of overdevelopment of the application site. A Committee Site Visit was also due to be taken on Monday 18<sup>th</sup> July.

**1.0 The Site and its Surroundings**

1.1 The application site is located on north eastern side of Hest Bank Lane, 60m north of the crossroads at Hasty Brow in Hest Bank. The property is set back from the road by 10m and benefits from a relatively large rear garden space. The surrounding area is residential in character and is characterised by detached properties within generous curtilages. There is a mixture of bungalows and two storey dwellings.

1.2 The subject property is a detached true bungalow featuring smooth red brick walls to the front with pebbledash to the sides and rear. The pitched roof is finished with red clay tiles and white uPVC doors and windows are installed.

1.3 The site is allocated as an urban greenspace with the Lancaster District Local Plan Proposals Map.

**2.0 The Proposal**

2.1 This application proposes the installation of a dormer extension to the rear elevation of the dwelling. The dormer will have a maximum height of 2.2m, a maximum width of 12.2m and a maximum projection of 2.6m. The previous flat roof garage has been removed and is to be replaced with a two storey side extension with a maximum width of 3.5m and depth of 7.2m. It will feature a pitched roof with a maximum height of 6m. Roof lights will be installed to the front elevation roof slope of the dwelling and two to the rear of the garage. It is worth noting that in isolation the dormer extension would be considered as permitted development, however, due to the volume of the roof space created in the dormer and side extension being over 50m<sup>3</sup> planning permission is needed. Finally a new secondary vehicular access will be installed on to Hest Bank Lane and the existing front garden finished with hard standing of a permeable material.

**3.0 Site History**

3.1 One previous application has been received by the Local Planning Authority.

Application Number	Proposal	Decision
16/00237/FUL	Demolition of attached garage, erection of 2 storey side and rear extensions, porch to front elevation and construction of 2 dormer windows to front elevation and 2 dormer windows to rear elevation	<b>Refused</b>

**4.0 Consultation Responses**

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

Consultee	Response
Parish Council	<b>Object</b> - overdevelopment of the site.
County Highways	<b>No objection</b> subject to a condition requiring the paving of the driveway (prior to use) to ensure loose material is not deposited on the highway.

**5.0 Neighbour Representations**

5.1 14 items of correspondence objecting to the proposal have been received. These objections are from 2 properties; (2 from one resident, and 12 from another resident). The main grounds of objection relate to:

- Development would be out of character with the area;
- Reductions in privacy levels and overlooking;
- Overdevelopment of the site;
- Inadequate parking provision and highway safety; and,
- Impacts on flooding and drainage.

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework (NPPF)

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

6.2 Development Management DPD

**DM22** – Vehicle Parking Provision  
**DM35** – Key Design Principles

6.3 Lancaster District Core Strategy (adopted July 2008)

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

**7.0 Comment and Analysis**

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

- General design
- Impacts on residential amenity
- Parking provision and highways
- Drainage

## 7.2 General Design

As part of the development the walls of the property including the proposed two storey side extension will be finished with an off-white render. Furthermore, the property will be re-roofed using Redland Richmond slate grey tiles, this includes the pitched roof of the side extension, whilst the rear dormer extension will be tile hung with matching tiles. Grey uPVC doors and windows will be installed throughout the dwelling. Although the proposed materials will change the current traditional appearance of the dwelling, it is considered the scheme will result in an appropriately contemporary finish that will not detract from the character of the property nor the wider street scene.

7.3 The replacement of the existing flat roof garage with a pitch roofed side extension is not considered to result in detrimental impacts to the character of the dwelling nor the street scene. The extension is set back from the front elevation of the dwelling and the ridge of the pitched roof set down from that of the roof of the dwelling. Furthermore, the pitched roof is considered more appropriate design than the previous flat roof garage. As such it is considered that the scale of the proposed extension will ensure that it sits comfortably to the side elevation and appears as a subservient addition to the property.

7.4 The proposed dormer extension to the rear elevation is set in from the edges of the main roof, down from the ridgeline and a good distance back from the eaves, it will also be tile hung ensuring that it will complement the slate grey concrete roof tiles, therefore reducing its visual impact. Furthermore, the pitched roof of the side extension will serve to prevent the dormer extension from being viewed from within the street scene. Although the dormer could be considered of a large scale in isolation it would be considered permitted development, furthermore it will be largely obscured from the street scene. As such it is considered an acceptable form of development.

7.5 It is also the applicant's intention to construct a single storey extension projecting from the rear elevation of the dwelling to a maximum of 4m. This aspect of the development is to be constructed under permitted development regulations, as such the Local Planning Authority has no control over this aspect of the works.

## 7.6 Impacts on residential amenity

The rear garden of the site is enclosed by a 1.8m high close boarded panel fence to the sides and rear shared boundaries. It is considered that the existing boundary treatments will ensure that acceptable privacy levels will be retained for nearby occupiers. Although obscured views of the neighbouring garden spaces may be obtained from the dormer extension, it is considered that adequate separation distances are retained. Furthermore, it is also noted that the dormer window in isolation can be installed as permitted development, as such a refusal reason on grounds of overlooking would be unreasonable. The side elevation window and door to the side extension will be installed with obscure glazing to be maintained by way of condition, so too will the retention of the existing boundary treatments.

7.7 Concerns were raised regarding the pitched roof of the two storey side extension and the impacts it may have in terms of reducing light levels to the side elevation windows of the neighbouring dwelling No.79 Hest Bank Lane. The two windows to the southern elevation of this property serve the dwelling's lounge. However, they are not the rooms' primary nor secondary windows, the room benefits from a large window to the front elevation of the dwelling and sliding glazed doors that provide access to a small conservatory that benefits from good levels of daylight to the rear. The small side elevation windows to No.79 are also obscure glazed and non-opening. Finally, the splayed orientation of the two dwellings is considered to ensure that the pitched roof of the side extension will not diminish daylight levels serving the lounge of No.79 to unacceptable levels.

## 7.8 Parking provision and highway impacts

Objections have been received on grounds of the dwelling's size and lack of parking provision. Furthermore, initial concerns were raised by the County Highways Department regarding the lack of on-site parking provision and further details were sought. The 3 on-site parking spaces as shown on the amended site plan are deemed sufficient for a property of this size and the County Highways Department are now satisfied. Moreover, no objections were received in regards to the proposed secondary access onto Hest Bank Lane, numerous vehicle crossings are in operation successfully

along this stretch of highway. A condition was requested to ensure a permeable material is used in the resurfacing of the front garden to surface water is adequately dissipated.

### 7.9 **Drainage**

Concerns have been raised from nearby occupiers regarding the schemes impacts on drainage in the area. It is concluded that as this site is already developed and is not located within a flood zone nor area suffering from surface water flooding (as indicated by Environment Agency data) the issue of drainage is a civil issue and is not considered a planning matter for the purpose of determining this application. The use of a permeable surfacing material for the proposed hardstanding to the front of the dwelling will still provide adequate surface water drainage once the existing front garden has been removed.

### **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 side extension and dormer extension are acceptable in terms of scale, location and design. It is considered the use of appropriate materials and complementary lines successfully marry the proposed developments to the traditional character of the dwelling ensuring a sensitive contemporary approach is taken.

9.2 The proposed scheme is not seen to result in any detrimental impacts to the residential amenity of the immediate area. However, given the number of bedrooms being proposed, it is considered prudent to add a condition ensuring that the property is used as one single dwelling only, with no sub-division, annexing or other separate residential use.

### **Recommendation**

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

1. Standard three year timescale
2. Development in accordance with amended plans
3. Use as a single dwellinghouse
4. Obscure glazing to side elevation garage window and door
5. Retention of existing boundary treatments
6. Permeable surfacing to driveway

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

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

### **Human Rights Act**

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

### **Background Papers**

None

<p align="center"><b>Agenda Item</b></p> <p align="center">A13</p>	<p align="center"><b>Committee Date</b></p> <p align="center">25<sup>th</sup> July 2016</p>	<p align="center"><b>Application Number</b></p> <p align="center">16/00676/FUL</p>
<p align="center"><b>Application Site</b></p> <p align="center">72 South Road Morecambe Lancashire LA4 6JP</p>	<p align="center"><b>Proposal</b></p> <p align="center">Erection of a single storey side extension, construction of a dormer extension to the rear elevation and hip to gable roof extension</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Mr Michael Drury</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">J. Cronshaw</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">20 July 2016</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">Committee cycle</p>	
<p><b>Case Officer</b></p>	<p>Mr Robert Clarke</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval</p>	

**(i) Procedural Matters**

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

**1.0 The Site and its Surroundings**

- 1.1 The property which forms the subject of this application relates to a two storey semi-detached dwelling located on South Road, Morecambe. The property features dashed walls with facing brick to the front elevation. It features a hipped roof finished with natural slate and white uPVC windows.
- 1.2 The surrounding area is residential in character and consists of detached and semi-detached two storey dwellings. The Lancaster to Morecambe train line is situated opposite these properties.
- 1.3 The site is unallocated within the Lancaster District Local Plan proposals map.

**2.0 The Proposal**

- 2.1 The application proposes the erection of a single storey side extension, a hip to gable extension to the current roof arrangement and a dormer extension to the rear elevation. The proposed side extension will project up to 0.85m from the eastern elevation, have a maximum length of 3.8m and hipped lean to roof with a maximum height of 3.6m. The proposed hip to gable conversion will extend the existing ridge by 4.5m. The dormer to the rear elevation will have a maximum projection from the roof plane of 3.3m, it will have a maximum width of 5.8m and a maximum height of 2.3m. The walls of the side extension will be finished with matching dashing and a facing brick plinth, whilst the hipped roof will be finished with natural slate. The extended roof will be finished with natural slate whilst the rear elevation dormer will be tile hung. White uPVC windows will be installed throughout.

**3.0 Site History**

3.1 This site has no planning history.

**4.0 Consultation Responses**

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

Consultee	Response
Parish Council	No comments received within the statutory consultation period

**5.0 Neighbour Representations**

5.1 No comments received within the statutory consultation period

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework (NPPF)

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

6.2 Development Management DPD

**DM35** – Key Design Principles

6.3 Lancaster District Core Strategy (adopted July 2008)

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

**7.0 Comment and Analysis**

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

- General design
- Impacts on residential amenity

**7.2 General Design**

This side of South Road is already urbanised by dwelling houses, it is considered that the scale and proposed materials will ensure that the proposed developments are respectful of the character of the property and wider street scene and as such would be read as part of the existing built form. The hip to gable conversion is not considered to unbalance this pair of semi-detached properties, whilst rear elevation dormers are a common feature within the locality. The proposed single storey side extension is of a small scale and will feature a small set back from the front elevation to ensure it appears as an appropriate addition to the dwelling.

**7.3 Impacts upon residential amenity**

The side extension will feature a window to its side elevation, however, this will be obscure glazed and will be conditioned as such as part of any approval. The rear garden of this site is enclosed by a 1.8m high close boarded panel fence to the sides and rear as well as some mature vegetation with an average height of 2m to the eastern boundary. It is considered that the existing boundary treatments and adequate separation distances will serve to maintain existing privacy levels.

7.4 The small scale of the side extension ensures that it will not result in diminished light levels for nearby occupiers.

**8.0 Planning Obligations**

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

**9.0 Conclusions**

9.1 Overall, the proposed extension through its proposed design, scale and materials is seen as an acceptable and coherent form of development that respects the character of the dwelling and its locale.

9.2 The proposed scheme is not seen to result in any detrimental impacts to the residential amenity of the immediate area.

**Recommendation**

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

1. Standard three year timescale
2. Development in accordance with amended plans
3. Materials to match

**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

<b>Agenda Item</b> A14	<b>Committee Date</b> 25 <sup>th</sup> July 2016	<b>Application Number</b> 16/00552/FUL
<b>Application Site</b> Salt Ayre Sports Centre Doris Henderson Way Heaton With Oxcliffe Lancaster	<b>Proposal</b> Erection of an extension, alterations to the main entrance and construction of a jump tower with a briefing cabin	
<b>Name of Applicant</b> Lancaster City Council	<b>Name of Agent</b> Alistair Ewing	
<b>Decision Target Date</b> 3 August 2016	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Mr Andrew Clement	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval subject to conditions	

**(i) Procedural Matters**

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

**1.0 The Site and its Surroundings**

1.1 The application site relates to Salt Ayre Sports Centre, owned by Lancaster City Council. The site is located south of Morecambe Road and approximately 40 metres south of the nearest dwellinghouse in Scale Hall Farm residential area. Vehicle access to the site is off Ovangle Road and is shared with the Waste Recycling Centre and ASDA delivery access. The sports centre is to the east of Salt Ayre Landfill site, immediately south of the Lancaster to Morecambe Greenway green corridor, the Lancaster-Morecambe cycle and pedestrian route, and directly north of the River Lune. Salt Ayre is a purpose built sports, fitness and recreation facility, and as such it is a designated Outdoor Sports Facility, with existing provision for three grass sports pitches, a floodlit artificial grass pitch, a floodlit athletics track, a 0.8 mile cycle track circuit, 295 space car park and approximately 5,738sqm of internal leisure space.

**2.0 The Proposal**

2.1 The application proposes a series of inter-related developments to enhance the leisure facilities at the Sports Centre. They include:

- A single storey extension within the courtyard between the existing sports hall and swimming pool, to create a new community hub, fitness area and spa with a separate pedestrian entrance;
- Alterations to the existing main entrance, with a total increase of 556.5sqm of internal floor space proposed to the main building; and,
- The construction of a jump tower, with the tower structure measuring 17.7 metres tall, with a floor area of 7.7 metres by 6 metres. The jump tower is to be located in the centre of an existing artificial grass pitch, with a rubber-crumb matting and an ancillary 9.4 metre by 6.535



metre single storey Briefing Cabin (also located within the existing pitch). The floodlights are retained but the sports pitch use would cease.

**3.0 Site History**

3.1 The site has a long planning history dating back to 1993 with the construction of an eight lane floodlit athletics track through permission 93/00071/DPA. Various other sporting developments have been granted planning permission, the vast majority between 1993 and 2000, although not all have been developed.

Application Number	Proposal	Decision
93/00071/DPA	Construction of an eight lane floodlit athletics track	Permitted
94/01116/DPA	Erection of second phase of sports centre development comprising swimming pool, projectile hall, minor hall, health suite, caretaker's flat and ancillary accommodation.	Permitted
95/00896/FUL	Erection of new club house	Permitted

**4.0 Consultation Responses**

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

Consultee	Response
County Highways	No objection
Environmental Health	No observation received within the statutory timescales.
Public Realm Officer	No observation received within the statutory timescales.
Sport England	Initially submitted a holding objection, but following further information from the applicant, <b>Sport England do not object</b> , as the proposal would be of sufficient benefit to the development of sport as to outweigh the loss of the playing field.

**5.0 Neighbour Representations**

5.1 No observations received.

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework

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

- Paragraph 17.** Core planning principles
- Section 1.** Building a strong, competitive economy
- Section 7.** Requiring Good Design
- Section 8.** Promoting healthy communities

6.2 Development Management DPD

- DM4:** The Protection of Cultural Assets
- DM12:** Leisure Facilities & Attractions
- DM21:** Walking & Cycling
- DM22:** Vehicle Parking Provision
- DM26:** Open Space, Sports & Recreation Facilities
- DM35:** Key Design Principles
- DM49:** Local Services

6.3 Lancaster District Core Strategy and Local Plan – saved policies

- TO2** (Tourism Opportunity)
- SC1** (Sustainable development)

**ER6** (Developing Tourism)  
**SC5** (Good Design)  
**E1** (Environmental Capital)

## **7.0** **Comment and Analysis**

7.1 The key considerations arising from the proposal are:

- Principle of the Development;
- Scale, Design and Landscape Impact;
- Protection of Recreational Open Space;
- Residential Amenity;
- Highways and Parking;

### 7.2 Principle of the Development

7.2.1 The proposal, as described in paragraph 2.1, forms part of a reported £5million renovation of the sports facilities, with internal alterations to the sports centre, such as a refurbished reception, café and sports hall, indoor play provision and indoor climbing facilities. These internal alterations do not require planning permission, and therefore do not form part of this application.

7.2.2 Subject to the issues discussed later in this report, the principle of the development to refurbish the existing sports centre and upgrade the facilities is acceptable, and the proposal is compatible with policies DM4, DM12, DM49 and NPPF Sections 1 and 8.

### 7.3 Scale, Design and Landscape Impact

7.3.1 The proposed developments to the main sports centre building will extend the building floorspace by 538sqm for the single storey extension, plus 18.5sqm for the entrance refurbishment. Despite the scale of the increase in floor area, the proposals will appear modest due to; (i) the minor increase in area of the entrance under an existing canopy, and (ii) the infill location of the single storey extension between the existing sports hall and swimming pool. This ensures that the extensions to the main sports hall will not project beyond the existing building line, and will appear inconspicuous in relation to the existing building.

7.3.2 The proposed single storey infill extension will measure 16.9 metres across by 32.8 metres deep, with an eaves height of 3.9 metres and ridge height 4.55 metres. The development will be constructed with a base of dark blue engineering brick, feature bands of red facing brickwork breaking up the predominantly smooth faced colour brick, with dark grey doors, windows frames and fascia under a goosewing grey steel sheet roof. These materials and design match the existing north facing elevation of the existing wall within the infill area, and due to this visually contained location and matching materials, it is considered that the proposed extension will integrate with the existing sports hall and raises no design or scale concerns.

7.3.3 A modest extension of 18.5sqm to the existing entrance is proposed under the existing roof canopy, with a further projection of the existing canopy roof by 0.75 metres. The entrance is located in a prominent location within the site, although it is visually contained from public areas, facing into the existing carpark and vehicle lanes. The main alterations regarding the refurbishment of the main entrance are the materials proposed, namely timber clad panel and fascia board, aluminium columns in dark ochre colour, basalt black real stone clad entrance surround, with dark grey powder coated aluminium windows, accessible door and revolving door, and planting troughs either side of the new doorways. These material contrast with those of the existing entrance of red brick and blue powder coated window and door frames. However, the proposed is designed to create a more noticeable statement entrance, whilst improving accessibility and energy conservation. Given that the proposed development is to use higher quality materials to those existing, and the modest extension of the building under the existing canopy and further projection of the canopy by 0.75 metres, the refurbished main entrance will be an improvement on the existing entrance, and the scale and design will not detract from the building or surrounding area.

7.3.4 The jump tower continues the theme of high quality materials, as this will be constructed and finished in natural timber, which will help the proposal assimilate with the surrounding trees and vegetation. However, due to the scale of the jump tower, measuring 17.7 metres tall with an 8 metre by 8 metre

roof, this element of the application is the most conspicuous development proposed from both within and outside the application site. To provide context to the scale of the structure, the height is similar to that of a four storey building, and the main sports centre is approximately three storeys tall. The jump tower is proposed to be sited on the existing artificial grass pitch, and will use the existing floodlighting, (but no additional lighting or changes to illumination direction or hours of illumination). A single storey Briefing Cabin, measuring 9.4 metres by 6.535 metres at 2.815 metres tall, will be constructed in western red cedar timber cladding, under a light grey membrane flat roof. This development will also be located on the existing artificial grass pitch, which is situated on land approximately 1 metre higher than the main building due to the topography.

7.3.5 As the proposed development is taller than the existing buildings, floodlights and trees within the site, the jump tower will be noticeable within the application site, and is likely to be visible from certain aspects outside the site, such as along St Georges Quay to the south and east, and from certain higher topographies in the surrounding area. However, as the jump tower location is approximately 320 metres from the nearest listed building, and over a kilometre east of the Lancaster Conservation Area and nearest Scheduled Ancient Monument, there is clearly sufficient separation distances to ensure that the heritage assets are protected and will be unaffected by the proposal. Furthermore, due to the surrounding vegetation across the application site and lining the cycle path, combined with the natural timber finish of the structure, it is not considered that development will appear prominent or have a detrimental landscape impact.

7.3.6 Due to the high quality of materials proposed, existing landscaping and visually contained location of developments, the proposal is considered to have an acceptable landscape and visual impact, despite the significant scale of some elements of the proposal. The development is considered to be consistent with Policy DM35 and NPPF Section 7.

#### 7.4 Protection of Recreational Open Space

7.4.1 As the proposed development results in the loss of one artificial grass sports pitch to facilitate the jump tower development, Sport England requested further information to justify that the development outweighs the detriment caused by the loss of the sports pitch, and to demonstrate that the pitch no longer meets an existing or future need. Sport England raised a holding objection to the application although this objection was withdrawn on 4<sup>th</sup> July 2016. Further information to satisfy Sport England's concerns was submitted regarding the modest income now derived from the artificial grass pitch. Additionally, confirmation was provided that no sports team have an existing or future planned use of the facility, and emails from previous users have verified that they have found alternative sports facilities in the area to meet their need.

7.4.2 The existing artificial grass pitch is therefore currently underused, and would require significant investment to provide a suitable playing surface. Since it was first installed, other artificial sport pitches using more modern technology have been provided in the district, notably at Heysham Community Sports Centre, Globe Arena, Lancaster and Morecambe College, University of Cumbria (Bowerham Site) and at Lancaster University.

7.4.3 Given that the proposed development estimates a much greater usage of the sport and leisure facilities (estimated at over 40,000 visits for the new facilities in the first year, and a further 11,000 visits by 5 years following redevelopment), it is anticipated that there will be an increase of participation in physical activity. Weighed against the loss of an underused sports pitch in poor condition, the development is considered to provide better sports and recreation provision than currently existing, in support of with policy DM26.

7.4.4 Sport England have acknowledged that the Council are undertaking a Playing Pitch Strategy at the present time. They have recommended that this Strategy considers all pitch sports and future needs arising from increased population/housing growth. These comments will be separately considered during compilation of the Playing Pitch Strategy.

#### 7.5 Residential Amenity

7.5.1 The proposed single storey extension is located approximately 40 metres south of the nearest residential dwelling. The Lancaster to Morecambe Greenway green corridor, cycle and pedestrian route is located between the proposed development and nearest residential properties, which provides an existing visual and acoustic barrier of two lines of trees, protecting the residential

amenity of the properties to the north. Whilst Environmental Health have not commented, the proximity of the single storey extension to the residential area means that an hours of construction condition is necessary.

7.5.2 Although the proposed jump tower is a tall development and will be visible from within and outside the application site, the nearest residential dwellinghouse is approximately 180 metres to the north, and thus the structure is not considered to detract from the residential amenity of the area. Furthermore, the proposed use as a jump tower and climbing facility is not considered to have a greater noise impact than the existing sports pitch use of this land, and therefore subject to a condition restricting the hours of construction and hours of floodlight use, the proposed development is not seen to have any adverse or detrimental implications upon the residential amenity of the area.

### 7.6 Highways and Parking

7.6.1 No changes are proposed to the existing access and parking arrangements, with vehicles entering the site along Doris Henderson Way off Ovangle Road, and has a parking provision of 295 vehicle spaces. The site is accessible on foot and by bicycle due to the close proximity to the Lancaster to Morecambe Greenway, and via public transport with bus stops at the adjacent ASDA site and along Morecambe Road.

7.6.2 Planners have assessed the maximum car parking standards for leisure use. The increase in gross floor area of the buildings proposed is 617.929sqm, which in addition to the existing internal floor space of approximately 5,738sqm, this results in a total proposed gross floor area of approximately 6,356sqm. For a leisure/gymnasium use outside of the city, town or neighbourhood centre, a maximum of 1 car parking space should be provided per 22sqm of gross floor area. Therefore, the maximum vehicle parking provision for the leisure/gymnasium use of the site as proposed is rounded up to 289 car parking space, six below the existing provision. County Highways raise no objection, and therefore the proposal is considered to not have a detrimental impact upon the public highway and provides acceptable parking provision, compatible with policies DM21 and DM22.

### **8.0 Planning Obligations**

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

### **9.0 Conclusions**

9.1 It is considered that the proposed development will have no detrimental impact on highways or residential amenity subject to construction and floodlight hours. The proposal will replace an under-utilised sports pitch with an improved sports and recreation provision. Although the proposed development will be visible from within and outside the application site, due to the existing vegetation and high quality materials proposed, it is considered that the development will have an acceptable landscape and visual impact, and is sufficiently separated from the nearest heritage assets. Therefore the application can be supported.

### **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. Amended plan condition – Jump tower dimensions, material and lighting
4. Materials to match – brickwork of extension
5. Hours of construction 8-6 Mon-Fri, 8-2 Sat
6. Floodlight Hours - 08:00 to 22:00

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

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

relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **Human Rights Act**

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

### **Background Papers**

None

## Quarterly Reports

(a) Planning Application Determination Timescales

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

(b) Number of Planning Applications and Related Cases

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

(c) New Tree Preservation Orders Made

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

(d) Number of Applications for Works to Trees

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

(e) Planning Appeal Decisions

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

(f) Planning Enforcement Casework

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

(a) Planning Application Determination Timescales

*NB: Data does not include applications where mutual agreement has been reached to extend the determination period.*

Period	Major Applications Determined In Under 13 Weeks	Minor Applications Determined In Under 8 Weeks	Other Applications Determined Under 8 weeks
January-March 2015	65%	48%	66%
April-June 2015	56%	42%	63%
July-September 2015	71%	32%	53%
October-December 2015	64%	50%	70%
January-March 2016	57%	64%	81%
April-June 2016	<b>73%</b>	<b>51%</b>	<b>84%</b>
July-September 2016			
October-December 2016			

Year	Major Applications Determined In Under 13 Weeks	Minor Applications Determined In Under 8 Weeks	Other Applications Determined Under 8 weeks
2011 Average	30%	50%	60%
2012 Average	39%	55%	66%
2013 Average	62%	64.5%	81%
2014 Average	75%	57.5%	68%
2015 Average	64%	43%	63%
2016 Average	<b>65% to date</b>	<b>57.5% to date</b>	<b>82.5% to date</b>

(b) Number of Planning Applications and Related Cases

	Jan-Mar 2015	Apr-Jun 2015	Jul-Sep 2015	Oct-Dec 2015	2015 TOTAL	Jan-Mar 2016	Apr-Jun 2016	Jul-Sep 2016	Oct-Dec 2016	2015 TOTAL
Major Applications	10	15	20	16	<b>61</b>	18	21			
Minor Applications	71	49	62	76	<b>258</b>	66	94			
Other Applications	179	226	170	176	<b>751</b>	189	194			
Discharge of Planning Condition Applications	48	56	42	54	<b>200</b>	59	65			
Non-Material Amendment Applications	11	11	9	15	<b>46</b>	14	16			
Variation of Legal Agreement/Condition Applications	2	2	1	3	<b>8</b>	5	2			
Prior Approval (Commercial/ Householder PA, Flexible Use etc) Applications	16	19	17	8	<b>60</b>	15	18 + 1 *			
<b>TOTAL NUMBER OF DECISION-MAKING APPLICATIONS</b>	<b>337</b>	<b>378</b>	<b>321</b>	<b>347</b>	<b>1384</b>	<b>366</b>	<b>411</b>			
Environmental Screening and/or Scoping Opinions	4	7	3	4	<b>18</b>	5	8			
Infrastructure Planning Commission Consultations	0	0	0	0	<b>0</b>	0	0			
Pre-Application Advice Submissions or Charged Meetings	24	47	38	33	<b>142</b>	54	34			

\* includes one Ecclesiastical Exemption application



(c) New Tree Preservation Orders Made

<b>Tree Preservation Order Number</b>	<b>Date Made</b>	<b>Location</b>	<b>Extent of Protection</b>
578 (2016)	05.05.16	173 Brookhouse Road, Brookhouse	x1 oak
579 (2016)	24.06.16	Land off Kirkby Lonsdale Road, Halton	x1 woodland compartment

(d) Number of Applications for Works to Trees

	Applications for Works to Trees Protected by Tree Preservation Orders	Applications for Works to Trees Protected by Conservation Area Status
January-March 2015	21	18
April-June 2015	19	16
July-September 2015	20	24
October-December 2015	20	21
<b>TOTAL APPLICATIONS 2015</b>	<b>80</b>	<b>79</b>
January-March 2016	15	21
<b>April-June 2016</b>	<b>22</b>	<b>12</b>
July-September 2016		
October-December 2016		
<b>TOTAL APPLICATIONS 2016</b>	<b>-</b>	<b>-</b>

(e) Planning Appeal Decisions

Application Number	Application Site	Proposal	Appeal Decision
<b>14/00989/CU and 15/00271/LB</b>	Galgate Mill, Galgate	Change of use, conversion and alterations of a mixed use showroom/warehouse with associated storage and office accommodation into 107 student studio apartments (use class C3) with associated communal facilities, a silk weaving museum (D1), cafe (A3), erection of a bicycle shelter and porch extension	Appeal Allowed
<b>15/00899/ADV</b>	Northgate, White Lund, Morecambe	Advertisement application for the display of 3 internally illuminated fascia signs, 1 non-illuminated fascia sign and 1 non-illuminated totem sign	Appeal Allowed
<b>15/00833/CU</b>	Scout Cragg Caravan Park, New Road, Warton	Change of use of land for the siting of 9 holiday lodges with associated parking	Appeal Dismissed
<b>15/00804/CU</b>	Halton Green East, Halton	Change of use from agricultural land to domestic curtilage in association with Halton Green East and construction of a new vehicular access track and parking area	Appeal Dismissed
<b>14/01007/OUT</b>	Lane House Farm, Kirkby Lonsdale Road, Arkholme	Outline application for the erection of an agricultural workers dwelling including access, associated package treatment plant and demolition of existing buildings	Appeal Allowed
<b>15/01371/CU</b>	1 Walker Grove, Heysham	Change of use of part garage for dog grooming (A1) and construction of a balcony over existing rear extension	Appeal Dismissed
<b>15/00923/ADV</b>	McDonalds, Caton Road, Lancaster	Advertisement application of display of 7m high totem sign	Appeal Allowed
<b>15/01227/FUL</b>	Land at Tarn Bank, Yealand Redmayne	Erection of a small scale standby electricity generation plant comprising a substation, two control/communication buildings, two 30,000 litre bunded fuel tanks, nine engines block, four transformers, welfare facilities, turning area, landscaping and access road	Appeal Dismissed

(f) Planning Enforcement Casework

<b>Period</b>	<b>Live Enforcement Cases At The End of the Quarter</b>	<b>Closed Enforcement Cases Within the Quarter</b>	<b>Number of Notices Issued Within the Quarter</b>
January-March 2016	306	80	3
April-June 2016	267	64	0
July-September 2016			
October-December 2016			
<b>TOTAL 2016</b>			
January-March 2017			
April-June 2017			
July-September 2017			
October-December 2017			
<b>TOTAL 2017</b>			

## LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
14/00910/FUL	4 - 5 Old Station Yard, Kirkby Lonsdale, Carnforth Erection of a rear extension to existing warehouse and installation of a package treatment plant for Mr Lee Derbyshire (Upper Lune Valley Ward)	Application Withdrawn
15/0029/HDG	Briglands, Wennington Road, Wray Removal of 18 yards of hedgerow for Mrs Betty Carr (Lower Lune Valley Ward)	Application Refused
15/01134/FUL	Land Off, Tarn Lane, Yealand Redmayne Creation of new access and track for TGC Renewables Ltd (Silverdale Ward 2015 Ward)	Application Withdrawn
16/00014/FUL	49 China Street, Lancaster, Lancashire Erection of a four storey building with ground floor office, five 1-bed and one 2-bed student flats for Ashby Properties Ltd (Castle Ward 2015 Ward)	Application Withdrawn
16/00015/LB	49 China Street, Lancaster, Lancashire Listed building application for erection of a four storey building with ground floor office, five 1-bed and one 2-bed student flats for Ashby Properties Ltd (Castle Ward 2015 Ward)	Application Withdrawn
16/00045/CU	Co-Op Building, John Street, Carnforth Retrospective application for the change of use from private members club (Sui Generis) to gym (D2) for Mr R Parrington (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
16/00063/FUL	Quayside Coffee Lounge, West Quay, Glasson Dock Erection of single storey front extension to include the installation of two bi-fold doors and construction of a flat roof for Mr Gary Shaw (Ellel Ward 2015 Ward)	Application Permitted
16/00064/DIS	St Chads Church, Hornby Road, Claughton Discharge of conditions 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 on application 13/00367/CU for Natfarm Limited (Lower Lune Valley Ward 2015 Ward)	Initial Response Sent
16/00077/DIS	Land Adjacent Westgate Tyres, Westgate, Morecambe Discharge of conditions 4, 5, 7, 8, 11, 12, 13 and 14 on approved application 15/00639/FUL for Mr K Mohameddi (Westgate Ward 2015 Ward)	Initial Response Sent
16/00086/DIS	Greenlands Farm Village, Burton Road, Priest Hutton Discharge of conditions 3, 4, 5, 9 and 11 on approved application 13/00986/FUL for Peter Fusco (Kellet Ward 2015 Ward)	Initial Response Sent

LIST OF DELEGATED PLANNING DECISIONS

16/00090/DIS	South Lakeland Leisure Village, Borwick Lane, Borwick Discharge of conditions 7, 8, 9, 10, 11, 12, 13, 15, 18, 20, 21, 22, 23, 24, 26, 27, 28, 29, 31, 34 and 35 on planning permission 12/01001/CU for Pure Leisure Estates Ltd (Warton Ward 2015 Ward)	Initial Response Sent
16/00093/DIS	Site For Fast Food Takeaway Unit, Caton Road, Lancaster Discharge of condition 8 on application 14/00775/FUL for McDonald's Restaurants Ltd (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00096/DIS	Site For Fast Food Takeaway Unit, Caton Road, Lancaster Discharge of condition 20 on application 14/00775/FUL for McDonald's Restaurants Ltd . (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00097/DIS	5 And 6 Cable Street, Lancaster, Lancashire Discharge of condition 3 on application 15/01369/LB for Lancaster SPV Limited (Bulk Ward 2015 Ward)	Request Completed
16/00098/DIS	5 And 6 Cable Street, Lancaster, Lancashire Discharge of conditions 3 and 5 on application 15/01368/FUL for C/O Agent (Bulk Ward 2015 Ward)	Request Completed
16/00100/DIS	Leighton Hall Home Farm, Leighton Park, Leighton Discharge of conditions 5, 6, 7, 8, 9, 12, 13, 14, 16, 18, 19, 20 and 21 on approved application 12/00426/CU for Miss Sinead Mulvenney (Warton Ward 2015 Ward)	Initial Response Sent
16/00104/DIS	Galgate Mill, Chapel Lane, Galgate Discharge of condition 3 on previously approved application 15/00271/LB for Mr Ayub Hussain (Ellel Ward 2015 Ward)	Request Completed
16/00105/DIS	Galgate Mill, Chapel Lane, Galgate Discharge of condition 2 c, k and o on previously approved application 15/00271/LB for Ayub Hussain (Ellel Ward 2015 Ward)	Initial Response Sent
16/00106/DIS	24 Salford Road, Galgate, Lancaster Discharge of conditions 10 on approved application 15/01344/FUL for Janik Waite (Ellel Ward 2015 Ward)	Application Permitted
16/00107/DIS	24 Salford Road, Galgate, Lancaster Discharge of conditions 8 and 9 on approved application 15/01344/FUL for Janik Waite (Ellel Ward 2015 Ward)	Objection
16/00108/DIS	40 Lord Street, Morecambe, Lancashire Discharge of conditions 6 and 7 on approved application 15/00868/CU for Mr R Taylor (Poulton Ward 2015 Ward)	Initial Response Sent
16/00109/DIS	Galgate Mill, Chapel Lane, Galgate Discharge of conditions 7, 8 and 9 on approved application 14/00989/CU for Ayub Hussain (Ellel Ward 2015 Ward)	Initial Response Sent
16/00112/DIS	Galgate Mill, Chapel Lane, Galgate Discharge of condition 2b, d, e _ f on approved application 15/00271/LB for ayub hussain (Ellel Ward 2015 Ward)	Initial Response Sent

LIST OF DELEGATED PLANNING DECISIONS

16/00114/DIS	5 And 6 Cable Street, Lancaster, Lancashire Discharge of conditions 3, 6, 7 and 9 on approved application 15/01369/LB for C/O Agent (Bulk Ward 2015 Ward)	Initial Response Sent
16/00115/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
16/00117/DIS	Galgate Mill, Chapel Lane, Galgate Discharge of condition 2 l on approved application 15/00271/LB for Ayub Hussain (Ellel Ward 2015 Ward)	Initial Response Sent
16/00118/DIS	University Of Cumbria, Bowerham Road, Lancaster Discharge of condition 7 on approved application 15/00913/FUL for Mr Paul Mcculloch (John O'Gaunt Ward 2015 Ward)	Request Completed
16/00119/DIS	Galgate Mill, Chapel Lane, Galgate Discharge of condition 2 j on approved application 15/00271/LB for Ayub Hussain (Ellel Ward 2015 Ward)	Initial Response Sent
16/00120/DIS	Galgate Mill, Chapel Lane, Galgate Discharge of condition 2 q on approved application 15/00271/LB for Ayub Hussain (Ellel Ward 2015 Ward)	Initial Response Sent
16/00272/FUL	Land To The Rear Of 2 And 2A, Silverdale Avenue And, 37 Heysham Mossgate Road Erection of nine 2-storey dwellings with associated access for Mr Chris Kershaw (Heysham South Ward 2015 Ward)	Application Refused
16/00310/FUL	21 Littledale Road, Brookhouse, Lancaster Retrospective application for the erection of retaining wall, construction of decking and erection of timber privacy screen and shed for Mr Wayne Atkinson (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00318/FUL	Carnforth Rangers FC, Lundsfield, Kellet Road Erection of 2 metre high security perimeter fencing and access gates for Mr C Bragg (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
16/00323/FUL	Land Near Claughton Hall, Farleton Old Road, Claughton Erection of a replacement substation for Electricity North West Limited (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00348/FUL	Central Barn, Low West End Farm, Hornby Road Retrospective application for the retention of ancillary detached building for Gastronomy Plus Ltd (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00353/FUL	Greenfield Court, Quarry Road, Lancaster Erection of 4 mobility scooter store pods for Mr Matthew Afful (John O'Gaunt Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

16/00355/FUL	Royal Hotel, Main Street, Heysham Change of use of public house (A4) to a mixed use public house and hotel, demolition of existing single storey rear extensions and erection of a single storey rear extension, alterations to external doors and windows on the front elevation, insertion of new window openings on the side (south) and rear elevations, erection of 4 detached external structures, installation of a new polycarbonate glazed roof to existing shelter, and associated landscaping works for Mr John Booth (Heysham Central Ward 2015 Ward)	Application Permitted
16/00356/LB	Royal Hotel, Main Street, Heysham Listed building application for the demolition of existing single storey rear extensions and erection of a single storey rear extension, alterations to external doors and windows on the front elevation, insertion of new window openings on the side (south) and rear elevations, insertion of new and relocated partition walls, alterations to internal structural walls and openings, removal of 3 existing staircases and installation of 3 new staircases, construction of a detached bin store and replacement garden wall with steel balustrades for Mr John Booth (Heysham Central Ward 2015 Ward)	Application Permitted
16/00376/FUL	Agricultural Barn, South Of Church Lane, Tunstall Change of use of an agricultural barn and land to a dwelling with associated domestic garden (C3), erection of a single storey rear extension and a detached garage, raising the roof on the rear lean-to and creation of a new access for Mr Phil Stephenson (Upper Lune Valley Ward 2015 Ward)	Application Permitted
16/00389/FUL	Green Bank House, Abbeystead Road, Abbeystead Erection of a 2 storey detached outbuilding comprising a double garage, granny annexe and office to be ancillary to Green Bank House for Mr & Mrs Bedford (Ellel Ward 2015 Ward)	Application Permitted
16/00390/RCN	Newlands Farm, Long Dales Lane, Nether Kellet Change of use of yard area to parking area for wagons and trailers (pursuant to the removal of condition 2 on planning permission 87/0775 to allow expanded use of the land) for Mr M Cowperthwaite (Kellet Ward 2015 Ward)	Application Permitted
16/00411/FUL	8 Well Lane, Yealand Redmayne, Carnforth Retention of a single storey rear extension and dormer extension to the rear elevation for Blackburn With Darwen Council (Silverdale Ward 2015 Ward)	Application Permitted
16/00427/REM	Land Adjacent Bond Gate Farm, Abbeystead Road, Dolphinholme Reserved Matters application for the erection of one dwelling house, creation of a new vehicular access and associated landscaping for Mr Simon Walling (Ellel Ward 2015 Ward)	Application Permitted
16/00429/PLDC	10 Hala Grove, Lancaster, Lancashire Proposed Lawful Development certificate for the demolition of existing rear extension and erection of a new single storey rear extension for Mr Richard Alston (Scotforth East Ward 2015 Ward)	Lawful Development Certificate Granted



LIST OF DELEGATED PLANNING DECISIONS

16/00431/FUL	Unit 3, Bay Horse Workshops, Saltoake Road Erection of a side extension to existing industrial unit for Mr M Abraham (Ellel Ward 2015 Ward)	Application Permitted
16/00434/FUL	Tewitfields Trout Fishery, Burton Road, Warton Erection of new offices, restaurant and leisure facilities building with associated parking and access road for Mr Cushway (Warton Ward 2015 Ward)	Application Permitted
16/00438/LB	63 Main Street, Warton, Carnforth Listed building application for the creation of a doorway from an existing window opening on the side elevation and landscaping works to the garden area for Mrs Kathrin Stallard (Warton Ward 2015 Ward)	Application Permitted
16/00467/FUL	Bay Horse Garage, Abbeystead Lane, Dolphinholme Demolition of garage and erection of nine terraced dwellinghouses including landscaping, parking and access for Mr Marcus Worthington (Ellel Ward 2015 Ward)	Application Refused
16/00474/FUL	3 Gillison Close, Melling, Carnforth Erection of a first floor front and side extension and replacing existing septic tank with a biological treatment plant for Miss K Mallaband (Upper Lune Valley Ward 2015 Ward)	Application Permitted
16/00479/FUL	10A Winchester Avenue, Lancaster, Lancashire Construction of a first floor side balcony over existing garage for Mr & Mrs Tomasz Czarnecka (John O'Gaunt Ward 2015 Ward)	Application Refused
16/00482/FUL	Flat 9, 49 - 50 Sandylands Promenade, Heysham Construction of a second floor balcony to the front for Mr T. Holmes (Heysham North Ward 2015 Ward)	Application Refused
16/00500/FUL	134 West End Road, Morecambe, Lancashire Retrospective application for the erection of a single storey side extension and a detached garage to the side for Mr Thomas Barczynski (Harbour Ward 2015 Ward)	Application Refused
16/00507/FUL	133 Coulston Road, Lancaster, Lancashire Erection of a first floor side extension for Y Imari-Smith (John O'Gaunt Ward 2015 Ward)	Application Permitted
16/00509/LB	Gabriel Cottage, Coneygarth Lane, Tunstall Listed building application for the installation of replacement timber windows to the front elevation for Mr J Wilkinson (Upper Lune Valley Ward 2015 Ward)	Application Refused
16/00512/FUL	Unit 16, Galgate Mill, Chapel Lane Removal of the existing upvc doors and windows and installation of new timber doors and windows for Mr D Howell (Ellel Ward 2015 Ward)	Application Permitted
16/00513/LB	Unit 16, Galgate Mill, Chapel Lane Listed Building application for the removal of the existing upvc doors and windows and installation of new timber doors and windows for Mr D Howell (Ellel Ward 2015 Ward)	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

16/00517/PLDC	87 Bowerham Road, Lancaster, Lancashire Proposed lawful development certificate for the demolition of single storey rear extensions and erection of a single storey rear extension for Dr P Kumar (John O'Gaunt Ward 2015 Ward)	Lawful Development Certificate Granted
16/00520/OUT	Land North Of, Yenham Lane, Overton Outline application for the demolition of existing church hall and erection of a new dwelling for Mr James Robb (Overton Ward 2015 Ward)	Application Permitted
16/00527/FUL	1 Steward Avenue, Lancaster, Lancashire Construction of dormer extensions to the front and rear elevations and removal of chimney for Mr Maudsley (John O'Gaunt Ward 2015 Ward)	Application Permitted
16/00530/LB	Westbourne House, Westbourne Road, Lancaster Listed Building application for internal and external alterations to facilitate the change of use of the nursery to a dwelling for Mr Tarik Jayousi (Marsh Ward 2015 Ward)	Application Permitted
16/00532/FUL	Boot And Shoe Hotel, 171 Scotforth Road, Lancaster Erection of a single storey rear extension and associated landscaping for Mr Daniel Thwaites (Scotforth East Ward 2015 Ward)	Application Permitted
16/00536/FUL	Mast, Lawsons Farm, Shaw Lane Installation of a replacement 17.5m monopole supporting 6no. antennas, relocation of existing 1no. 0.3m transmission dish, 1no. 0.6m transmission dish, 1no. replacement equipment cabinet, 1no. additional equipment cabinet within fenced compound for CTIL (Kellet Ward 2015 Ward)	Application Permitted
16/00537/FUL	17 Mattock Crescent, Morecambe, Lancashire Demolition of existing conservatory and erection of a single storey rear extension for Mr & Mrs A. Garth (Torrisholme Ward 2015 Ward)	Application Permitted
16/00550/RCN	Greenlands Farm Village, Burton Road, Priest Hutton Erection of a 100kw wind turbine (35m high from ground to blade tip) (pursuant to the removal of condition 11 on planning permission 13/00986/FUL to retain the access track and crane hardstanding for maintenance purposes) for Peter Fusco (Kellet Ward 2015 Ward)	Application Permitted
16/00560/FUL	174 Lancaster Road, Morecambe, Lancashire Removal of white UPVC door and windows and installation of new grey UPVC door and windows for Mr Stuart Galley (Bare Ward 2015 Ward)	Application Permitted
16/00561/FUL	Tanfield, Caton Green Road, Brookhouse Erection of a single storey front extension and a single storey rear extension for Mr & Mrs Wilkinson (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00562/FUL	The Bungalow, Caton Green Road, Caton Green Erection of a detached garage/garden store to the side for Mr Andrew Young (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00565/FUL	Land North Of 27, Coach Road, Warton Erection of one 4-bed dwelling with associated landscaping, engineering works and creation of a new access point for Mr & Mrs M. Dawson & P. Brown (Warton Ward 2015 Ward)	Application Refused

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16/00566/FUL	Mayfair Residential Home, Marine Road East, Morecambe Erection of a 2m boundary wall and retention of the siting of a container to store a biomass boiler for Mr T Prada (Poulton Ward 2015 Ward)	Application Refused
16/00576/FUL	Challan Wood Lodge, Ford Lane, Silverdale Erection of a single storey cantilevered side extension for Dr Jerry Martin (Silverdale Ward 2015 Ward)	Application Permitted
16/00584/PLDC	10 Hawk Street, Carnforth, Lancashire Proposed Lawful Development Certificate for the demolition of existing garage and erection of a single storey side extension and detached garage for Mr Christopher De Silver (Carnforth And Millhead Ward 2015 Ward)	Lawful Development Certificate Granted
16/00594/FUL	1 Highdale, Heysham, Morecambe Demolition of existing conservatory and erection of a single storey rear extension for Mr & Mrs I. Hodgkinson (Heysham South Ward 2015 Ward)	Application Permitted
16/00595/PLDC	26 Elkin Road, Morecambe, Lancashire Proposed lawful development certificate for the erection of a hip to gable extension and construction of a dormer extension to the rear for Mr J. Jones (Bare Ward 2015 Ward)	Lawful Development Certificate Granted
16/00598/FUL	Riverside Garage, Aldrens Lane, Lancaster Change of use of garage (B2) to car wash and valeting (Sui Generis) and installation of a roller shutter to the side elevation for Mr Amir Khan Sadat (Skerton East Ward 2015 Ward)	Application Withdrawn
16/00609/VCN	7 Middlegate, White Lund Industrial Estate, Morecambe Erection of a concrete batching plant, siting of a portable office cabin, construction of storage bays and 5 parking spaces (pursuant to the variation of condition 2 and removal of condition 6 on planning application 15/00130/FUL to amend the approved plans and to remove the requirement for a wheel washing facility) for Mr Ben Mitchell (Westgate Ward 2015 Ward)	Application Permitted
16/00614/FUL	5 Swaledale, Galgate, Lancaster Erection of a single storey rear extension and construction of a dormer extension to the rear elevation for Mr Godwin Anthony (Ellel Ward 2015 Ward)	Application Permitted
16/00615/PLDC	Moss Cottage, Moss Lane, Thurnham Proposed lawful development certificate for the siting of a residential caravan for Miss Ali Holt (Ellel Ward 2015 Ward)	Lawful Development Certificate Granted
16/00616/FUL	12A Harrowdale Park, Halton, Lancaster Construction of a dormer extension to the front elevation for Mr & Mrs B Mullett (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
16/00620/FUL	19 Greenwood Avenue, Bolton Le Sands, Carnforth Construction of a hip to gable extension and construction of one dormer extension to the front elevation and one dormer extension to the rear elevation for Mr & Mrs A. Matthews (Bolton And Slyne Ward 2015 Ward)	Application Permitted

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16/00627/FUL	35 Crofters Fold, Heysham, Morecambe Erection of a single storey side and rear extension for Mr McIntosh (Heysham Central Ward 2015 Ward)	Application Permitted
16/00631/FUL	11 Heysham Mossgate Road, Heysham, Morecambe Erection of two storey side extension, two storey rear extension and a pitched roof over existing single storey side/rear extension for Mr Wayne Gallagher (Heysham South Ward 2015 Ward)	Application Permitted
16/00635/ADV	Site For Fast Food Takeaway Unit, Caton Road, Lancaster Advertisement application for the display of an internally illuminated 7 metre totem sign for McDonald's Restaurant Ltd (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00637/FUL	15 Hala Grove, Lancaster, Lancashire Erection of a single storey front and side extension for Mr Peter Scullion (Scotforth East Ward 2015 Ward)	Application Permitted
16/00641/FUL	Keepers Cottage, Borwick Road, Borwick Installation of a new septic tank and soak away system for Mrs Virginia Cummins (Kellet Ward 2015 Ward)	Application Permitted
16/00652/EE	St Peters Roman Catholic Cathedral, St Peters Road, Lancaster Ecclesiastical Exemption for the replacement of existing disabled lift access for Parish Of St Peter (John O'Gaunt Ward 2015 Ward)	No Objections
16/00654/FUL	2 Monkswell Avenue, Bolton Le Sands, Carnforth Demolition of existing detached garage and erection of a new detached garage for Mr & Mrs D. Fletcher (Bolton And Slyne Ward 2015 Ward)	Application Permitted
16/00661/FUL	7 Church Hill Avenue, Warton, Carnforth Construction of a dormer extension to the rear elevation for Mr & Mrs T Cogan (Warton Ward 2015 Ward)	Application Permitted
16/00663/CU	The Old Blacksmiths Workshop, 62 - 64 High Road, Halton Change of use of former blacksmiths workshop (B1) to a 3-bed dwelling (C3), demolition of detached garage and erection of a single storey rear extension for Mr John Shaw (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
16/00671/CPA	Trumacar County Primary School, Combermere Road, Heysham Variation of condition 7 of permission LCC/2015/0090 to allow the retention of part of the internal haul road for Lancashire County Council (Heysham South Ward 2015 Ward)	No Objections
16/00701/PLDC	Dunroaming, Vicar Lane, Melling Proposed lawful development certificate for the siting of a replacement residential caravan for Mr John Dugdale (Upper Lune Valley Ward 2015 Ward)	Lawful Development Certificate Granted
16/00702/FUL	4 Pilgrims Way, Morecambe, Lancashire Demolition of existing conservatory and erection of a two storey rear extension for Mrs A Cheung (Torrisholme Ward 2015 Ward)	Application Permitted

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16/00711/FUL	63 Clare Road, Lancaster, Lancashire Erection of a 2 storey side extension for Mr & Mrs K. Shuttleworth (Skerton East Ward 2015 Ward)	Application Permitted
16/00719/NMA	Outwood, Main Street, Arkholme Non material amendment to planning permission 15/00351/FUL to change from pitched roof to flat roof, omit glazed link corridor to relocate footprint of side extension closer to the house, minor changes to window positions and external wall treatments for Mr David Ogden (Kellet Ward 2015 Ward)	Application Permitted
16/00723/PLDC	31 Kingfisher Drive, Heysham, Morecambe Proposed Lawful Development certificate for the erection of a single storey rear extension for Mr J. Davies (Heysham South Ward 2015 Ward)	Lawful Development Certificate Granted
16/00730/FUL	Conder View, Wyresdale Road, Quernmore Erection of a replacement single storey side extension and a single storey porch and double garage link between dwelling and workshop, construction of a dormer window on rear elevation for Victoria Auld & John Davies (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00772/PLDC	9 Marton Drive, Morecambe, Lancashire Proposed lawful development certificate for the demolition of existing conservatory, construction of a hip to gable roof extension and a dormer extension to the rear elevation for Mrs Janice Richmond (Torrisholme Ward 2015 Ward)	Lawful Development Certificate Granted
16/00791/PLDC	8 Rossmoyne Road, Lancaster, Lancashire Proposed lawful development certificate for the construction of a dormer extension to the rear elevation for Mr & Mrs S Coachman (Scotforth West Ward 2015 Ward)	Lawful Development Certificate Granted