



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 17TH OCTOBER 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 19th September, 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.

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|-----------|---|--|--|------------------------|
| 5 | A5 13/00211/OUT | Land South Of Brewer's Barn
Between Lancaster Canal,
A601(M) And Whernside Grove,
Carnforth, Lancashire | Carnforth
and Millhead
Ward | (Pages 1 - 21) |
| | | Outline application for a new inland marina (up to 50 berths), associated facilities building, hotel, associated parking and new access arrangements for Mr R. Hughes | | |
| 6 | A6 16/00798/REM | Land At Carnforth Brow,
Carnforth | Carnforth
and Millhead
Ward | (Pages 22 - 28) |
| | | Reserved matters application for the erection of 6 dwellings with associated new access for Loxam Riley | | |
| 7 | A7 16/01041/VCN | Land Off Swallow Close, Bolton
Le Sands, Lancashire | Bolton and
Slyne | (Pages 29 - 34) |
| | | Erection of 30 dwellings with associated access and landscaping (pursuant to the variation of condition 2 on planning permission 15/01278/FUL for the substitution of house types on plots 5, 6, 7 and 8) for Mr Middlebrook | | |
| 8 | A8 16/00764/FUL | Land At Canal Bank Stables,
Ashton Road, Lancaster | Scotforth
West Ward | (Pages 35 - 41) |
| | | Erection of a detached dwelling (C3) and associated access for Miss Emma Wilson | | |
| 9 | A9 16/01094/FUL | Land Between 24 And 25 ,
Hestham Crescent, Morecambe | Harbour
Ward | (Pages 42 - 47) |
| | | Erection of two dwellings and three garages with associated access for Mrs C Stebbing | | |
| 10 | Delegated Planning Decisions (Pages 48 - 55) | | | |

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Carla Brayshaw (Chairman), Helen Helme (Vice-Chairman), June Ashworth, Stuart Bateson, Eileen Blamire, Dave Brookes, Abbott Bryning, Claire Cozler, Andrew Kay, 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, Geoff Knight and James Leyshon

(iii) Queries regarding this Agenda

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

(iv) Changes to Membership, substitutions or apologies

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

SUSAN PARSONAGE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Tuesday 4th October, 2016.

Agenda Item A5	Committee Date 17 October 2016	Application Number 13/00211/OUT
Application Site Land South of Brewer's Barn between Lancaster Canal, the A601(M) and Whernside Grove Carnforth Lancashire	Proposal Outline application for a new inland marina (up to 50 berths), associated facilities building, hotel, associated parking and new access arrangements.	
Name of Applicant Mr R. Hughes	Name of Agent Graham Anthony Associates	
Decision Target Date 11 June 2013	Reason For Delay Awaiting signing of legal agreement	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	Approval	

(i) Procedural Matters

This application was reported to the Planning Committee on 21 July 2014 with a recommendation of approval, subject to the outcome of advance notice consultation with the Health and Safety Executive (HSE) and the agreement and signing of a s106 agreement. The HSE withdrew their objection on 28 July 2014 on the grounds that a condition would be imposed to ensure the proposed hotel would be sited at least 9m from the major accident hazard pipeline. On this basis, HSE advised that they did not need to consider whether or not to request the application be called-in by the Secretary of State. The safety matters were therefore resolved.

ii) Turning to the s106, there has been considerable delay in advancing the legal agreement and for all parties to agree and sign it. At a point when all parties were in agreement and in most cases had signed the agreement it transpired that the location plan had not been updated to reflect the amended site plan (that was submitted before the Planning Committee in July 2014) which removed the originally proposed field access off the proposed roundabout. The implications in terms of the s106 meant the landowner of the field located off the proposed access would also have had to be party to the s106. Subsequently, we have received a revised location plan to reflect the development (site plan) previously considered by the Planning Committee which has removed the need for the landowner of the field to be party to the agreement. Whilst the s106 could be signed now, Officers highlighted that condition 7 reported in the July 2014 Committee report remained a condition of the permission unnecessarily (as it related to the field access that was no longer proposed). As the Planning Committee had resolved to approve the development with this condition, Officers now seek the Committee's approval to remove the condition relating to the field access off the proposed roundabout.

The condition read as follows:

No part of the development pursuant of this application shall commence until a scheme to ensure that farm vehicles (such as tractor with trailer) can wait beyond the highway boundary to access the gate/field to the east of the proposed roundabout and can exit the field with clean wheels. This access point in the field to the east of the roundabout cannot be used until the approved scheme has been constructed and completed in accordance with the scheme details.

Reason: In the interest of highway safety.

- iii)** Given the length of time since the Committee's original resolution, the report has been updated to reflect current planning policy and take account of the Committee minutes of July 2014 meeting, in particular the inclusion of an additional condition relating the separation distance of the hotel to the pipeline and a noise management plan of the operating marina (an issues debated at the Committee meeting). The recommended conditions set out in this report have been updated to reflect the Member's earlier resolution but by in large the report is as previously drafted back in 2014.
- iv)** The principle of the development and the main considerations listed remain valid. Despite planning policy changing over the last few years, our recommendation remains one of approval. Officers are simply asking the Members to consider whether they are satisfied with the removal of the originally recommended condition pertaining to the field access of the proposed roundabout.

1.0 The Site and its Surroundings

- 1.1 The application site relates to a 3.5ha parcel of agricultural land located on the fringe of Carnforth within the designated Countryside Area. The site is bound by Lancaster Canal to the south, the Whelmar Estate to the west, the A601(M) to the east and agricultural land (also in the applicant's ownership), extending up to Carnforth Brow to the north.
- 1.2 Existing vehicular and pedestrian access to the site is via North Road from the west (Carnforth) or Netherbeck (which is a continuation of North Road) from the east (the Kellets). There is an existing field access off Netherbeck to the north and an access to the site via the existing property, Brewers Barn, which is accessed through the Whelmar Estate. The A601 (M) which runs along the eastern boundary is separated from the site by a strong belt of trees. This road enjoys motorway regulations and provides the connection between the M6 to the A6 (Scotland Road).
- 1.3 The topography of the site and its surroundings is gently undulating at relatively low altitudes ranging between approximately 12.5m Above Ordnance Datum (AOD) and 20m AOD; this is typical of the local landscape character which is described as Low Coastal Drumlins. The levels are at their lowest adjacent to the Back Lane watercourse (north of the application site) rising and falling gently towards the base of the canal embankment where the site levels are circa 19m AOD. The top of the canal is approximately 21.4m AOD. Field boundaries within the site consist of native hedgerows and trees and provide important landscape features. Recent tree planting is evident along the boundary with the Whelmar Estate, whilst much more mature and dense landscaping exists along the boundary with the A601(M). There are two significant trees close to the field access off Carnforth Brow (within the blue edge) that are protected by a Tree Preservation Orders (TPO) (Nos.179 -1989) and TPO 133 -1998) and a group of protected trees (TPO 005 – 1974) within the amenity land to the south of Whernside Grove (but outside the applicant's control). There are no protected trees within the application site.
- 1.4 Lancaster Canal runs along the southern boundary of the site and is designated as a Biological Heritage Site (BHS). It is therefore recognised for supporting a diverse range of habitats and species. There are drainage ditches within the site as well as open and culverted sections of Back Lane Watercourse, which is a tributary of the River Keer. The Environment Agency (EA) flood maps indicate the site lies within Floodzone 1. There are however small pockets of land within Floodzone 2 and 3 adjacent to the Back Lane watercourse and existing properties on Whernside Grove.
- 1.5 Other constraints on site include a high pressure gas pipeline that runs north-south alongside the eastern boundary and overhead electricity power lines which cross the site. The site is also located within a Mineral Safeguarding Area.

2.0 The Proposal

- 2.1 The applicant is seeking outline consent for a mixed use scheme comprising a new inland marina (providing up to 50 berths) off Lancaster Canal with an associated service building and parking area for leisure/holiday purposes and a hotel and parking area with a new vehicular access off the A601 (M), together with pedestrian/cycle links to the Whelmar Estate via land to the north of Brewers Barn.
- 2.2 The layout, scale, appearance and landscaping of the development proposal are matters reserved for subsequent approval. The details provided in relation to such matters are indicative only. Access is to be considered in full as part of this outline application. This involves an at-grade roundabout junction off the A601 (M) for all vehicular traffic and new pedestrian and cycle links to Carnforth via Whernside Grove and Carnforth Brow.
- 2.3 The application is broken down into two distinct elements:

The Marina and associated service building and parking – the illustrative plans show the marina to be located on the west side of the site providing up to 50-berths to be used and occupied for holiday purposes only. A facilities building is proposed to accommodate WC facilities, office and storage space and what appears to be a large open foyer. The layout, scale and appearance of this building are not for consideration at this outline stage. The indicative plans indicate 17 parking spaces and 3 coach parking spaces for this element of the proposal.

Hotel and associated parking – it is only the principle of a hotel that is for consideration at this time, although the applicant has indicated that for the purposes of assessing certain aspects of the proposal, Officers should consider the hotel to accommodate 60 beds (Clarification was sought as due to inconsistencies in the submission as some documents refer to a 100-bed hotel and others a 60-bed hotel). The indicative proposals show the hotel located alongside the canal within the eastern side of the site, with its rear elevation facing the canal. The illustrative drawing shows the hotel to be up to 3 storeys high. The level of car parking indicated on the illustrative plans suggests 103 spaces for this element.

3.0 Site History

- 3.1 The local planning authority received an outline planning application for a similar proposal in March 2012 as noted in the table below:

Application Number	Proposal	Decision
12/00269/OUT	Outline Application for the construction of a 50 berth Marina, hotel, facilities building, wind turbine, car parking and landscaping with full details of access arrangements	Withdrawn

This application was withdrawn to try and overcome a number of concerns and objections raised by consultees and officers, in particular issues in connection with the sequential test for the hotel element of the proposal and highway concerns associated with the proposed access. The main physical difference between the current submission and the withdrawn submission is the omission of a wind turbine, which no longer forms part of the proposal.

Since the pending Marina and Hotel application was reported to committee in July 2014, the applicant has pursued a further outline planning application for residential development which is still pending consideration. It is likely be reported before the end of the year. Currently Officers are still negotiating and assessing the application with particular regard to highway, safety and design considerations. The relevant application reference and associated Screening Opinion are noted in the table below:

Application Number	Proposal	Decision
16/00123/EIR	Screening request for residential development	LPA concludes the proposal is not EIA development

16/00335/OUT	Outline application for the erection of 158 dwellings with associated new access incorporating a roundabout and access road	Pending Consideration
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4.0 Consultation Responses

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

Consultee	Response
Highway Agency	<p>No objections subject to the following conditions:</p> <ul style="list-style-type: none"> ▪ No development shall commence until the A601(M) has ceased to be subject to motorway regulations ▪ No development shall commence until full design and construction details of the highway improvements to the access junction have been submitted and agreed. The agreed detail must be constructed in full before the development of the marina and hotel. ▪ No development shall commence until full details of all amendments to traffic signs and carriageway makings required under the reclassification of the A601(M), together with and associated TRO have been submitted and agreed. ▪ The development should not be brought into use until the amendments to traffic signs and carriage markings and any other off-site highway works (under TROs) have been completed to the satisfaction of the LPA. ▪ Travel Plan to be submitted and agreed prior to the development being brought into first use
County Highways	<p>No objections subject to the following requirements/conditions:</p> <ul style="list-style-type: none"> ▪ The status of the A601(M) to be amended to remove motorway regulations ▪ Scheme for off-site highway improvements to improve accessibility from the site to the town centre (condition and legal agreement to cover improvements to existing public right of way (PROW) not on highway land) ▪ Full constructional access details including internal road layout and scheme for preventing pedestrian and cycle access to the new junction and highway (A601(M) as existing) ▪ Visibility splay protection ▪ Construction method statement ▪ Details of cycle storage, mobility and parent/child parking provision, motorcycle provision ▪ Service and Delivery Strategy (operational requirements) ▪ Travel plan details and implementation <p>A Section 106 legal agreement would be required to secure implementation/funding of a Travel Plan and a sustainability contribution to go towards PROW improvements.</p> <p>Further dialogue is ongoing between Officers and the developer regarding the breakdown of the highway contributions.</p>
Minerals & Waste Planning Authority	<p>The site is in a Minerals Safeguarding Area as defined by the Joint Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management Policies Local Plan. Following further submitted information the Mineral & Waste Authority no longer object to the application.</p>
Planning Policy Team	<p>Following the submission of an amended sequential assessment, there are concerns about the location of the proposed hotel. The former TDG site in the centre of Carnforth is sequentially preferable. However it is contended that given the limited policy weight that can be afforded to the emerging Land Allocations DPD, that these concerns would not warrant refusal of planning permission alone.</p>
Lancashire Constabulary Traffic Management Facilitator	<p>No objections to the proposed roundabout subject to the national speed limit being reduced to 50mph. The road in the vicinity of the proposed roundabout enjoys the national speed limit which is 70mph.</p>

<p>Canal & Rivers Trust <i>(Statutory Consultee role)</i></p>	<p>No objections subject to the developer entering into a s106 agreement to provide appropriate canal towpath to boost connectivity to the town – this would involve a contribution of £102,000. Details of the footbridge over the marina and measures to protect the canal during construction are necessary at reserved matters stage. No objections on flood risk grounds or on canal stability.</p> <p>The Trust are satisfied with the additional ecological assessment submitted and no longer recommend a condition to this effect.</p>
<p>Canal & Rivers Trust <i>(Marina Unit's role)</i></p>	<p>No objections. The location of the marina is unlikely to raise any navigational safety issues and the local waterway infrastructure is capable of accommodating the proposed development.</p>
<p>Natural England</p>	<p>No objections. They offer their standing advice in respect of protected species. They have also responded to the revised ecology information advising they made no objection to the original proposal.</p>
<p>County Ecology</p>	<p>Initially Objected – requiring further pre-determination information relating to the impact on bats and their habitats and the potential need for mitigation and compensation. The submission also failed to assess the impacts on the Biological Heritage Site.</p> <p>Following further ecological assessments and surveys, the County Ecologist remains concerned that the proposal presented, albeit indicative, does not provide sufficient evidence to determine avoidance/mitigation or compensation for impacts to protected species and/or habitat loss can be accommodated on site and that it would be inappropriate to condition a scheme for mitigation to be agreed at the reserved matters stage. However, it is suggested that it could be appropriate to condition and specify the required mitigation/compensation which would subsequently influence the quantum and layout of the development which will come forward at the reserved matters stage.</p> <p><i>NB: the draft s106 secures land to be used for biodiversity compensation if a reserved matters application does not suitably mitigate against ecological impacts in the first instance. County Ecology had raised concerns over the area of land suggested to be secured as potential compensatory land. However their suggestion that it could be possible to condition mitigation requirements which would in turn influence the quantum and layout of the development in the first instance should mean that land secured for biodiversity off-setting/compensation should not really be needed.</i></p>
<p>Environmental Health Service</p>	<p>Concerns raised about lack of detail concerning the wind turbine. Notwithstanding this, the following conditions have been requested:</p> <ul style="list-style-type: none"> ▪ Noise assessment and control ▪ Commercial/Industrial Noise break-out (fans/ducting/openings) ▪ Hours of construction ▪ Scheme for dust control ▪ Scheme for odour control ▪ Details of floodlighting ▪ Standard contaminated land conditions <p>Following further consultation which sought to clarify that the wind turbine does not form part of the proposal, the EHS have no objections subject to conditions to prevent adverse impacts on residential amenity (as noted above).</p>
<p>United Utilities</p>	<p>No objection subject to conditions regarding drainage (on a separate system) and a scheme for foul and surface water to be agreed. Advises that the scheme should comprise foul drainage connected into the public foul sewerage system and surface water discharging directly to soakaway or watercourse which may require the consent of the EA / Local Authority.</p>
<p>Environment Agency</p>	<p>No objection – the EA's Initial objection has been removed on the grounds that the developments foul drainage will connect to the main sewers. The following conditions are recommended:</p>

	<ul style="list-style-type: none"> ▪ Details of foul and surface water drainage to be agreed ▪ Development to be carried out in accordance with FRA including mitigation measures relating to finished floor levels and surface water run-off rates (1 in 100 year plus climate change critical storm event). ▪ Precise details of the stream alignment to open channel to be provided at reserved matters stage. ▪ Repeat water vole and vegetation surveys as per the ecology survey
National Grid	National Grid has a Major Accident Hazard Pipeline in the vicinity of the site – proximity distances must be adhered to and any other, potentially more, stringent easements that the HSE require. National Grid recommend the HSE are formally consulted and offer a series of advice notes for the applicant.
Health Safety Executive (HSE)	HSE Don't Advice Against the granting of planning permission.
Office of Nuclear Regulation (ONR) <i>(agency of the HSE)</i>	No comments on the application
Tree Protection Officer	No objection subject to the following conditions: <ul style="list-style-type: none"> ▪ Arboricultural Method Statement to be submitted before site activity ▪ Tree Works Schedule to be submitted with an subsequent REM/FUL application ▪ Tree Protection Plan to be agreed
Ramblers Association	Do not wish to see a wind turbine on the site. <i>NOTE – there is no wind turbine proposed as part of this application.</i>
Lancashire Constabulary	No further comments to those made under the earlier application. For clarification the Police raised no objections provided consideration is given to ensure crime reduction measures are incorporated into the design of the development.
Carnforth Town Council	Objection on the following grounds: <ul style="list-style-type: none"> ▪ The proximity and scale of the marina bank is disproportionate and would affect residents access to light, particularly given the properties adjacent are bungalows. ▪ No indication that the new access is feasible or possible. Concerns aired that is the road retains its existing status as Motorway, there will be no access to the site for non-motorway vehicles (including some emergency services; maintenance vehicles; agricultural or construction vehicles. ▪ The project is unviable without non-Motorway access and that a separate enquiry is held into the de-classification of the A601(M). ▪ Whilst supportive of new development in the town, especially where it relates to tourism, the development does not support the strategic objectives of the town on the basis that it is development on a greenfield site (which protects the town); the Hotel is focused on the Motorway and will do nothing to promote tourism within the town (due to accessibility concerns); the Marina is similarly inaccessible, and; the site is not well integrated and is isolated from public transport. ▪ The development conflicts with policies SC1 and SC2.

5.0 Neighbour Representations

5.1 There has been a significant level of public interest in the application, with **47 letters of objection** received in response to the initial consultation. The main reasons for opposition are summarised as follows:

Highway Issues

- Increased risk of traffic-related accidents if the A601(M) is declassified to an A road giving cyclists and pedestrians the ability to use this road;
- The A601(M) has motorway status and even if this is removed it remains a dual carriageway

where national speed limits apply;

- North Road is narrow, has limited footpaths, suffers significant on-street parking and is on a hill. Any increase in traffic will increase the risk of highway-related accidents;
- Emergency vehicles can not always up/down North Road because of parked vehicles and narrow carriageway;
- Pedestrian and cycle access are poor generally in the locality – especially through Brewers Barn to the bottom of Carnforth Brow is dangerous – poor visibility and no footpaths;
- Constructing another roundabout for this “white elephant” project is unreasonable and dangerous. Vehicles existing from the M6 will first approach a large roundabout and then soon after approach another roundabout of a smaller radii;
- Concerns about a potential vehicle route being formed from the development creating a rat run to the A601(M) and the M6;
- Concerns about traffic and congestion on the Kellet Road and North Road during construction of the roundabout – particularly if traffic needs to be diverted.
- Poor access provision made for wheelchair users and strollers;
- Poor access to public transport.

Economic/social Issues

- Out of town development like the proposal would discourage visitors to Carnforth;
- Job creation would be at the cost of job losses in the town centre;
- No need for an additional marina – there are two in close proximity which are not at full capacity;
- No need for an additional hotel as there are several underused in the area;
- No need for an additional motorway rest area;
- Town centre/local amenities are 2 miles from the site - the site is too isolated;
- Impact on the existing Burton Services if the proposal is intended to support M6 users;
- The TDG site would make an ideal hotel complex or re-using and developing the closed Queen’s Hotel on Market Street;
- Motorway traffic is already well catered for by existing overnight establishments;
- The proposal fails the sequential test as required by the NPPF;
- The application does not clarify the occupancy of the marina berths (holiday or residential);
- The proposal poorly integrates with the existing community.

Environmental Issues

- Sewerage system is already insufficient – this will place extra demands on infrastructure;
- No assessment vibration from the quarry on the stability and structural integrity of the marina;
- Where is the Risk Assessment to conclude that the risk of structural failure is low;
- Flood risk to immediate neighbours in the event of embankment failure or marina water level;
- Impact on biodiversity;
- Impact on the landscape – the development is out of scale and character with its surroundings;
- Loss of greenspace – views have already been blighted by the Business Park;
- Loss of agricultural land;
- Brownfield sites should be developed before greenfield sites;
- Additional boat use on the canal could lead to canal side collapse;
- A wind turbine would be visually intrusive and distracting (*note: no wind turbine proposed*);
- The site suffers from surface water flooding;
- The hotel and car park should to be moved away from the high pressure gas pipeline (to meet the specified distance). This would suggest that the hotel, car park and marina will not fit within the site boundaries and therefore the proposal should be refused on safety grounds.

Amenity Issues

- Increased risk of crime/anti-social behaviour by encouraging pedestrian access through the Whelmar Estate and increased risk of the fear of crime given the easy access to the M6 for opportunist criminals;
- Increase in light, air and noise pollution and general disturbance (construction and operational stages);
- Overlooking and loss of privacy;
- Loss of light and overbearingness due to the height of the marina embankments, despite recent tree planting, relative to the land levels of neighbouring properties.

Policy Issues

- The proposal should be refused until the Land Allocations DPD which forms part of the

emerging Local Plan has proceeded and been ratified.

Other

- No significant changes to the previously withdrawn scheme – previous objections raised have not been overcome;
- Civil matters concerning rights of way from the site to North Road (not a planning consideration);
- Previous comments on withdrawn application should be taken into account;
- The Council should safeguard residents from damage from the development and obtain indemnity, in particular in the case of flooding issues;
- Increase in insurance premiums for existing residents (not a planning consideration);
- The project, as presented, cannot be financially viable – this is a developer's ploy to build a roundabout to gain access to the land and then apply to build houses on it – the applicant has alluded to future phases of residential development in a presentation to the community at the Civic Hall.
- Loss of property values for properties on Whernside Grove (not a planning consideration);
- Inaccurate statements made in the submission (such as, reference to the special status of the A601 (M) being removed);
- Questions over the legalities of keeping an application alive to allow future changes to the scheme

At the time of compiling this report **21 letters of support** has been received including a letter of support from David Morris MP. The reasons for support are as follows:

- Previous concerns have been addressed in the current submission, in particular the removal of the wind turbine;
- Provides employment and tourism opportunities;
- Economic benefits;
- The proposal constitutes sustainable development and should be supported in accordance with para 187 of the NPPF;
- The community benefits would outweigh the environmental concerns;
- Good design and improvements to public open space;
- The development appears to be a natural infill and will improve local infrastructure;
- It is a popular tourist area being the gateway to the Lake District;
- When the marina and garden centre were built at Brock, Garstang, the development benefited the area and community – the advantages were numerous and as such residents and trades of Carnforth are to gain from the proposal;
- A local farmer indicates that nobody can make a living from such a small existing parcel of land used for agricultural purposes;
- Change is a good thing and can bring investment and enhancement of an area.

Additional representations have recently being received following the deferral of the application. These include a set of photographs showing the site flooded and comments in relation to the HSE representations and the PADHI+ process. The comments received remind Officers that in the event the Council support the proposal, the HSE should be informed. Concerns over the ability to provide the access in close proximity to the pipeline have also be raised in these representations.

6.0 Principal Development Plan Policies

- 6.1 Since the application was reported in July 2014, the Council's Local Plan (DM DPD) has been adopted. At the time of reporting previously, the DM DPD and the MAAP had been subject to examination and so were at an advanced stage of preparation. The DM DPD policies were material considerations at the time of considering the application initially. The DM DPD and policies therein now form part of the adopted Development Plan.

National Planning Policy Framework

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

Paragraphs 18-22 – The delivery of a strong and competitive economy

Paragraphs 23-27 – Town centre uses and the sequential test

Paragraph 28 – Rural economy

Paragraphs 31, 32, 34 and 35 - Promoting Sustainable Transport

Paragraphs 100 – 104 – Flood Risk

Paragraphs 9, 17, 109, 117 and 118 – Conserving the natural environment

Paragraphs 194, 196, 197 and 203 – 206 – Decision taking and planning conditions/obligations

Lancaster District Local Plan (saved policies)

Policy TO4 – Large scale recreational development

Policy T9 – Sustainable, Accessible Development

Policy T17 – Green Travel Plans

Policy T26 - Strategic Cycle Network

Policy T27 – Public Rights of Way

Policy E4 – Countryside Area

Policy E12 – Impacts on Wildlife

Core Strategy

Policy SC1 – Sustainable Development

Policy SC5 – Achieving Quality in Design

Policy SC6 – Crime and Community Safety

Policy SC7 – Flood Risk

Policies ER2 – Regeneration Priority Areas(Carnforth)

Policy ER4 – Town Centres

Policy ER6 – Tourism

Policy E1 – Environmental Capital

Policy E2 – Transportation

Development Management DPD:

DM1 – Town Centre development

DM7 – Economic Development in Rural Areas

DM12 – Leisure facilities and Attractions

DM13 – Visitor Accommodation

DM20 – Enhancing Accessibility and Transport Linkages

DM21 – Walking and Cycling

DM22 – Parking Provision

DM23 – Travel Plans

DM27 – Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, hedgerows and Woodland

DM35 – Design

DM38 – Flood Risk

DM39 – Surface water run-off-SUDS

6.2 Other Considerations

National Planning Practice Guidance

7.0 Comment and Analysis

7.1 The main issues raised by this proposal relate to:

- Principle of leisure/tourism development in the location proposed;
- Highways Implications;
- Biodiversity Implications;
- Design and visual amenity considerations; and,
- Impact of development on existing Infrastructure.

7.2 **Principle of development**

At the heart of the NPPF is the presumption in favour of sustainable development. Delivering sustainable development is also echoed in the District's Core Strategy and the Development Management DPD. Paragraph 7 of the NPPF explains that there are three principal roles to sustainable development, namely economic, environmental and social, and these roles are mutually dependant. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

7.3 The Development

There are two distinct elements to the proposal which do not appear to be directly dependant or reliant

upon one another. The first is an inland waterway marina (providing up to 50 berths) which will be constructed off Lancaster Canal. Confirmation has been received that the moorings would be for holiday/leisure use only and would not be used as permanent residential moorings. This form of development would constitute tourism/leisure development. Such development is clearly dependent upon the location and access to the inland waterway network.

- 7.4 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and therefore significant weight should be placed on the need to support economic growth through the planning system [paragraph 19, NPPF]. The economic benefits of tourism and leisure uses carry significant weight in this case. That said it is also clear in national policy that leisure uses are considered town centre uses and therefore the 'town centre first' approach should be adopted. This therefore applies to the hotel element of the proposal. With regards to the marina and given the site's edge-of-settlement location, Officers see no objection to the principle of a marina within the application site boundary. Despite concerns raised about the need and demand for additional marinas in this part of the District, such a facility can contribute to the visitor economy. The provision of additional inland waterway marinas is supported by the Canal & Rivers Trust who identified an increase in the number of boats on the wider network, which has led to a shortage in supply of available moorings. The principle of a marina on the application site is therefore acceptable in land use planning terms.
- 7.5 The hotel element of the proposal is more controversial. Despite the inconsistency and lack of clarity within the submission, the applicant's latest supporting information states that the primary purpose of the hotel is for leisure/tourism accommodation. They suggest that being located by the M6 provides an "added bonus" and will provide additional transient trade. The Design & Access Statement originally placed a greater emphasis on the hotel providing a refreshment break for motorway users, albeit acknowledging that it would not be a full motorway service area. The NPPF says that leisure/tourism uses, such as hotels, are considered main town centre uses and should therefore be subject to the rigorous tests set out in national guidance and policy DM1 of the DM DPD – the purpose being to protect, support and enhance the regeneration, vitality and viability of existing towns. The Core Strategy (Policy ER4) recognises Carnforth Town Centre as a key service centre, a market town and a visitor destination. Policy ER2 of the Core Strategy also identifies Carnforth as a regeneration priority area. The 'town centre first' approach to new development clearly helps support the Council's aspirations to regenerate Carnforth and support the vitality and viability of the market town. The application site is not an allocated site either in the existing Local Plan or in the Draft Local Plan (Land Allocations DPD). The application site consists of an edge of town, greenfield site, located within the designated 'countryside area'. Proposals for town centre uses outside recognised centres (like Carnforth) need to be justified.
- 7.6 The Sequential Test
NPPF Paragraph 24 states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require proposals for main town centre uses to be located in town centres, then sequentially in edge-of-centre locations, and then only if suitable sites are not available should out-of-centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.
- 7.7 The applicant has provided a hotel needs assessment and a sequential assessment. The sequential assessment was recently updated to address previous concerns about the method in which the applicant had discounted the availability and suitability for the development to be accommodated on other sequentially preferable sites. A total of 13 alternative sites had originally been considered by the applicant. Despite deficiencies with the initial sequential assessment, a later revised assessment had satisfied Officers that all but one of the sites is either 'not available' or 'suitable' for the development. However it should be noted that a number of the sites assessed were also edge-of-centre or out-of-centre sites and therefore not sequentially preferable. The only site that the Council contend could be regarded as a sequentially preferable site is the former TDG site in the town.
- 7.8 The applicant argues that the former TDG site is not currently available nor is it likely to be within a timeframe which would be commercially viable for the applicant. The wider site is still presently used by businesses, including transport operations and industrial users which the applicant argues would be incompatible with a modern, prestige hotel. The applicant argues the TDG site has poor vehicle access via the congested Market Street and is poorly located for a use aimed primarily at serving the motorway traffic and the leisure market. The applicant indicates that this would affect the viability of

the proposed development.

- 7.9 It is the Council's view that in the absence of evidence to the contrary, the site could be regarded available for the purposes of the sequential test. It is understood that the site has been advertised and marketed (Keer Park) in 2013 and that marketing is still ongoing with lettings board still displayed at the site. The arguments put forward by the applicant concerning the unsuitability of the TDG site for the proposal do not appear fundamental constraints. Such concerns could be overcome through an appropriate comprehensive redevelopment of the former TDG site. The applicant's argument that the proposal is a 'county' type hotel is not entirely convincing, particularly when there are inconsistent messages in the submission about the primary purpose of the hotel. Notwithstanding this, there is no reason why a hotel in an urban location cannot access the commercial or leisure markets, and no reason that this type of trade is reliant on a greenfield edge of town site. Equally, the Core Strategy clearly seeks to encourage leisure/tourism uses within the centre to promote the town as a visitor destination.
- 7.10 Whilst the TDG site is a sequentially preferable site, Officers are mindful that current Development Plan status of the TDG site is one of employment land (saved policy EC5) which seeks to support B1, B2 and B8 uses. It is the emerging Land Allocation DPD which identifies the site as an Opportunity Site (OPP2: Former TDG site), and indicates that the Council will support the regeneration and redevelopment of this brownfield site for a mixture of uses rather than simply employment land. Since the application was reported in 2014, the employment land status of the site still remains the case.
- 7.11 Since the application was originally reported back in July 2014, a further site has become available and should be taken into account for the purposes of the sequential assessment required under the NPPF and policy DM1. The site relates to the Queens Hotel located on Market Street in Carnforth town centre. The site is currently marketed on rightmove (Reeds Rains) for £375,000 and includes the public house/hotel and land to the rear. Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date plan. Paragraph 27 goes on to state that where an application fails to satisfy the sequential test it should be refused.
- 7.12 The NPPG goes on to state that it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal. In this regard, Officers are particularly mindful of whether this sequentially preferable site is suitable for the development proposed and the demand which the proposal is intended to meet, with due regard to the requirements to demonstrate flexibility.
- 7.13 In assessing whether the former Queens Hotel site offers a suitable location for the development, Officers are mindful of the site's heritage designations (located within the Conservation Area with the hotel being recognised as a non-designated heritage asset identified on the local list), the poor access arrangement off Market Street; demand for parking and the nature of adjoining uses. There have also been two planning applications recently considered by the local planning authority for the redevelopment of the land to the rear of the hotel for residential development. The first application was refused on the grounds that the scale, massing and height of the development would fail to preserve or enhance the Conservation Area; inappropriate access arrangements and increased traffic would be detrimental to highway safety; the proposal failed to consider the needs of adjacent businesses in terms of access and servicing, and impact on neighbouring amenity. The second application was approved following a significant reduction to the amount of development proposed (a loss of 10 residential units in total). Subsequently, whilst the NPPG expects flexibility from both applicant and the authority in terms of scale and form, it is unlikely that the development proposed (even if slightly reduced) could be suitably accommodated on this more central site. Even if a reasonable number of bedrooms could be accommodated (but significantly less than 50 bedrooms) within the former hotel and a two-storey new build (this is the scale of the approved residential apartments) on the land to the rear, the demand for parking and traffic generated from the development would be considered constraints to development. On this basis, Officers are satisfied that this sequentially preferable site would not be suitable for the scale and form of the hotel development proposed and therefore the sequential test is passed in this regard.
- 7.14 Officers accept that the TDG site has a number of existing employment uses present on site and that currently, whilst it is directly adjacent to the existing centre, it lacks function and direct access to Carnforth Town Centre. However, bringing the site forward incorporating hotel development as part

of a wider mixed use regeneration scheme could resolve concerns over compatibility with existing uses and access to the centre. Officers are mindful of the current policy position of this sequentially preferable site. A hotel (or other town centre use) on the former TDG site would, at present, be a departure to the adopted Development Plan. Flexibility for alternative land uses on this site and its future redevelopment is envisaged through the emerging Land Allocations DPD. Whilst the emerging policy relating to this site seem realistic for future development, for the purposes of the sequential test and consideration of this current proposal only limited weight can be afforded to the policy aspirations of the emerging Land Allocation DPD. Consequently, whilst Officers are of the opinion the TDG site could accommodate the proposed hotel in the long term as part its wider redevelopment, given the current policy status of this sequentially preferable site and consideration of the revised sequential assessment, Officers are of the opinion that a refusal of planning permission on these grounds could not be substantiated at this time.

- 7.15 Paragraph 24 of the NPPF indicates that when considering edge of centre and out of centre proposals (because in-centre sites are not available or suitable having undertaken a sequential test), preference should be given to accessible sites that are well connected to the existing town centre. This brings us to highway matters and accessibility.
- 7.16 With regard to the principle of development, it is understood that the site lies within a minerals safeguarding area and as such development proposals which would prejudice the ability to extract minerals from the site should be prevented. The applicant has undertaken further work in this regard in order to remove the objection from the County Council. There is no longer an objection from the County Council in their Waste and Minerals Authority role.
- 7.17 **Highway Considerations**
The application is supported by a Transport Assessment which provides information in respect of the local area and site characteristics, consideration of highway-related/sustainability policy, a description of the development and details of the highway-related impacts associated with the proposal, such as trip generation and capacity assessments. This assessment has been considered and accepted by Lancashire County Council as the Highways Authority and the Highways Agency.
- 7.18 The site is located between the A601(M) and Carnforth Brow, to the north-east of Carnforth beyond the built-up environment. The A601(M) connects to the A6 Scotland Road and to the B6254 Kellet Road via junction 35 of the M6 motorway. Despite some confusion within the submission, Officers can confirm that whilst the A601(M) no longer forms part of the trunk road network and is no longer managed and maintained by the Highways Agency on behalf of the Secretary of State for Transport; it is though subject to motorway regulations and therefore limited only to Class I and Class II vehicles. The A601(M) was transferred from the Secretary of State for Transport to Lancashire County Council in the mid 1980's under 'The Lancashire County Council (Carnforth Link) Special Road Scheme 1985' and 'The Lancashire County Council (Carnforth Link) Transport of Highways and Alteration of Side Roads Orders 1985'.
- 7.19 Access to the site is currently taken off Carnforth Brow or via the adjacent residential estate to Brewer's Barn. In both cases, the majority of the time, access will be via North Road. As local residents have pointed out in their representations, North Road is a narrow highway impinged by unrestricted parking on either side of the carriageway for some of its length. This combined with narrowing of the highway in particular sections severely impinges the ability for the existing highway network (North Road) to cope with significant additional vehicular movements. Subsequently, the applicant seeks to take the access off the A601(M). The access arrangements involve the construction of an at-grade, three-armed roundabout and new pedestrian/cycle links from the application site to Carnforth Brow and via the Whelmar Estate. The proposed roundabout has been subject to a Stage 1 Safety Audit. The principal recommendation from this Safety Audit is to remove the motorway regulations from stretch of the A601(M) between the M6 junction 35 and the existing roundabout junction with the A6 Scotland Road. Despite comments in the submitted Transport Assessment which suggested that the removal of the motorway regulations was not essential to ensure the safety of the proposed at-grade roundabout junction (due to the existing speed limits imposed on the highway), this was not the view of the Highways Agency or the Highway Authority (Lancashire County Council Highways). The applicant is now fully aware and accepts that the special status of the A601(M) would require separate reclassification in order to be supported by the statutory consultees.
- 7.20 The Highways Agency has indicated that they would have no objection to the route being reclassified.

If this occurs they would not object to an appropriately designed, at-grade roundabout being used to serve the site. Turning to the development itself, they are satisfied that its impact on the trunk road network is unlikely to be significant provided appropriately-worded conditions are imposed relating to the access and management of traffic, in particular the replacement of signs on the motorway to reflect the classification and route number of the current A601(M).

- 7.21 The Highway Authority recognise that the inclusion of the proposed development will increase the number of vehicles on the network and that appropriate measures will be required to facilitate the safe and efficient movement for all transport modes. Changing the Special Status of the A601(M) and removing the motorway regulations for its full length would be required in order to support the proposed at-grade roundabout junction and ultimately the principle of development of the site. Discussions have taken place between Lancashire County Council, the Highways Agency and the Department for Transport to agree 'in principle' the legal process/instrument that will need to be followed to precede the required changes to support the delivery of this proposal. To support the required de-classification of the A601(M) an appropriate scheme of highway improvements would be necessary. This scheme would need to include changes to all signs on and off the motorway that make reference to the A601(M), changes to road markings, rumble strips, possible electronic signs linked to speed detection equipment on the approach to the new roundabout, which would also have to be illuminated. The aim would be to reduce vehicle speeds in the interests of highway safety. From a planning perspective a Grampian condition is necessary requiring the reclassification of the A601(M) before development commences and separate planning conditions dealing with the scheme for off-site highway works. This approach is support by the statutory consultees.
- 7.22 With regards to the actual vehicular access detail submitted, there are no objections to the principle of the roundabout layout proposed, although subtle design changes are necessary. The precise constructional design detail of the access would be subject to condition.
- 7.23 In addition to the reclassification of the A601(M), it is essential that the proposed leisure development is accessible by all modes and that all movements can be safely accommodated or mitigated. This is necessary in order to ensure the development proposal is as sustainable as possible. Despite being located on the edge of the built-up area of Carnforth, the site is isolated from the town centre and the local services and amenities. Officers do acknowledge that the type of development proposed and its operation means that the most realistic transport mode is predominately likely to be made by private car. In order to support local and national planning policy, it is essential the proposal provides access for sustainable modes, especially pedestrians and cyclists. A number of measures are proposed and/or required by the Highway Authority. These are noted in the following section of the report. However, it is important to note that the Highway Authority specifically state that whilst some linkage will be provided, this will not be at a level that can be considered as sustainable or that can satisfy sustainable or access needs for other uses, and that this proposal is a development that can stand alone and operate with limited sustainability.
- 7.24 The application proposes a direct link to the canal towpath and also that the towpath would be upgraded to improve access to the town centre for visitors, local residents and new employees. The Canal & Rivers Trust have no objections. The towpath element of the proposal clearly contributes to ensuring development is integrated within existing pedestrian and cycle networks, noting that it is also a recognised national Cycle Route. To ensure delivery of the proposed upgrades to the towpath, the developer would be required to make a contribution towards the upgrading and surfacing of the towpath from the site to Bridge 128 (Market Street) which would serve the most direct route to the town centre. Alternatively the developer may wish to carry out the works in agreement with the Trust. Either option would need to be secured by way of legal obligation. The applicant is amenable to this requirement with terms to this effect included within the draft s106 and agreed by the Canal and Rivers Trust.
- 7.25 Pedestrian and cycle movements have been a particular concern to Officers and the Highway Authority. Removing the special status of the A601(M) may mean other modes of transport/vehicles can legally use the highway and it is critical to consider road safety in this respect. The majority of pedestrian/cycle movements from this leisure development are likely to be towards the town centre. Movements in the opposite direction via the de-classified A601(M) would be relatively few given its countryside designation and limited other uses in the vicinity, with the exception of Pine Lakes leisure development. This issue has been carefully considered, with County Highways concluding that given the constraints that exist along its length it appears that there is not a realistic solution which can be delivered by this development proposal to provide a continuous cycle and pedestrian footway facilities

on this road safely. The package of pedestrian/cycle measures proposed within the site include:-

- Scheme to deter pedestrian/cyclists to the new roundabout junction. The application suggests a 3m wide path with pedestrian deterrent paving. This would not be sufficient to prevent pedestrians/cyclists accessed the re-classified A601(M). The detailing of this could be controlled by condition.
- Cycle/pedestrian links from the site to North Road and Whernside Grove.
- Links to the towpath

Measures external to the site include:-

- Pedestrian/cycle measures on Scotland Road linking to a suitable point north of the A601(M)
- Removing barriers within the centre of Carnforth to improve use by sustainable modes, this could be achieved by reviewing existing Traffic Regulation Orders on key routes to the site via Carnforth.
- Suitable signage strategy to inform visitors/employees of the proposal to alternative routes (for pedestrian/cyclists)
- Improvements to existing public rights of way (footpaths 22, 23 and 26)
- Implementation of travel plans and funding to the County to monitor the Travel Plans (relating to each development type).

The above measures are either proposed and/or accepted by the applicant and would be controlled and delivered by planning condition and/or legal agreement. These measures contribute towards achieving good design by making proposals and places as legible as possible, thus contributing to delivering sustainable development. Such measures are considered reasonably necessary to make the development acceptable.

7.26 Overall, for the type of development proposed, there are no highway objections to the application. Where there are highways concerns, the applicant – in consultation with Officers and the Highway Authority – have sought solutions and identified appropriate mitigation to limit significant impacts of the development. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are *severe*. Given the type of development proposed and the agreed nature of the proposed mitigation and highway improvements, Officers are satisfied the proposal would not result in severe impacts and on this basis the application is acceptable in relation to highway grounds.

7.27 **Biodiversity Implications**

The application site sits immediately adjacent to the Lancaster Canal Biological Heritage Site (BHS) and proposes to cut into the canal to provide a new marina basin. The site is open agricultural land dissected by hedgerows and water features and contains some mature trees. Whilst the application is submitted in outline (with layout, scale, appearance and landscaping reserved at this stage) biodiversity cannot be treated as a “reserved matter” and should be considered fully at the outline stage, whereby the local planning authority has to establish whether the principle of the development is acceptable or not. An ecology report was initially submitted with the application but was considered deficient. It was not clear that the impacts on biodiversity could be avoided, mitigated or as a last resort compensated as required by national policy. It failed to provide any assessment of the impact of the proposal on the BHS particularly in relation to loss of part of the canal to facilitate the marina access and the indirect ecology impacts that could arise by increases in boat traffic, boat wash effects and pollution. The report also failed to fully assess the potential impacts of the proposal on protected bat species.

7.28 The NPPF is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature [paragraph 9], and it is a core planning principle [paragraph 17] that development should contribute to conserving and enhancing the natural environment. In addition to the NPPF, there is a statutory duty for planning to seek to minimise impacts on biodiversity. Paragraph 99 of the 06/2005 Circular states *that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted*. Therefore it is an integral part of policy and decision making, in particular with regard to protected species and protected habitats, where the presence of either is a material planning consideration.

7.29 The applicant’s original justification for the absence of full ecological/protected species survey was on the grounds the application was in outline form only and the extent of development and layout was unknown. The National Planning Practice Guidance confirms that there is a statutory basis for

planning to seek to minimise impacts on biodiversity and provide net gains wherever possible. That is a fundamental facet of planning and is underpinned by Section 40 of the Natural Environment and Rural Communities Act 2006, which requires all local authorities to have regard to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by Government in its Biodiversity 2020 Strategy. It should also be noted that the relevant guidance and legislation (Bat Conservation Trust guidance, Circular 06/2005 and the Conservation of Habitats and Species Regulations 2010 (as amended)) does not make any distinction between outline/full and reserved matters applications. The applicant eventually accepted our position that it was not appropriate to defer consideration of biodiversity at the reserved matters stage and agreed to undertake further surveys in order to understand and evaluate the importance of the site for protected species and the potential impacts likely that could arise from the development – it was for this reason the application was deferred in December last year.

- 7.30 The applicant has now provided additional supporting information in relation to protected species and an assessment of the impacts on the Lancaster Canal Biological Heritage Site (BHS). Officers have consulted with the key consultees in relation to this topic, including Natural England, the Canal & Rivers Trust and the County Ecologist.
- 7.31 In terms of the impact on the BHS, whilst adequate survey effort has been carried out, the assessment of the potential impacts is not comprehensive. In particular, it has not accounted for potential bank stabilisation works that may be required on the southern edge of the canal in order to prevent any increased erosion due to the wash from boats turning into and out of the marina entrance. The Canal & Rivers Trust have given an indication in their latest response that bank protection would typically extend a distance of 30 metres either side of the entrance and would usually be sheet piling. Subsequently, this would lead to a further loss of soft bank habitat/vegetation which has not been taken into account by the applicant at this stage. The applicant has provided as part of this assessment recommendations/mitigation in relation to the construction and operational phases of the development. By in large these recommendations are acceptable, however, as noted above the proposed mitigation does not account for additional bank stabilisation works. Subsequently, Officers are not convinced that the quantum of development suggested on the indicative plans together with appropriate mitigation/compensation and habitat enhancement could be achieved within the development site. Subsequently, any approval of planning permission would be on the basis that the illustrative layout will need to be substantially amended at the reserved matters stage.
- 7.32 In order to provide appropriate assurances that the principle of the development is acceptable and that impacts on biodiversity can be overcome, the applicant has agreed to amend the development description to read “*up to 50 berths*” rather than “a 50 berth marina”. This clearly provides greater flexibility to amend (reduce) the scale of the proposals at the reserved matters stage. It equally provides sufficient reassurances to Officers, and hopefully Members, that the applicant is under no illusion that in order to address biodiversity considerations, the layout and quantum of development may need to change (reduce). Alternatively, if a substantial revision to the scale and layout of the development is not possible, the applicant could consider off-site compensation (creation of a wetland habitat) on land adjacent to the development site but within the applicant’s control in order to accommodate adequate mitigation and habitat creation. Compensation is a last resort therefore this option would need careful justification. This option would have to be secured by way of a planning obligation. The applicant has agreed to include an obligation to this effect within the legal agreement.
- 7.33 Turning to the impacts of the proposal on protected species of wildlife, specifically bats. The applicant has now undertaken further activity surveys in order to enable a more robust understanding of bat activity at this site. Despite some deficiencies in the survey work and report submitted, it is clear that bats are active at this site in the transitional period (spring) and the main bat activity season (summer); and that bats are active throughout the night which is a good indication that there is sufficient foraging resources at the site. It is clear from the survey effort undertaken that there are a number of linear habitats, namely hedgerows, which provide good foraging/commuting habitat and as a consequence there is preference for these features to be retained. The indicative layout presented would result in the loss of these linear habitats and would lead to an adverse impact on protected bat species. The applicant accepts that the layout is indicative and that it would need to be revised to avoid such impacts and where avoidance is not possible adequately mitigate the impacts. Subsequently and despite the additional information provided, in the absence of details to demonstrate avoidance,

mitigation and compensation – mainly because the scale and layout is indicative – Officers are mindful that it would be inappropriate to simply condition further details of mitigation to be provided. This would be contrary to national planning policy and guidance.

- 7.34 Case law in the form of the Woolley judgement (Woolley v Cheshire East Borough Council and Millennium Estates Ltd [2009] EWHC 1227) is relevant. This says:

“...it is not sufficient simply to be aware of the presence of bats, a planning authority also has to be satisfied that effective mitigation measures can be put in place before planning permission can be granted and it is necessary for the decision maker to be satisfied that such mitigation measures achieved the desired result”.

Having regard to this case law and the advice of the County Ecologist it is, however, considered reasonable to impose a condition which specifies the required mitigation/compensation at this outline stage. The applicant has agreed with this approach and the County Ecologist's comments and has indicated that there is scope to incorporate mitigation/compensation into a revised layout for the scheme at the reserved matters stage. For the purposes of clarification, in the event of planning permission being supported, an appropriately worded condition should be imposed which requires the reserved matters application to incorporate the following mitigation:

- Maintenance and enhancement of unlit habitat connectivity and habitat for bats along the western boundary;
- the area of habitat along the A601(M) embankment and the area in proximity to the bat roost (under the road bridge) to remain unilluminated;
- no increase in artificial illumination of the canal corridor;
- replacement native species hedgerow planting with hedgerow trees to offset the loss (in the event hedgerow retention is not possible);
- proportionate mitigation or compensation to offset the loss of habitat along the canal (BHS);
- replacement hedgerows and/or other habitats to be provided to secure biodiversity enhancement;
- site lighting to accord with guidance issued by the Bat Conservation Trust and Institute of Lighting Engineers; and
- landscaping scheme to secure habitat connectivity through the development site.

In order to achieve the above mitigation, it is highly probable that the indicative layout will need to be amended in order to ensure that the impacts of the development on protected species and biodiversity in general is not adversely affected by the development proposals.

- 7.35 The NPPF requires the planning system to contribute to and enhance the natural environment by minimising the impacts on biodiversity and providing net gains in biodiversity where possible (para 109). Officers are reasonably satisfied that with the above mitigation, which would have to be designed into the scheme at the reserved matters stage, that the impact on biodiversity and protected species would not be significant. In fact, with the above mitigation and/or compensation there is a potential opportunity to enhance biodiversity in this area. The applicant has agreed that the above mitigation/compensation would be required and that this could be included as part of the reserved matters application. In the event additional land is required to secure the above mitigation within the confines of the development site, the developer would be expected to consider reducing the scale of the development – either the marina and/or the hotel element of the scheme. The application seeks outline permission for a marina (up to 50 berths) and a hotel (no size specified). Subsequently, there is sufficient flexibility in granting this permission for the scale and layout of the marina and hotel to be amended to secure no adverse impacts on biodiversity. On this basis, Officers are satisfied that the principle of development can be supported and that the impacts on protected species and biodiversity in general can be appropriately mitigated.

7.36 **Infrastructure Consideration**

In accordance with the NPPF [paragraph 194] the local planning authority has consulted with the appropriate statutory consultees in relation to nearby hazards and infrastructure, in particular the high pressure gas pipeline that runs through the site. Officers have consulted direct with the Health and Safety Executive (HSE) and they advised to carry out a PADHI+ consultation (i.e. a self-administered consultation assessment by the local authority) based on the indicative layout and based on the consultation on the hotel element only. The outcome of the consultation, because of the proximity of

the hotel to the pipeline consultation zone, is that HSE 'Advice Against' the grant of planning permission. Despite an amended plan relocating the hotel element one metre further away from the pipeline, this would not alter the outcome. Notwithstanding this, having regard to the PADHI+ guidance, Officers are satisfied that the layout could be amended at the reserved matters stage to ensure the hotel element of the proposal is not within 9m of the centre-line of the pipeline. This would then achieve a 'Do Not Advice Against' response via the PADHI+ system. Given layout is reserved and that there is sufficient flexibility within the site boundary and the proposal (hotel size is not fixed) to revise the scheme accordingly, a refusal of planning permission on these grounds would not be warranted. Officers had written to the HSE in advance of the July 2014 committee and provided them with an Advance Notice letter to inform them of the positive recommendation. Procedurally, where an authority seeks to support a proposal in the knowledge of an objection ("Advice Against" response) from the HSE, the authority should notify the HSE of their decision (recommendation at this stage) so that the HSE can consider the case further and assess whether the proposal should be "called-in" to the Secretary of State. The HSE responded to this letter and removed their objection. There are no safety objections to the application provided a condition is imposed to ensure the hotel is not located within the inner zone of the pipeline.

- 7.37 National Grid is responsible for the gas pipeline. They have informed us that the gas pipeline is laid in a legally negotiated easement to which certain conditions apply and it is therefore essential that access to the pipeline is not restricted, particularly in the event of an emergency. Therefore, there must be no obstructions within the pipeline's maintenance easement strip, which would limit or inhibit essential maintenance works on the pipeline. It is the responsibility of the developer to contact National Grid to seek their consent for works within or adjacent to the pipeline. The Build Proximity Distance (BPD) for the pipeline is 8 metres (this is 8m in either direction from the centre line of the pipe line. It is understood the car parking within BPD is acceptable. National Grid advise the local planning authority to consult with the HSE.
- 7.38 The development is also shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets (power lines and pylons). Electricity North West advise that where the development is adjacent to operational land the applicant must ensure that the development does not encroach over the land or any ancillary rights of access or cable easements, and if planning permission is granted the applicant should contact Electricity North West. It is for the developer to seek the appropriate consents to carry out works within or adjacent to this infrastructure. The purpose of planning is to establish land use principles and not duplicate other regulatory regimes.
- 7.39 The development proposal will undoubtedly have an impact on the canal, as it proposes to connect to the inland water network and create a new marina basin. There has been a significant level of concern from local residents, in particular those that reside adjacent to the site, about the implications of building a marina basin where the natural land levels are lower than the adjacent canal. The marina will effectively be a raised basin which is illustrated on the indicative drawing. New marina/mooring developments on inland waterways require the consent of the Canal & Rivers Trust in the form of a Network Access Agreement. Despite going through a series of design construction stages including risk assessment, the New Marinas Unit need to be sure that there is sufficient water and capacity to accommodate it, and that the technical specifications of the marina are adequate to protect the integrity of the waterway and the safety of its users. The actual opening of the navigable access between the new marina site and the existing waterway will only be allowed when the stilling test (test of water-tightness) has been completed to the satisfaction of the Canal & Rivers Trust (new Marina's Unit). The marina, despite being in private ownership, would form part of the canal and as such it is in the interest of the Trust to ensure the marina is built to appropriate standards/safeguards. Matters of liability (raised by some residents) lie with the developer or operator of the marina. The Trust has raised no objections on the grounds of canal stability. In terms of the impact of the development on nearby infrastructure, including the canal, there is no reason why planning permission should not be granted.

7.40 **Design & Amenity Considerations**

The application site sits immediately adjacent to existing residential development. It is nestled between the canal and the A601(M). Whilst it provides a pleasant outlook for existing nearby residents and people using the canal, it is not a designated landscape or within or adjacent to a conservation area/scheduled ancient monument. It is however designated as countryside area and therefore any proposal should reflect the rural and open qualities of the countryside area. The topography of the site falls slightly into the centre away from its edges and then rises and falls again on land to the north (outside the red edge). The development proposal will have a localised

landscape impact. This is inevitable given the development proposed. However, it is not considered to be a significant landscape impact. The site is most prominent from a small number of immediate dwellings and the canal. Views from the A601(M) are restricted by landscaping and views of the site from Carnforth Brow are restricted by the undulating topography. The indicative plans show landscaping along the western boundary of the site, separating the site from neighbouring residents. Some planting has already occurred in this location and will help in the long term soften the visual impacts of the proposal. Finished ground levels of the car parking and hotel would be essential at reserved matters stage to see how the car parking areas will respond to the site contours. The same is needed for the hotel because of the difference in land levels between the towpath and the application site. Such constraints would not prevent an appropriately-designed scheme advancing at the reserved matters stage. Similarly, the actual design and scale of the hotel would need careful consideration to ensure it appropriately responds to the public realm of both the site itself and the canal. What is presented at this outline stage, does not in Officers' opinion achieve high quality design in this respect. Overall, however, whilst the proposal will result in a marked change in the landscape at a localised level, its position in-between the existing built-up area and the A601(M) diminishes any significant concerns about the loss of greenfield and landscape impact. Officers are satisfied that there is sufficient flexibility within the site to accommodate an appropriately designed scheme which reflects its rural character and sensitive location adjacent to the canal. There are no landscape or design reasons to refuse the principle of the development at this outline stage.

7.41 With regards to residential amenity, it is acknowledged that the application site is situated close to a number of properties on Whernside Grove and that these properties are bungalows with little private amenity space to the rear. It is also understood that nearby residents are seriously concerned about the proposal, particularly the marina element of the scheme. Protecting the living conditions of nearby residents is a material consideration. The marina element of the scheme is situated over 37 metres from the rear boundaries of the properties backing the site at Whernside Grove. This exceeds our standard separation requirements. The proposal presented is more likely to result in a perceived loss of privacy and outlook because of the scale of the marina – the top of the marina is similar to the height of the neighboring buildings. It is not unreasonable to think that residents living in these neighbouring properties will feel like they are overlooked by people walking and boating within the new marina. However, given the commitment to provide landscaping along the boundaries with these residents and the distance between the properties and the marina (although this could change as layout is reserved), there is no reason why good design and landscaping could not adequately mitigate residential amenity concerns at the reserved matters stage.

7.42 Impacts on living conditions during the construction phases of development can be adequately controlled by condition. Similarly, conditions can be imposed to ensure the operations of the proposed uses would not adversely affect neighbouring residents (for example, no outdoor amplified music, appropriate external lighting, hours of use of the facilities building and function space within the hotel, ventilation and sound attenuation measures). Concerns in relation to the increased risk of crime relate to the provision of the new access link to the A601(M) and the new cycle/pedestrian routes through the site. However, good design should minimise the risk of crime and the fear of crime. Secure by Design principles should be adopted when advancing to the reserved matters stage. Despite concerns to the contrary, a refusal of planning permission based on residential amenity grounds would be extremely difficult to justify and substantiate at appeal.

7.43 **Other Considerations**

Environmental Impact Assessment (EIA) Development

The proposal falls within the tourism and leisure (12) descriptions of development within Schedule 2 of the EIA Regulations (2011). The marina falls within 12(b) of schedule 2 and the hotel falls within 12(c) of schedule 2. The proposal exceeds the identified thresholds in schedule 2. The hotel and associated parking would exceed the 0.5ha and the proposed marina exceeds an area of enclosed water surface of 1000sq m. The site is not within a 'Sensitive Area' as defined by the Regulations.

The NPPG sets out further guidance in relation to when an Environmental Statement (ES) is required for development proposals that fall within Schedule 2 developments. Paragraph 057 (annex – indicative thresholds) suggests that EIA is more likely to be required for large new marinas, for example where the proposal is for more than 300 berths (seawater site) or 100 berths (freshwater site). It also goes on to state that EIA is likely to be required for major new tourism and leisure developments which require a site of more than 10 hectares. In particular, EIA is more likely to be required for holiday villages and hotel complexes with more than 300 bed spaces.

Having regard to the Regulations, the guidance set out the NPPG and the considerations noted above, it is the opinion of the Local Planning Authority that whilst there will be environmental implications associated with the development due to the nature, scale and characteristics of the development and the development site, these environmental effects are not likely to be significant to warrant the development to constitute EIA development. All the main environmental considerations have been assessed in a reasonable and proportionate manner through the determination of this application.

7.44 **Other Considerations** ***Flood Risk***

As noted at the beginning of this report, the site is not located within an area identified by the Environment Agency as being at risk of flooding (floodzone 2 or 3), although it is acknowledged there are areas nearby that are within these flood zones. It is also noted that the site and some of the surroundings have suffered from surface water flooding. Since the application was last reported, photographs of the site in flooded conditions have been submitted to the local planning authority. A Flood Risk Assessment (FRA) was submitted with the application. The Environment Agency and United Utilities have been consulted and have raised no objections to the proposal following revisions to the foul drainage proposals. However, this is subject to appropriately worded conditions relating to the foul and surface water drainage. Specifically, the site must drain to a separate system with only the foul connected to the existing systems. Surface water must drain to a soakaway/watercourse preferably through the use of a sustainable urban drainage system (SuDS), which must be designed to a 1 in 100 year event. The proposal, based on the current indicative drawing, involves the realigning of drainage ditches and the existing stream. The Environment Agency have indicated that at the time of submitting a reserved matters application, full details of any realignments of the ditches and open streams need to be submitted in full in order to fully assess the biodiversity implications. In the event that the proposal is supported, a condition should be imposed on the outline to this effect.

8.0 Planning Obligations

The following matters are to be secured by way of a legal agreement:

- Travel Plan Delivery and Monitoring Contribution.
- Accessibility and Sustainability Improvements Contribution to the sum of £115,000 to provide a scheme for the implementation of sign posting and wayfinding at key points on the network to identify pedestrian/cycle routes between the application site and Carnforth centre; improvements to enhance pedestrian routes; investigation of the condition and improvements to PROWs Nos 22 and 26 between Scotland Road and North Road; investigation, consultation design and provision of appropriate cycle route from Carnforth centre towards the application site; review of the existing TROs on key routes between Carnforth centre and the application site.
- A scheme for the upgrading and resurfacing of the Canal Town Path to the sum of £102,000. to be agreed by the LPA in consultation with the Canal & Rivers Trust and to be implemented by the developer in agreement with the Trust or provide a contribution towards the upgrading of the towpath.
- In the event mitigation for the loss of canal bank habitat (and biodiversity across the site) cannot be secured at the reserved matters stage the developer will be required to provide off-site compensatory habitat within land controlled by the applicant (within the blue edge or a proportion of it).

9.0 Conclusions

9.1 This proposal had been considered for a significant period of time before reporting the application to committee in July 2014, primarily because of the situation regarding the status of the road network, amended plans, and (as a separate matter unrelated directly to this particular application) officer workload. The deferral to address the ecology matters had also led to significant delays. There have been concerns regarding the appropriateness for a town centre use to be located in this edge-of-centre greenfield location. Contrary to this, the proposal would bring employment and investment opportunities to the district which would positively contribute to the local economy. Such benefits carry significant weight in the decision making process, and this has always been acknowledged by the local planning authority.

9.2 The application has adequately demonstrated that the significant and complex highway

considerations discussed in the report can be resolved and that appropriate highway and accessibility improvements can be delivered via condition and legal agreement. Both highway consultees have confirmed this to be the case.

- 9.3 With regard to design and amenity considerations, there is sufficient flexibility within the site boundary and the development proposal to ensure high quality design can be achieved at the reserved matter stage. This should seek to provide sufficient landscaping and appropriately designed buildings, and a place that is legible and accessible and of a design that reinforces local distinctiveness.
- 9.4 Despite deficiencies contained in the recent ecology information submitted and a failure to precisely identify impacts and therefore avoidance, mitigation and/or compensation at this outline stage, officers are satisfied that from the information provided it would be reasonable to impose a planning condition requiring specific mitigation to offset the potential impacts of the development on biodiversity. Paragraph 203 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It is contended that the imposition of a planning condition to secure specific mitigation for biodiversity impacts and a planning obligation to ensure where mitigation cannot be achieved (with justification) compensation will be provided off-site, are both necessary, relevant and reasonable to make the development acceptable in planning terms.
- 9.5 Officers therefore contend that the proposal accords with the Development Plan and therefore the presumption in favour of development applies (paragraphs 14 and 197, NPPF). Members are recommended that the proposal can be supported.

Recommendation

That Outline Planning Permission **BE GRANTED** subject to a s106 legal agreement to secure contributions towards accessibility and sustainability improvements, Travel Plan review and monitoring, canal towpath improvements and reserving land for potential biodiversity compensation, together with the following conditions:

1. Time Limit (reserved matters)
2. Approved plans
3. Illustrative plans only
4. No development shall commence unless and until the A601(M) has ceased to be subject to motorway regulations.
5. Full details of all amendments to traffic signs and carriageway markings required as a result of the reclassification of the A601(M), together with any associated Traffic Regulation Orders, to be submitted and agreed with the Highway Agency and Highway Authority
6. Precise and full construction details of the highway improvements to the site access junction the A601(M) and off-site highway improvements works including pedestrian/cycle links to be provided and agreed, including a timetable to be agreed for delivery of off-site works.
7. Protection of visibility splays
8. Construction Method Statement (dealing with highway/traffic movements/routing, external lighting, dust control, wheel washing, noise assessment to be agreed before pile driving and the protection of the canal/BHS/milepost and existing infrastructure)
9. Hours of Construction and deliveries
10. Service & Delivery Strategy to be agreed and implemented in full before first occupation
11. Any reserved matters application shall need to demonstrate sufficient covered cycle parking, parent/mobility and standard car parking provision and coach parking within the site. A car parking management plan to be agreed before first use/occupation of the site.
12. Travel Plan
13. Marina to be used for holiday purposes only
14. Control Hotel to be Use Class C1 only
15. Condition preventing hotel to be located within 9m of the pipeline.
16. Details of external lighting (operational phase)
17. Commercial break out noise (all fans/ducts/extraction systems) to be of a type that prevents transmission of unacceptable noise and vibration)
18. Scheme for the minimisation and dispersion of fumes and odour produced by cooking (relates to the hotel element of the scheme) to be agreed and implemented before first use of this element of the proposal

19. Assessment of environmental noise arising from the development to be submitted with the reserved matters application or full application including appropriate mitigation where necessary to minimise impacts on nearby residents.
20. Drainage details (foul and surface water – separate systems informed by submitted FRA)
21. Arboricultural Method Statements and Tree Protection Plans to be provided at reserved matters stage
22. Ecology condition (specific mitigation to be incorporated into the design and reserved matters application including details of the realignment of drainage ditches)
23. Site Investigation (standard contaminated land condition)
24. Importation of soil materials (standard contaminated land condition)
25. Prevention of new contamination (standard contaminated land condition)
26. Oil Interceptor condition
27. Noise Management Plan for the operation of the marina

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

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

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

Human Rights Act

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

Background Papers

None.

<p>Agenda Item A6</p>	<p>Committee Date 17 October 2016</p>	<p>Application Number 16/00798/REM</p>
<p>Application Site Land at Carnforth Brow Carnforth Lancashire</p>		<p>Proposal Reserved matters application for the erection of 6 dwellings with associated new access</p>
<p>Name of Applicant Loxam Riley</p>	<p>Name of Agent Michael Harrison</p>	
<p>Decision Target Date 22 August 2016</p>	<p>Reason For Delay Revised layout and committee cycle</p>	
<p>Case Officer</p>	<p>Mrs Petra Williams</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approve subject to receipt of satisfactory amended plans</p>	

- (i) **Procedural Matter**
 This form/scale of development would normally be dealt with under the Scheme of Delegation. However, the associated Outline application was determined at Planning Committee following a request by Councillor Gardner at that time. It is therefore considered appropriate that this Reserved Matters application is also determined at Planning Committee.

1.0 The Site and its Surroundings

- 1.1 The application site comprises the western portion of a triangular field approximately 0.3 hectares in area and located on the north-eastern edge of Carnforth fronting North Road (Carnforth Brow). The field lies to the north of Carnforth Brow within land designated as Countryside Area in the Lancaster District Local Plan. A railway line runs along the northern boundary of the site and there is a small open field to the west. Residential housing is located directly opposite part of the site frontage and to the west of the site. Open agricultural land lies to the north beyond the rail line.
- 1.2 The site is located on the eastern side of rising land and falls both to the east and to the north. The railway line reflects this change in ground levels along the northern boundary with the rail line crossing from shallow cutting to embankment as it travels west to east. A public footpath accesses the western boundary of the site from Carnforth Brow following the western edge of the field and connecting to a rail crossing point. The footpath continues having crossed the railway line cutting into fields finally emerging onto Scotland Road north of the bridged rail crossing.
- 1.3 The current field boundaries comprise mature mixed thorn hedges to the Carnforth Brow frontage and the western boundary. The northern boundary is a little less dense with hedgerow and small trees following the rail cutting turning to sparse vegetation along the rail embankment section of the boundary. A narrow field gate is present on the Carnforth Brow frontage of the site opposite Browfoot Close, a cul-de-sac of residential properties.

2.0 The Proposal

- 2.1 The site benefits from an outline consent granted at Planning Committee on 10 November 2014 for the development of up to 6 residential dwellings. The current application seeks approval of the reserved matters in relation to access, appearance, landscaping, layout and scale.
- 2.2 The proposed units are all detached in nature and would comprise two storeys consisting of black/blue slate roof tiles, natural coursed stonework, cream render, timber doors and upvc windows. Four house types are proposed, all of which would be 4 bed roomed with garage and driveway parking provision. There would be a central access to the development off Carnforth Brow and provision is made for improvements to the Public Right of Way which runs along the western site boundary.

3.0 Site History

- 3.1 The site has an limited planning history as detailed below:

Application Number	Proposal	Decision
14/00629/OUT	Outline application for the development of up to 6 residential dwellings	Permitted
01/90/1165	Residential development (12 maximum)	Refused and Dismissed at appeal

4.0 Consultation Responses

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

Consultee	Response
Tree Protection Officer	No objection – subject to an amendment to the hedge and tree identification references across all documents and drawings, in the interest of clarity and to avoid future confusion.
Environmental Health	No objection – subject to conditions previously suggested in respect of the Outline submission in respect of the glazing units to the proposed dwellings to mitigate the effects of noise from rail traffic. The Contaminated Land Officer has also requested the inclusion of standard contaminated land conditions.
Strategic Housing Policy Officer	No comments received during the statutory consultation period.
City Contract Service	No comments received during the statutory consultation period.
County Strategic Planning and Transport	No comments received during the statutory consultation period.
County Highways	No objection – Requests that consideration be given to a number of conditions relating to such matters as visibility splays, provision of a footway and offsite works.
Public Rights of Way Officer	No objection – satisfied with the proposed use of fencing between the development and the PRow. Also expressed a preference for the path to be surfaced with a stone base course with a 40mm-dust dressing.
Mineral Safeguarding	No comments received during the statutory consultation period.
Network Rail	No objections made but a list of suggested conditions relating to works in proximity to the railway line.
Fire Safety Officer	No direct comments in respect of the planning application but informs the applicant of the need to fully meet the requirements of the Building Regulations.
United Utilities	No comments received during the statutory consultation period.
Parish Council	No objection – Providing the entrance to the access road is not moved from that shown on plan.

5.0 Neighbour Representations

5.1 Seven letters of objection has been received which raise the following points:

- Concerns about additional dwellings on an already busy road
- This is a cramped development and will spoil the views to open countryside
- Too close to the railway line
- Egress to the site is on to a narrow lane with a dangerous corner under the railway bridge
- Already applications for a total of 166 other new houses in the vicinity – the area is at saturation point
- There are plans to build a further 5 dwellings on the adjoining plot
- Increased pressure on drainage
- Public Right of Way must have a stile or gate
- Detrimental to character of the area, inappropriate layout and density
- Detrimental to Conservation Area (Officer's note: there is no Conservation Area close to this site)
- Detrimental to Green Belt (Officer's note: there is no Green Belt land close to this site)
- Loss of amenity

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

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

Paragraph **17** - 12 core land-use planning principles
Paragraph **49** and **50** - Housing
Paragraphs **56**, **58** and **60** - Good Design

6.2 Development Management DPD

Policy **DM25** Green spaces and green corridors
Policy **DM27** Biodiversity
Policy **DM28** Landscaping impact
Policy **DM29** Protection of trees, hedgerows and woodland
Policy **DM35** Key design principles
Policy **DM36** Sustainable Design
Policy **DM39** Surface Water Run Off
Policy **DM40** Protecting Water Run-Off and Sustainable Drainage
Policy **DM41** New residential dwellings

6.3 Lancaster District Core Strategy

Policy **SC1** Sustainable development
Policy **SC5** Achieving quality in design

6.4 Lancaster Local Plan

Saved Policy **E4** Countryside Area

7.0 Comment and Analysis

The scheme raises the following issues:

- Principle of development
- Design, scale and layout
- Highways and the Public Right of Way
- Trees and hedgerows
- Other matters

7.1 Principle of Development

7.1.1 Given outline planning permission has been granted, the principle of development on this site has clearly been established. Therefore, the only real considerations at this stage relate to the layout, scale, appearance and highways and landscaping arrangements of the proposed development. The outline permission was granted subject to a number of planning conditions, particularly in relation to the main vehicular access and off-site highway works as well as drainage.

7.2 Design, Amenity and Layout

7.2.1 Design

There are effectively 4 house types (A, B C and D) proposed within the development all of which exhibit pitched roofs with gable features. All properties would have driveway parking provision in addition to integral garages apart from plot 3 which would have a detached double garage. The use of upvc windows and timber doors is considered acceptable and overall, the design and external materials proposed would fit well with the adjacent housing development to the south of the site.

7.2.2 Amenity

Concerns have been raised by the Case Officer in respect of the layout of the scheme in terms of the orientation of the proposed houses and their relationship with the road and railway, and also the shallowness of many of the private amenity spaces. Despite the receipt of amended plans these have not satisfactorily addressed the issues of concern. In terms of amenity it is considered that plots 4, 5 and 6 which back on the railway line have an unacceptable rear garden provision with depth of between 5 and 6 metres. While there is a degree of flexibility in respect of garden depths the current private amenity areas of these plots are not acceptable and fall significantly short of the 10 metre minimum suggested within policy DM35 of the Development Management DPD. This point is considered critical given that the scheme proposes large, detached family houses. Policy DM35 also states that where there are overriding justifications a reduced depth may be accepted providing the garden area still provides 50 sq.m. However, in this instance given the proximity of the railway line it is considered that the limited depths proposed would be highly unacceptable. This point has been pushed further with the agent and amended plans are awaited at the time of writing this report.

7.2.3 Layout

In terms of the overall layout of the development four dwellings are proposed along the northern boundary with two properties located to the west of the site entrance. The plans indicate a turning head within the east of the site with the internal road terminating at the eastern edge of the public footpath in order to provide connectivity for any potential future development on the adjoining site to the west. Plans indicate that two areas of visitor parking are currently proposed to the east of the site entrance within an area of unusable green space, which would have no effective purpose and would become a management liability. It is considered that this would not be acceptable in terms of street scene impacts. Consequently a revised layout has been suggested to the agent which would address this concern as well as going some way to dealing with the issue of amenity space within plots 4, 5 and 6 as highlighted within the previous paragraph.

7.3 Highways and the Public Right of Way

7.3.1 The outline application was subject to a number of highways related conditions concerning matters such as visibility splays and construction details to be submitted before development commences. Whilst there have been objections from members of the community regarding the increase in traffic along this part of Carnforth Brow, this has already been deemed acceptable under the guise of the outline permission.

- 7.3.2 The Highways Authority has requested the inclusion of a new 2m wide pedestrian footway extending along the frontage of the site. However, there is no existing footpath to the west and east of the site which would provide connectivity to a new footpath and given the presence of a length of footway on the opposite side of the road this request seems unreasonable. Therefore a short section of footpath is proposed to the site's frontage to facilitate a crossing point over the existing footpath on the southern side of Carnforth Brow. This is deemed to be an acceptable approach.
- 7.3.3 The layout provides for sufficient parking within the curtilages of the dwellings, with each property having its own driveway and garage(s). Therefore it is deemed that there is adequate parking for the residents and their visitors without the need for additional visitor parking spaces within the site.
- 7.3.4 The application site has a public footpath (no.26) which follows the line of the western boundary hedgerow between its link onto Carnforth Brow and the rail crossing point on the north boundary. On the ground the footpath does not appear to be a regularly trodden route and is not clearly defined particularly within the northern part of the site. The application acknowledges and retains the line of the footpath but suggests that the route is defined by a fence line along the residential boundary apart from a central area which will provide for pedestrian connectivity from the site. The Public Rights of Way Officer is of the view that a fence boundary is preferable to a hedge in this location as it would present a maintenance issue. The existing hedge line along the eastern side of footpath would be retained but cut back (otherwise it would 'suburbanise' an otherwise rural route). The Public Rights of Way Officer has also suggested that the path should be surfaced with gavel/hard-core. This would have the benefit of improving things underfoot for users of the footpath with the additional advantage of improving drainage. The revised plan (27 September) indicates a staggered entrance/exit between the footpath and the adjacent highway. It is considered that the standard of the public footpath would be significantly improved as a result of the scheme. Such details can be conditioned.

7.4 Trees and Hedgerows

- 7.4.1 There are existing on and off site trees and hedges confined to existing boundaries, or just beyond, which collectively make an important contribution to the character and appearance of the site and also that of the wider locality. The submission includes a proposal to remove a section of hedging to the front of the site adjacent to the public highway, in order to accommodate the site access. There is also an intention to translocate a 30m section of hedgerow back from its existing position, further into the site, in order to avoid its loss and meet new visibility splay requirements with regard to highway safety. Subject to the receipt of a revised Hedge & Tree Protection Plan, Hedge Translocation Plan and the proposed Hedge Work Plan in order to address a minor discrepancy in the identification numbering of existing hedges, the Tree Officer is satisfied that subject to the imposition of appropriate conditions the scheme is acceptable in terms of tree and hedgerow impacts.
- 7.4.2 The submission also includes a planting plan which is considered acceptable in terms of species and location within the site. This includes new hedge planting to form a part of the garden boundaries in addition to shrub and tree planting. This will serve to soften the appearance of the development and enhance the greening and screening of the area. It is suggested that a maintenance condition should be included should Members be minded to approve the application.

7.5 Other Matters

- 7.5.1 Drainage - Principle of drainage has clearly been considered acceptable at the outline stage with the addition of a condition for detail of the foul and surface water systems to be provided. The submitted plans include the provision of a foul pump with the site's red edge to the immediate east of the development. It is appropriate to impose a condition relating to the ongoing maintenance of the 2 drainage systems.
- 7.5.2 Noise – In terms of the issue of noise the Environmental Health Officer has referred back to the original comments made in respect of the outline submission. These comments relate specifically to conditions in respect of glazing units of the proposed dwellings to mitigate the effects of noise from rail traffic. The outline submission included a Noise and Vibration Statement and the outline consent includes a condition relating to the design principles outlined within this document.

- 7.5.3 Contaminated Land - As in the case of the outline submission the Contaminated Land Officer has requested a preliminary assessment for contamination. However, the site is open pasture and no history or evidence has been provided to indicate the potential contamination of the land through historic use. As such it is considered that the request is unreasonable. An unforeseen contamination condition was included on the outline consent in order to ensure that suitable investigation is undertaken should it be found necessary during construction.
- 7.5.4 As already highlighted above, the site is in close proximity to a railway line. Network Rail has advised that the developer should ensure that the development both during construction, after completion of works on site and as a permanent arrangement, does not affect the safety, operation or integrity of the operational railway / Network Rail land and infrastructure. Comments provided by Network Rail would be included as advice with any approval for the attention of the applicant.
- 7.5.5 The land is partially protected as mineral safeguarding land. However, given the principle of the development has been approved it is not considered there is any policy conflict with Policy M2 of the Joint Lancashire Minerals and Waste Local Plan.

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 development would provide 6 new residential units on the north-eastern edge of Carnforth and the design and type of dwellings are considered acceptable. Subject to resolving the issue of layout and provision of private amenity spaces, the submission is considered acceptable in terms of highway matters and landscaping. If the outstanding matters are adequately addressed through the submission of revised plans, the development would be considered compliant with national and local planning policies and consistent with the terms of the outline consent. Therefore Members are recommended to support the proposal subject to receipt of adequate amended plans.

Recommendation

That Reserved Matters **BE GRANTED** subject to receipt of amended plans addressing the layout and private amenity concerns, and the following conditions:

1. Standard Reserved Matters timescale
2. Development in accordance with amended plans (to be listed)
3. Notwithstanding submitted plans, details of materials, including finishes and colours - roof, wall, windows, doors, garage doors, surface and boundary treatments - to be submitted and approved
4. Details of foul and surface water drainage maintenance schemes
5. Development in accordance with the submitted hedge translocation plan
6. Development in accordance with the submitted hedge & tree protection plan
7. Development in accordance with the submitted proposed hedge work plan
8. Development shall be carried out in accordance with the submitted planting plan
9. Details of surfacing and access arrangements to public right of way
10. Removal of permitted development rights – Parts 1, 2 and 14

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

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

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

Human Rights Act

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

Background Papers

None

Agenda Item A7	Committee Date 17 October 2016	Application Number 16/01041/VCN
Application Site Land Off Swallow Close Bolton Le Sands Lancashire	Proposal Erection of 30 dwellings with associated access and landscaping (pursuant to the variation of condition 2 on planning permission 15/01278/FUL for the substitution of house types on plots 5, 6, 7 and 8)	
Name of Applicant Mr Middlebrook	Name of Agent Mrs Kelly Hill	
Decision Target Date 18 November 2016	Reason For Delay None	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	Approve	

i) Procedural Matter

This 'major' application has been reported to Committee in accordance with the Council's Scheme of Delegation on the grounds that an objection has been received, despite the fact the applicant only seeks to amend 4 house types via a section 73 application.

1.0 The Site and its Surroundings

1.1 The application site relates to phase 2 of the residential development on land off Coastal Road on the southern edge of Bolton-le-Sands by Oakmere Homes. The site was former agricultural land but is now under construction following the grant of planning permission for 30 dwellings and associated access and landscaping in March this year. The applicant has practically completed their phase 1 located to the north. Access to the site is via the access off Coastal Road initially serving phase 1. Both phases 1 and 2 are located on land identified in the saved Local Plan as a Housing Allocation site.

1.2 Phase 2 comprises a linear parcel of land situated between Lancaster Canal and existing residential development to the west (properties accessed off Coastal Road) and the recently constructed development now known as 'The Orchards' (Phase 1). The southern boundary runs alongside the existing pedestrian footpath linking Coastal Road to the canal with existing residential properties beyond.

1.3 The southern and eastern boundaries of the site are marked by an existing hedgerow with trees. The Lancaster Canal, adjacent to the hedgerow, is 1.5m above the highest level of the site. The site slopes from the canal embankment down towards Coastal Road (A5105). The canal is a Biological Heritage Site.

2.0 The Proposal

2.1 The applicant seeks approval for minor material amendments to the previously approved development, comprising 30 two storey dwellings with associated access and landscaping, through the variation of condition 2 relating to the approved plans. The purpose of the application is to

amend the approved house types on 4 out of the 30 plots, namely plots 5-8. These plots form part of the affordable housing to be delivered on site. The amendments reflect the requirements of the Registered Provider.

2.2 For the purposes of clarification, the development as a whole comprises 30 two storey dwellings with access to the site taken from the access to the 'The Orchards' from Coastal Road. The dwellings would be orientated along a spine road running from south west to north east parallel to the Lancaster Canal. The houses on this phase are mainly repeats of the ones being used on Phase 1. The proposed materials would be stone facing, artstone and render walls, slate roofs and white uPVC windows.

2.3 The development of phase 2 modifies 'The Orchards' (phase 1) planning permission as follows:

- Plot 30 would be built over a turning circle;
- Plots 27, 28 and 29 build over land approved as open space; and
- Relocation of cycle link to Canal towpath

Phase 2 accounted for these modifications and incorporated amenity space and children play space within the layout. The amount of amenity green space across the proposed development (phase 2) and 'The Orchards' (phase 1) (when combined) would amount to 1,630 square metres. Existing hedgerows and trees on the important boundary to the canal are to be retained. An existing hedge would be partly removed within the site to allow construction of the spine road. New trees generally located to either side of the spine road and courtyard parking at the southern end of the development are incorporated into the scheme.

2.4 Twelve dwellings would be offered as affordable housing which would represent a 40% contribution. The 12 affordable dwellings now comprise two 1-bed dwellings, eight 2-bed dwellings and two 3-bed dwellings are to be located to the south west of the site (plots 1 to 12 inclusive orientated around courtyard parking). The remaining houses would be located to the south east of the spine road with gardens to the rear facing the canal, except for one which is located to the north of the spine road. The affordable housing would use the same palette of materials as the market housing.

2.5 A link would be provided between Coastal Road and the canal towpath to the south of the site within the red edge. The connection to the canal (approval 13/00029/FUL) is relocated to a position where an access with a gradient of less than 1:20 is possible to the towpath.

2.6 There is a 6m 'no-build zone', which includes a 3m 'exclusion zone', adjacent to the towpath. A mature hedge punctuated by trees marks the edge of the towpath.

3.0 Site History

3.1 The most relevant planning applications are those outlined below:

Application Number	Proposal	Decision
10/00830/OUT	Outline application for the erection of up to 77 dwellings and creation of new access onto Coastal Road	Resolution to approve subject to a s106 – subsequently withdrawn
13/00029/FUL	Full application for erection of 37 dwelling houses with associated new access and landscaping	Allowed on appeal
15/00058/VCN	Erection of 37 dwelling houses with associated new access and landscaping (pursuant to the variation of condition 2 on planning permission 13/00029/FUL to amend house types on plots 12, 13, 14, 15, 16, 17, 18, 35, 36 and 37)	Approved
15/01278/FUL	Erection of 30 dwellings with associated access and landscaping	Approved

4.0 Consultation Responses

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

Consultee	Response
County Highways	No highway objections to the amendments
Parish Council	No adverse comment to the amendments
Canal & Rivers Trust	No comments to make to the amendments
County Education Authority	Seek a contribution of £94,321.71 towards 7 primary school places
Lead Local Flood Authority	Consultation does not expire until 15 October 2016. A verbal update will be provided if comments are received within the consultation period.

5.0 Neighbour Representations

- 5.1 1 letter of objection has been received from a neighbouring resident adjoining the application site. The reasons for opposition are as follows:
- Overlooking from the new development into rear garden/bedroom resulting in a loss of privacy
 - Overdevelopment of the site – the dwellings are too close together

6.0 Principal National and Development Plan Policies

- 6.1 National Planning Policy Framework
 Paragraphs **7, 12, 14, 17** - Sustainable Development and Core Principles
 Paragraph **49** and **50** - Delivery a wide choice of high quality homes
 Paragraphs **56, 57, 58, 60, 61** and **64** – Design
- 6.2 Lancaster Local Plan saved policies
H5 Housing Development Sites
E4 Open Countryside
- Lancaster Core Strategy
SC1 Sustainable Development
SC3 Rural Communities
SC4 Meeting the District's Housing Requirements
SC5 Achieving Quality in Design
- 6.3 Lancaster Development Management DPD
DM20 Enhancing Accessibility and Transport linkages
DM22 Vehicle Parking provision
DM27 The Protection and Enhancement of Biodiversity
DM28 Development and Landscape Impact
DM29 Protection of Trees, Hedgerows and Woodland
DM35 Key Design Principles
DM39 Surface Water Runoff and Drainage
DM40 Protecting Water Resources
DM41 Affordable Housing
DM42 Managing Rural Housing Growth
 Appendix B Car Parking Standards
- 6.4 Other planning policy/guidance documents
- Meeting Housing Needs Supplementary Planning Document (SPD)
 - National Planning Practice Guidance (NPPG)
 - Householder Design Guide Planning Advisory Note (PAN)

7.0 Comment and Analysis

- 7.1 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied – basically amendments that are more than non-material but such that the amendments would not result in a substantially different development to that approved. In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application (paragraph 031, NPPG).
- 7.2 In this case, the main issues relate to housing, design and amenity considerations associated with the revised house types proposed by this section 73 application. The principle of developing the application site for residential purposes and the loss of the open greenfield has already been established and accepted by this Council and the Planning Inspectorate. This is a reflection of the fact the site forms part of a wider housing allocation under saved policy H5 of the Lancaster District Local Plan.
- 7.3 The principle of the redevelopment of the site for residential purposes was accepted by the Council subject to conditions considered necessary to make the development acceptable. The layout, scale, access, landscaping and appearance of the development on the application site has previously been accepted. This section 73 application does not seek to vary the approved layout or the scale and appearance of the majority of the development. The only changes relate to plots 5 to 8 located at the southern end of the site adjacent to the public footpath linking Coastal Road to the canal at Hatlex Swivel Bridge. These plots are 4 of the 12 affordable housing units to be provided on site. The proposed changes are a direct response to the requirements of the Registered Provider (Great Places).
- 7.4 The substitution of the two 1-bed apartments (Eamont house type) with two 1-bed dwelling houses (Caldew house type) does not raise any fundamental issues. In fact, it provides a more conventional living arrangement that is consistent with the adjoining properties, whilst still contributing to the under supply of 1-bedroom units in the District. The building envelope is marginally smaller than the building envelope originally approved. The fenestration to the front elevation (facing the canal) is improved and consistent with the front elevations of other properties on site incorporating suitably proportioned front porches. The side elevations are relatively simple with openings within the centres of the gables. Plot 5 benefits from French doors leading directly into their private amenity space. Plot 6 has been designed without French doors as it faces directly into the parking court and is proposed with a simple window opening. The amenity space for Plot 6 is located to the front of the property and divorced by hardstanding and access to the garden serving plot 5. Whilst this is not an ideal situation it remains no different to the layout previously approved.
- 7.5 The applicant seeks to substitute the Rothay house type on plots 7 and 8 with a Lowther house type, which is a 3-bedroom dwelling house. Amending the scheme to replace two 2-bed units with two 3-bed units do not raise any fundamental concerns. In design terms the units are larger than the Rothay house types, but only around 1m wider, to provide a larger family-sized kitchen/dining room and a small third bedroom at first floor level. This marginal increase in size does not affect the overall design of the development, the amenity of neighbouring residents or the provision of a suitably sized garden. The fenestration is consistent with the approved dwellings within this section of the site (the affordable housing units) other than the position of the front porches on the front elevations. However, some variation adds to the overall character and appearance of the development so this is not considered an inappropriate detail.
- 7.6 The provision of car parking remains no different to that previously approved. Plots 7 and 8 (now 3-bed units) still benefit from 2 parking spaces which is compliant with the Council's car parking standards set out in appendix B of the DM DPD, which are set as maximum standards. There are no concerns in this regard, with County Highways raising no objections to the proposed amendments.
- 7.7 Finally, in terms of housing needs, the amendments have come about following negotiations with the developers preferred Registered Provider – Great Places – who have taken the affordable housing units on phase 1. The provision of 3-bed dwelling houses within the affordable housing mix

is acceptable and is supported by the Council's Strategic Housing Officer. This provides a better mix of affordable housing units to that previously approved which excluded 3-bedroom units.

7.8 There has been an objection to the proposal on the grounds that the development affects the residential amenity of existing neighbouring residential property. The layout remains no different to that previously approved. The relationship between the approved development and existing residential property surrounding the site has been accepted by this Council and remains compliant with the recommended design standards set out in DM35 of the DM DPD. The proposed amendments do not change this situation.

7.9 In terms of other considerations, the proposals do not seek to alter the connections between the site and the existing built environment, including the connection to the canal. The proposal does not change the landscaping of the site nor does it implicate any ecological mitigation put forward and agreed under the earlier consent. The access also remains as approved. Having assessed the amendments and concluded they are acceptable in planning terms, it seems an appropriate juncture to review the conditions previously imposed.

7.10 Conditions

An effect of an application made under section 73 is the grant of a new planning permission, sitting alongside the original permission. The NPPG makes it clear that decisions for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As a consequence, a review of the conditions previously imposed and those discharged has been undertaken as part of the assessment of the proposal. There are now fewer conditions recommended as many of the details agreed under the earlier discharge of condition application can be incorporated into the recommended condition 1 (approved plans/details condition). This includes the original condition 6 (finished floor levels), condition 7 (canal link) and condition 8 (materials). A number of control-type conditions are repeated, such as drainage to be carried out in accordance with the approved drainage details, removal of PD rights, garaged use, hours of construction, tree protection and unforeseen contamination. The conditions recommended below are considered compliant with the condition 'tests' set out in paragraph 206 of the NPPF.

7.11 A section 73 application cannot extend the time limit within which a development must be started. This condition is no longer relevant as the permission has been implemented and development commenced.

8.0 Planning Obligations

8.1 A s106 agreement sits alongside the original planning permission and secures the following:

- Provision of an Affordable Housing Scheme which provides 12 Affordable Housing Units of which 50% will be provided as Intermediate Affordable Housing and 50% as Social Rented Housing.
- Open Space Contribution £14,920.00 for young person's facilities and £9,276.00 for parks and gardens.

There is no requirement for a Deed of Variation in relation to this minor material amendments application (section 73 application) as the s106 includes provisions (within the definitions) to allow subsequent planning permissions pursuant to s73 of the Act in respect of the planning conditions to be made.

8.2 County Education has requested a contribution of £94,321.71 towards the provision of 7 primary school places. No such request was made at the time the original planning application was considered. Having regard to paragraph 031 of the NPPG, consideration of a section 73 application should focus on the conditions that are sought to be varied – it is not a complete re-consideration of the proposal. Given that the proposals relate to minor material amendments to 4 house types only, such as request would not be considered reasonable or proportionate to the changes sought. On this basis, the education request has not been pursued.

9.0 Conclusions

9.1 The principle of residential development has been accepted on this site with the earlier permission already implemented. The amendments sought via this section 73 application seek to alter 4 out of the 30 house types. The above considerations highlight that the amendments would not affect more

fundamental issues such as highway/traffic and ecological implications. The changes do not affect the layout, parking provision, landscaping or the impact of the development on the residential amenity of surrounding property. The proposals result in minor material changes to the fenestration of the 4 plots in question with the detailing and use of materials consistent with the recently approved scheme and the development already underway (both phase 1 and phase 2). In addition the amendments will seek to provide a better mix of affordable housing on site, comprising a mix of 1, 2 and 3-bed units. Overall, the proposal remains a sustainable form of development that is considered compliant with local and national planning policy. On this basis, Members are advised to support the amendments along with the changes to the conditions to reflect details that have already been agreed under the previous consent.

Recommendation

That Planning Permission **BE GRANTED** subject to the **VARIED** conditions as set out below to account for the proposed minor material amendments and details previously agreed by the earlier planning permission, together with the original S106 securing on-site affordable housing and an open space contribution:

1. Approved Plans/Details list (amended to remove include the revised house types and details agreed under the original conditions 6, 7 and 8).
2. Approved Construction Method Statement to be adhered to during construction
3. Approved Ecology Management Plan to be adhered and mitigation retained and managed at all times thereafter.
4. Approved Drainage scheme to be implemented
5. Approved Maintenance and Management of SuDS document to be adhered and maintained at all times thereafter.
6. Approved Landscaping Plan and Public Realm Management to be provided and retained/managed at all times thereafter.
7. Tree Protection during construction
8. Unforeseen Contamination
9. Hours of Construction
10. Removal of PD (Parts 1, 2 and 14)
11. Garage use condition

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

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

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

Human Rights Act

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

Background Papers

None

Agenda Item A8	Committee Date 17 October 2016	Application Number 16/00764/FUL
Application Site Land At Canal Bank Stables Ashton Road Lancaster Lancashire	Proposal Erection of a detached dwelling (C3) and associated access	
Name of Applicant Miss Emma Wilson	Name of Agent Mr Andrew Tait	
Decision Target Date 12 August 2016	Reason For Delay Committee Cycle	
Case Officer	Mrs Kim Ireland	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Matters

The proposed development would normally fall within the scheme of delegation. However, Councillor Helme has requested that the application be referred to the Planning Committee for a decision on the grounds that the proposed dwelling is sited in an acceptable position and the proposal is a positive move to the welfare of the horses in the riding school and the community facilities in the area.

1.0 The Site and its Surroundings

- 1.1 The site which forms the subject of this application relates to land to the south of the main urban area of Lancaster fronting Ashton Road close to Ashford Avenue. The site is current open pasture used for grazing in association with the neighbouring equestrian business. The field is bounded to the east by a mature boundary hedgerow to the Ashton Road frontage. To the north is a mature field boundary comprising a line of mature trees and lower level hedgerow. The southern and western boundaries are post and wire fencing.
- 1.2 The land rises fairly significantly from the Ashton Road frontage to the western boundary. The higher ground is part of a ridge line running broadly north-south and is part of a complex of coastal drumlins around the southern side of Lancaster. Immediately to the north of the site are further open fields, again with mature trees and hedges forming the boundaries. The land follows a similar topography rising steeply east to west from Ashton Road. Land to the south of the site has a small group of residential properties known as Ashford Avenue – a small complex of large dwellings served off a short cul-de-sac, again rising steeply to the west.
- 1.3 A stone track runs between the application site and the boundaries of the residential properties to the south, which is accessed off Ashton Road to the east and provides access to the equestrian development further to the west. This access also serves a small car parking area developed to serve the equestrian business.
- 1.4 Relatively new housing development lies further east on the other side of Ashton Road. This housing area contains modern housing built over the last decade.

1.5 The site is allocated as a Countryside Area, a Key Urban Landscape and an Urban Greenspace in the Lancaster District Local proposals map. To the north and east boundaries of the site include a number of mature trees subject to a tree preservation order.

2.0 The Proposal

2.1 The proposal is seeking to develop a detached two storey dwelling set into a large garden plot. The footprint of the property measures approximately 142.75 sq.m. This includes a classroom and an office. The plot sits on rising ground some 50m from the site frontage with Ashton Road. The overall site red edge site curtilage measures 30m deep (west-east) and 54m deep (north to south), totalling 1620 sq.m in area. The external walls are to be clad in a sage green horizontal weather boarding under dark grey interlocking concrete tiles. Windows and rain water goods are to be grey UPVC.

2.2 A new driveway is to lead off the existing stone access track, 80m from Ashton Road, in the form a tarmac driveway and turning area to the south of the proposed dwelling. The driveway is approximately 7m in width and the turning head measuring 15m in depth. No sections or constructional details are provided for the drive/turning area and its relationship to existing ground level. Boundaries are to remain as existing, which are lined by hedgerows.

3.0 Site History

3.1 There has been one planning application refused in 2015 for the erection of a detached dwelling and associated access. There have been three other applications approved in association with the equestrian use.

Application Number	Proposal	Decision
15/01372/FUL	Erection of a detached dwelling and associated access	Refused
14/00313/FUL	Retrospective application for the retention of a menage, stables and floodlights	Permitted
08/00088/FUL	Retrospective application for the retention of an access track, pedestrian path, hardcore areas, fences and concrete yard	Permitted
05/01171/CU	Retrospective application for change of use of agricultural land to livery business and erection of a stable complex and retention of access and parking arrangements	Refused (Appeal Allowed)

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objections
Environmental Health Officer	No objections
Tree Protection Officer	No objections subject to the submission and agreement in writing pre-determination of a details tree/hedge survey, tree/hedge constraints plan and tree/hedge protection plan in relation to onsite hedges and off-site trees subject of Tree Preservation Order.
Natural England	No comments to make
United Utilities	A water main/trunk main crosses the site so a maintenance easement is required measuring at least 5 metres either side of the centre line of the pipe. This should be taken into account in the final site layout, or a diversion will be necessary, which will be at the applicant's expense.

5.0 Neighbour Representations

5.1 Two pieces of correspondence objecting to the application have been received. The reasons for opposition include the following:

- The dwelling will cause an invasion of privacy, as it will look directly into neighbouring properties, especially during winter and autumn months
- Additional noise and disturbance caused by vehicles and pedestrians
- Loss of view over the green fields
- The development is not in keeping with the character of the properties on Ashford Avenue and Ashton Road
- The existing entrance to the stables is close to the roundabout on Ashton Road and currently vehicles park on the road and this causes a road hazard.
- The application contains insufficient details on the size, scale, location and outlook of the proposed dwelling

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

Paragraph 7 – Achieving sustainable development

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Twelve Core Planning Principles

Paragraphs 49, 50 and 55 – Delivering a wide choice of high quality homes

Paragraphs 56, 57, 57 and 61 – Achieving quality in design

Paragraph 109, 117, 118, 120 and 123 – Conserving and enhancing the natural environment

6.2 Development Management DPD

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerow and Woodlands

DM35 – Key design Principles

DM41 – New residential development

DM42 – Managing Rural Housing

DM43 – Accommodation for Agricultural and Forestry Workers

Appendix C – Criteria for Housing development for Rural Enterprise Workers.

6.3 Lancaster Core Strategy

SC1 – Sustainable Development

SC3 – Rural Communities

SC4 – Meeting the District's Housing Requirements

SC5 – Achieving Quality in Design

E1 – Environmental Capital

6.4 Saved policy Lancaster District Local Plan

E29 -Urban Greenspace

E31 - Key Urban Landscape

7.0 Comment and Analysis

- 7.1
- Principle of Housing in this Location
 - Need for the Dwelling

7.2 Principle of Housing in this Location

- 7.2.1 The submission seeks to promote the development on various levels:
- it is within the Lancaster City area;

- it incorporates a classroom, office and shower room for use in connection with the adjacent Canal Bank Stables; and
- the dwelling has been moved further west than previously proposed to provide surveillance to the stables and to be near the stables if health incidents occur to the horses.

7.2.2 It is considered that the development lies within Lancaster close to its southern edge. The site is undeveloped and is protected from development by designations contained within the saved policies of the Lancaster District Local Plan (LDLP), namely policy E29 Urban Green Space and E31 Key Urban Landscape. This forms part of the area of key landscape that is situated between Ashton Road, Lancaster Canal and the housing estate known as Haverbreaks, though excluding the housing opportunity site that exists around the Royal Albert (as known as Pathfinder House).

7.2.3 LDLP policy E29 (Urban Green space) seeks to safeguard land from development and where appropriate enhance its appearance, only exceptionally essential education or community related development could be supported. Policy E31 (Key Urban Landscape) recognises the areas of land which are particularly important to the setting of the urban area and great importance is placed to maintain the open nature of these areas. In developing the Land Allocation DPD the area of land running to the west and south of Haverbreaks (Area 4) has been reviewed and a further landscape assessment undertaken. The allocation is to be reconfirmed and allocated as Key Urban Landscape only. Policy DM28 of the Development Management DPD continues to safeguard these areas of land, protecting natural features and only supporting development that preserves the open nature of the area and the character and appearance of its surroundings.

7.2.4 The site location is generally considered to be relatively sustainably, located within walking distance of a number of services and also serviced by a limited public bus service. However, despite the sustainable location of the development, the principle of developing the land needs to be considered against the current Development Plan policy and emerging allocation, E29 and E31 of the LDLP and DM28 of the DM DPD. These policies seek to safeguard the land, recognising its importance in protecting the setting of the urban area, in this case when viewed west from Ashton Road and the canal towpath. Currently, the land is open pasture seen rising west from Ashton Road to the ridgeline. A strong hedgerow runs along the Ashton Road frontage with mature protected trees forming the northern boundary of the site. The only intrusion to this area of land has been the introduction of a car parking area hidden behind a retained hedgerow which serves Canal Bank Stables.

7.2.5 The principle of development with such allocations is resisted, exceptions only being considered for essential education or community related development. The application has introduced a classroom, office and shower room to be used in connection with the Canal Bank Stables for people visiting their horses and those taking part in training events. It has been suggested in the planning statement that this is essential education. However, LDLP Policy E29 states that where limited development is appropriate, expansion may be permitted provided that it does not spoil the open character of the area. The proposed siting of the dwelling has been moved west of the site, compared to the previous application, to the brow of the land which rises fairly significantly from the Ashton Road frontage. Therefore the proposed dwelling will be highly visible from various points within Ashton Road and as such it is considered that the proposal fails to meet these criteria and in principle could not be supported, as it is deemed to spoil the open character of the area, despite the tree planting proposed around the dwelling.

7.2.6 Paragraph 49 of the NPPF sets out that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of housing. Although this is currently the case, the Council has a very clear approach to sustainable development and this is mirrored within paragraph 7 of the NPPF which ensures that sufficient land of the right type is available in the right places and at the right time to support growth and innovation, by creating a high quality built environment and contributing to protecting and enhancing our natural, built and historic environment. It is not considered that a lack of a five year housing land supply justifies a dwelling in this location which does not comply with the Council's approach to sustainable development across the district.

7.3 Need for the dwelling

- 7.3.1 The application is seeking to justify the dwelling as one which is to serve a rural enterprise, namely Canal Bank Stables. The application is supported by an additional statement which whilst not set out in a structured layout, seeks to address the financial and functional test required for a rural enterprise worker's dwelling. Whilst the location of the dwelling is not regarded as rural the submission has been assessed against policy DM43 and the associated Appendix C of the DM DPD.
- 7.3.2 In terms of the financial test the stable enterprises has been established (with the benefit of retrospective planning consents) since 2006. The application fails to set out any employment associated within the enterprise but is known to employ at least the applicant and another staff member of a full time basis. The stables appear to have been operating on a sound financial basis for all this period but again the application has failed to provide any detailed financial background. Notwithstanding the shortcomings of the submission, given the longevity of the enterprise and continued employment of at least two people, is considered to meet the financial requirements of the policy and Appendix.
- 7.3.3 As for the functional test, the application is seeking to establish a permanent dwelling to serve the enterprise. This approach has been adopted giving the longstanding nature of the enterprise and a perceived lack of need to justify its financial soundness. This is considered reasonable, as a demand for a temporary dwelling is usually linked to newly established enterprises with an unknown economic footing.
- 7.3.4 Policy DM43 of the DMDPD sets out a number of criteria against which such development must be considered. Proposals would only be supported providing the criteria are met, these include:-
- i. there is an identified functional need;
 - ii. relates to a full time worker;
 - iii. established for 3 years and met the financial tests;
 - iv. the functional need cannot be fulfilled by another dwelling on the land or in the area;
and
 - v. the dwelling is sited to minimise the impact on the surrounding area, well designed and well-related to the enterprise or other dwellings.

In demonstrating a functional need for the development, the application makes direct reference to security issues at the site, including break-ins and thefts. Whilst inconvenient and disturbing to the enterprise, it is recognised that security is not a material consideration in assessing such a need. The need to provide essential care at short notice and to deal with emergencies are identified as the necessary criteria. It is considered that whilst the application makes reference to the need for animal husbandry on occasions such as mares giving birth, the need for a worker to be on hand day and night at short notice has not been fully satisfied, the application is considered to fail criteria "i" of the policy. Criteria "ii" and "iii" appear to be met.

- 7.3.4 The applicant lives approximately 6 miles north of the site in the urban area of Morecambe. No justification or reasoning has been provided for the applicants' current location (a recent purchase) or indeed why a dwelling in the immediate vicinity of the site would not meet the needs of the enterprise. Given the very close proximity of a wide varied of dwelling styles, sizes and values and the availability of technology to overlook the enterprises (both inside and outside) it is considered that some justification needs to be provided to set out why the functional need of the enterprise has not been explored or cannot be met by a local neighbouring property. It is considered that the requirements demanding under criteria "iv" have not been fully explored or justified and as such the submission fails criteria "iv" of the policy.
- 7.3.5 Turning to criteria "v", the proposal is seeking to develop a large three bedroom, two storey property over 285.5 sq.m floor area. In addition to the scale of the dwelling, the dwelling is to be sited 80m from the site frontage in an elevated position. In the opinion of the local planning authority the scale of the dwelling and its associated curtilage appears excessive. The scale of the development including the large access/turning area is exacerbated by the location in an elevated position above Ashton Road. The general appearance, design and external finish of the dwelling are considered to further erode the amenity of the area. Overall it is considered that the scheme has failed to minimise its impact on the surrounding area, is not well designed and given its position is not well related to either the operation of the enterprise or other dwellings. The application is considered to fail criteria "v" of the policy.

7.4 Other Matters

- 7.4.1 Trees – The north and east boundaries of the site include a number of mature trees subject to a tree preservation order. The application involves the development of a building and hardstanding areas with a large overall footprint relatively close to the northern boundary of the site and the mature trees which follow the boundary line. The application has acknowledged that there are protected trees on the proposed site plans. However, to ensure that the trees are not adversely affected by the development due pre-determination consideration should be given as part of the submission. This should take the form of a tree survey, tree works schedule and arboricultural method statement. The current submission fails to provide any information contrary to aims of policy DM29 of the DM DPD.
- 7.4.2 Water main – The site is affected by the line of a 12 inch diameter cast iron water main which runs close to the southern boundary of the site in an east-west direction. United Utilises has sought the provision of a 10m easement (5m on either side of the pipeline) to ensure access for maintenance, replacement and the like. Other than the new driveway/access the development is sited clear of the easement.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 The proposal fails to satisfy LDLP policy E29 (Urban Green space), policy E31 (Key Urban Landscape) and DM28 of the DM DPD that seek to safeguard the land and recognise its importance in protecting the setting of the urban area. The principle of development with such allocations is resisted with the exception of essential education or community related development. The application has introduced a classroom, office and shower room to be used in connection with the Canal Bank Stables and it has been suggested in the submission that this is essential education. However, LDLP E29 states that limited development is appropriate, providing that the development does not spoil the open character of the area. The proposed siting of the dwelling is at the brow of the land which rises significantly from the Ashton Road frontage and as a consequence will be highly visible from various points within Ashton Road. The proposed development is thought to spoil the open character of the area, despite the tree planting proposed around the dwelling.
- 9.2 Whilst the Local Planning Authority acknowledges that it lacks a 5 year housing supply of deliverable sites and the presumption in favour of sustainable development therefore applies, the harm caused by the proposed private single dwelling on the natural environment outweighs this.
- 9.3 The application has sought to justify that the proposed dwelling is to serve a rural enterprise of Canal Bank Stables, but the proposal fails to comply with 3 out of 5 of the criterion set out in policy DM43 and the associated Appendix C of the DMDPD. The proposed dwelling has failed to minimise its impact on the surrounding area, is not well designed and given its isolation is not well related to either the operation of the enterprise or other dwellings, and any functional need could be met by another nearby dwelling.

Recommendation

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

1. The proposal seeks to develop a new dwelling within areas designated as a Key Urban Landscape and Urban Greenspace as defined within the development plan which seek to safeguard these areas of land, protecting natural features and only supporting development that preserves the open nature of the area and the character and appearance of its surroundings. Exceptional essential educational and community related facilities may be acceptable. The submission has justified that the proposed development includes elements that provide essential education, however in the opinion of the local planning authority the development in the manner proposed by reason of its scale, location and form fails to safeguard and preserve the open nature and landscape value of the area to the detriment of the character and appearance of the area. As such the proposal is considered to be contrary to saved policies E29 and E31 of the Lancaster District local Plan and policies DM28 and DM35 of the Lancaster District Development Management DPD.

2. The proposal seeks to develop a rural enterprise dwelling to support the neighbouring Canal Bank Stables. In the opinion of the local planning authority the proposal as submitted fails to fully consider or demonstrate a functional need for the dwelling. The development is therefore considered to be contrary to Policy DM42 Lancaster District Development Management DPD and the provisions of the National Planning Policy Framework, in particular paragraph 55.
3. The proposal involves the development of a building and hardstanding areas with a large overall footprint relatively close to the northern boundary of the site and the mature trees which follow the boundary line and are subject to a tree preservation order and form part of a wider linking corridor of mature trees. The application submission has not considered the presence of trees along the site boundary, their protected status or value within the wider landscape and the potential for development to affect/undermine their longevity. As such the proposal is considered to be contrary to aims of policy DM29 of the Lancaster District Development Management DPD.

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

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

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

Human Rights Act

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

Background Papers

None

<p>Agenda Item</p> <p>A9</p>	<p>Committee Date</p> <p>17 October 2016</p>	<p>Application Number</p> <p>16/01094/FUL</p>
<p>Application Site</p> <p>Land Between 24 And 25 Hestham Crescent Morecambe Lancashire</p>	<p>Proposal</p> <p>Erection of two dwellings and three garages with associated access</p>	
<p>Name of Applicant</p> <p>Mrs C Stebbing</p>	<p>Name of Agent</p> <p>JMP Architects Ltd</p>	
<p>Decision Target Date</p> <p>20 October 2016</p>	<p>Reason For Delay</p> <p>None</p>	
<p>Case Officer</p>	<p>Mrs Eleanor Fawcett</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval subject to resolution of concerns regarding the proposed garage building and no objections received from Network Rail</p>	

(i) Procedural Matters

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

1.0 The Site and its Surroundings

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

2.0 The Proposal

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

3.0 Site History

3.1 Outline planning permission was granted in 1993 for the erection of five houses on land between nos. 10 and 24 Hestham Crescent. This was renewed in 1996 and 1999. In 2004, full planning

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

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

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

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

3.4 Earlier in 2016 planning consent (16/00222/FUL) was sought for the erection of a pair of semi-detached bungalows on the site, with associated parking and garages, similar to the current scheme. The submission failed to address concerns with regards to drainage and potential implications on the railway infrastructure and impacts on the amenities of the neighbouring residential property due to the height and siting of the proposed garages. As such planning permission was refused.

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 so far within the statutory consultation period – any comments received will be reported verbally at the meeting
Environmental Health	No comments received so far within the statutory consultation period – any comments received will be reported verbally at the meeting
County Highways	No comments received so far within the statutory consultation period – any comments received will be reported verbally at the meeting
Network Rail	No comments received so far within the statutory consultation period – any comments received will be reported verbally at the meeting
Fire Safety Officer	No comments received so far within the statutory consultation period – any comments received will be reported verbally at the meeting
Natural England	No comments to make on this application.

5.0 Neighbour Representations

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

- Existing congestion and parking issues on the highway will be exacerbated by the proposal
- Insufficient access
- Loss of view from property
- Impact on wildlife
- Loss of Green Belt land (Officer's note: the site is not designated as Green Belt)
- Loss of privacy
- Loss of amenity due to noise during construction and post occupation
- Construction in this area is likely to result in subsidence problems for existing homes
- Lack of objections from local residents is not representative as many of the neighbouring properties are occupied by applicant's tenants

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs **7, 14** and **17** – Sustainable Development and Core Principles
Paragraph **32** – Access and Transport
Paragraphs **49** and **50** – Delivering Housing
Paragraphs **56, 58** and **60** – Requiring Good Design
Paragraph **123** – Noise impacts

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.3 Development Management Development Plan Document

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

7.0 Comment and Analysis

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

7.2 Principle of development

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

7.3 Design, appearance and scale of development

7.3.1 In 2004, permission was refused for the erection of five dwellings, two of which were positioned in a similar location to the current proposal. The appeal was dismissed and the Inspector concluded that the two semi-detached dwellings would present a cramped appearance detrimental to the character and appearance of the area and would therefore be contrary to Policy H19 of the Local Plan. The

more recent proposal on the site in 2012/13 was slightly closer to the boundaries with nos. 23 and 24 Hestham Crescent and comprised an additional dwelling. It also involved a large area of parking and turning to the front of the dwellings. As such, it was considered that the issues raised by the Inspector were relevant to that application, and the scheme would be likely to have more impact on the character and appearance of the area, as the previous scheme included an area of public open space where the parking and turning area was proposed.

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

7.3.3 A detached garage building is also proposed adjacent to the boundary with no 25. This would be 8.1m wide and 5.5m deep. As the land is sloping the building is proposed to be stepped with each having a flat roof with a maximum height of 2.9 metres. Given the position of the building, this is the main element of the proposal that would be visible from the highway. As such, there are concerns regarding the appearance of the building, given its flat roofed design. It would be more appropriate if the building had a pitched roof. It is appreciated that this design has come forward as a result in concerns regarding the impact on the amenities of the neighbouring property. However, it does not justify the poor design. The agent has been asked to consider the use of a pitched roof, which may need to be stepped and also reduce the size of the garage building to help reduce any impacts on amenity. These amendments are awaited, though the agent has advised that they will be provided, so a verbal update will be provided in this regard at the meeting.

7.4 Residential amenity

7.4.1 The proposed dwellings will be c9.4 metres from the rear of no. 24 at its closest, although they are positioned at an angle. The section shows the bungalows set into the site with a retaining wall close to the building and the side garden sloping up to the boundary. Boundary treatments can be conditioned to prevent overlooking from the garden area. Given the position of the bungalows, set away from the boundary, and their height, it is not considered that the proposal will have an adverse impact on the amenities of nos. 23 or 24. There are rooflights proposed in the side roof slope, however, these will serve the landing and as such, it is not considered that they would result in a significant loss to privacy. There were concerns with the previous scheme in relation to overlooking from the neighbouring properties to the rear garden areas of those proposed. However, the bungalows have been afforded relatively longer rear gardens, at least 10 metres in length, with a large area of this at least 15 metres from the rear wall of no. 23. As such it is considered that the future occupiers will be afforded sufficient private amenity space.

7.4.2 No. 25 is to the south of the site and has been identified as being under the same ownership as the application site. The previously refused application proposed a block of three garages under one roof, which essentially increased in height given the change in ground levels. There were concerns with regards to the height, size and position of the garage block adjacent to the boundary with this property, whose garden is at a lower level. Although this building would be sited to the north, it was considered that it would exert an overbearing impact on this property, in particular in relation to the use of the garden area. The current application proposed a block of garages which will be set in slightly from the boundary and stepped in height with flat roofs. Whilst this has reduced the impacts to some degree, there are concerns regarding the flat roof design. In addition, the plan does not clearly show the ground level of the site in relation to the level of the garden at the adjacent property. It is considered that 3 garages is not essential to serve the development, given its scale. Therefore it has been suggested that one of the garages is removed and an alternative roof design considered. This should help to overcome both the issues with regards to design and residential amenity.

7.4.3 The site is located adjacent to the railway line to Heysham. Environmental Health previously raised

no objection but advised that noise levels associated with the railway will need to be determined to ensure that adequate mitigation measures are put in place to protect residential amenity. They advised that this can be dealt with by condition requiring an assessment to be carried and appropriate mitigation installed.

7.5 Access and highway impacts

7.5.1 The scheme proposes a parking space for each unit, with three visitor spaces and three garages. The submission sets out that the parking is proposed solely in conjunction with this development, which seems slightly excessive, though the agent advises that they are trying to address the concerns of the local residents regarding on-street parking. The proposed amendments would secure 2 parking spaces per unit, with 1 garage and 1 visitor space each. The application also appears to show a reconfiguration of the parking for the adjacent properties to the south west, so that unrestricted access can be provided to the site. The hardstanding is already there so it does not involve development and can therefore be conditioned to be implemented, as within the applicant's ownership.

7.5.2 The proposed access is wider than an earlier application which was refused, and will have a width of 3.15 metres adjacent to the pavement. The Highways Officer previously set out that there should be a width of 5.5 metres but then considered the submitted plan on the last application and advised that it was acceptable. A dropped crossing was requested, but this already appears to be in place, and the first part of the access is already surfaced in tarmac. It is not considered that the proposal will have an adverse impact on highway safety.

7.6 Impact on Urban Green space

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

7.7 Impact on trees

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

7.8 Impact on Network Rail Infrastructure

7.8.1 As already set out, the site is in close proximity to a railway line. Network Rail previously raised some concerns regarding drainage on the site as the land slopes down towards the railway boundary and embankment. In relation to the previous application, which was refused, they advised that there were concerns regarding the impact of water draining down to the embankment. It was also set out that they could not support the proposal due to the layout of the site potentially importing a risk of flooding or water saturation onto their land. Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment / infrastructure; or lead to de-stabilisation of land through water saturation.

7.8.2 The current submission provides details of drainage and such details could be controlled by condition if considered to be acceptable. A response from Network Rail is awaited and will be updated at the Planning Committee meeting.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 The scheme will provide two houses within a sustainable location. Although this is a form of backland development, it is not considered that the proposal will have a detrimental impact on the character or appearance of the area, highway safety or parking and residential amenity, subject to the resolution of the concerns regarding the garage building and a positive response from Network Rail. It is therefore considered to be acceptable.

Recommendation

That Planning Permission **BE GRANTED** subject to the receipt of amended plans and no objections raised by Network Rail and the following conditions:

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

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

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

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

Human Rights Act

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

Background Papers

None

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
16/00145/DIS	Three Mariners, Bridge Lane, Lancaster Discharge of conditions 5, 6 and 7 on approved application 16/00461/CU for Mr Tony Roberts (Castle Ward 2015 Ward)	Initial Response Sent
16/00146/DIS	Land Adjacent 177 Main Street, Warton, Carnforth Discharge of conditions 3, 4, 5, 6, 7 and 8 on approved application 16/00131/FUL for Mr P Quinn (Warton Ward 2015 Ward)	Initial Response Sent
16/00150/DIS	Squires Snooker Club, Penny Street, Lancaster Discharge of conditions 4, 5, 8, 20 and 21 on approved application 15/01618/VCN for Mr Damien Spencer (Castle Ward 2015 Ward)	Initial Response Sent
16/00153/DIS	Squires Snooker Club, Penny Street, Lancaster Discharge of conditions 5, 6 and 9 on approved application 14/01376/LB for Mr Damien Spencer (Castle Ward 2015 Ward)	Initial Response Sent
16/00156/DIS	Carnforth Rangers FC, Lundsfield, Kellet Road Discharge of condition 7 on approved application 16/00318/FUL for Carnforth Rangers Football Club (Carnforth And Millhead Ward 2015 Ward)	Request Completed
16/00157/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 33 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss PIPPA DOODSON (Overton Ward 2015 Ward)	Request Completed
16/00160/DIS	24 Salford Road, Galgate, Lancaster Discharge of conditions 6, 8 and 12 on approved application 15/01344/FUL for Janik Waite (Ellel Ward 2015 Ward)	Request Completed
16/00163/DIS	Railton Hotel, 2 Station Road, Lancaster Discharge of conditions 5 and 17 on approved application 14/00759/CU for BACK2BASEPROPERTIESLTD (Castle Ward 2015 Ward)	Initial Response Sent
16/00166/DIS	Land Adjacent, Mount Pleasant Lane, Bolton Le Sands Discharge of conditions 2 and 3 on approved application 15/01383/FUL for Mr Antony Little (Bolton And Slyne Ward 2015 Ward)	Application Refused
16/00542/FUL	Land To Rear Of 17-19 Emesgate Lane, Silverdale, Carnforth Erection of a double garage and store with a 2-bed staff flat above for Mr Michael Holgate (Silverdale Ward 2015 Ward)	Application Permitted
16/00600/CU	Dam Head Farm, Procter Moss Road, Ellel Change of use of barn to a 4-bed dwelling and 3-bed holiday cottage, demolition of outbuilding and erection of detached garage for Mr J Fox (Lower Lune Valley Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

16/00601/LB	Dam Head Farm, Procter Moss Road, Ellel Listed building application for works to facilitate the change of use of barn to a 4-bed dwelling and 3-bed holiday cottage for Mr J Fox (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00610/FUL	2 Church Grove, Overton, Morecambe Erection of a two storey side and rear extension with the installation of a Juliet balcony to the rear for Mr Ian Thomson (Overton Ward 2015 Ward)	Application Permitted
16/00740/FUL	Lancaster Castle, Castle Park, Lancaster Change of use of prison kitchen (C2A) to cafe (A3), prison hospital to ticket office/shop (D2/A1) and prison male felon/link buildings to classrooms (D1), demolition of former visitors building kitchen annex, storage house and outbuilding, erection of a single storey extension to kitchen building and hard landscaping works to the castle courtyard area for Mr Graeme Chalk (Castle Ward 2015 Ward)	Application Permitted
16/00741/LB	Lancaster Castle, Castle Park, Lancaster Listed building application for the demolition of former visitors building, kitchen annex, storage house and outbuilding, erection of a single storey extension to kitchen building, reinstate 3 archways and open an additional 3 archways to the workshops building, insert external doors, removal of partition wall and create opening in internal structural wall in former hospital building, insertion of 2 external doors and 2 internal openings within structural walls and relocation of partition walls in former kitchen area, removal of partition and sections of structural walls in former male felons building, creation of external doorway, relocation of partition walls and removal of part of structural wall in former link block and hard landscaping works to the castle courtyard area for Mr Graeme Chalk (Castle Ward 2015 Ward)	Application Permitted
16/00759/FUL	Torrisholme Cricket Club, Barley Cop Lane, Lancaster Erection of a replacement machine storage shed for Mark Drinkhall (Skerton West Ward 2015 Ward)	Application Permitted
16/00786/FUL	Jubilee Garage, Main Road, Bolton Le Sands Retrospective application for the retention of a car wash canopy and siting of a kiosk and storage container for Mr Rimantas Stasiukynas (Bolton And Slyne Ward 2015 Ward)	Application Refused
16/00796/CU	1 Queen Street, Lancaster, Lancashire Change of use of offices to student accommodation comprising of one 7-bed cluster flat and one 8-bed cluster flat for Back2Base Properties Ltd (Castle Ward 2015 Ward)	Application Permitted
16/00797/LB	1 Queen Street, Lancaster, Lancashire Listed Building application for removal of existing rooflight and the insertion of 2 rooflights and 3 sun pipes on rear, relocation of internal partition walls, removal of internal doors, and blocking up of internal archway, window and doorways for Back2Base Properties Ltd (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

16/00805/FUL	52 Middleton Road, Heysham, Morecambe Change of use of existing store building to form new Post Office (A1) with a single storey extension and change of use of existing Post Office (A1) to ground floor residential flat (C3) for Mr Jasdev Thind (Heysham South Ward 2015 Ward)	Application Permitted
16/00811/FUL	30/32 Claremont Road, Morecambe, Lancashire Alterations to front elevation of building and side and rear elevations of rear outrigger for Abacus Nursery (Harbour Ward 2015 Ward)	Application Permitted
16/00827/FUL	Lodge 59, Pine Lake Resort, Scotland Road Construction of decking to the front and side for Mr John Keogh (Warton Ward 2015 Ward)	Application Permitted
16/00842/FUL	7 West End Road, Morecambe, Lancashire Change of use from cafe (A3) to office (B1) and installation of a replacement shop front and installation of a roller shutter for Mrs S Connor (Harbour Ward 2015 Ward)	Application Permitted
16/00853/CU	88 St Leonards Gate, Lancaster, Lancashire Change of use of mixed use building comprising a ground floor shop (A1) and maisonette (C3) to a 6-bed house for students (C4) with alterations to the front elevation and the side elevation of rear outrigger and removal of part of raised concrete platform to rear to install stairs for Mr Hussain (Bulk Ward 2015 Ward)	Application Refused
16/00856/CU	Telephone House, Fenton Street, Lancaster Change of use of part lower ground floor from offices (B1) to temporary place of worship with associated educational facilities (D1) for Lancaster Islamic Society (Castle Ward 2015 Ward)	Application Permitted
16/00879/LB	Over Hall Farm, Over Hall Road, Ireby Listed building application for the installation of stone lintels, metal windows and a new timber door to the front elevation, installation of cast iron gutters and downpipes to the rear elevation, installation of a replacement timber door to the side elevation, cast iron gutters and downpipes to the front elevation, re-slating the existing roof, repointing of stonework, installation of a new staircase and reinstatement of central section of first floor for Mr Peter Burton (Upper Lune Valley Ward 2015 Ward)	Application Permitted
16/00887/FUL	Middleton Football Club, Middleton Road, Middleton Erection of extension to changing rooms for Parish Council (Overton Ward 2015 Ward)	Application Permitted
16/00892/FUL	1 Fairhope Avenue, Morecambe, Lancashire Creation of a new vehicular access and associated dropped kerb for Mr D Holroyd (Torrisholme Ward 2015 Ward)	Application Permitted
16/00904/FUL	Dog And Partridge Hotel, Bare Lane, Morecambe Erection of a single storey rear extension and extension to beer garden for Mr Tim Wass (Bare Ward 2015 Ward)	Application Permitted
16/00905/FUL	42 Lindeth Road, Silverdale, Carnforth Erection of a first floor side extension for Mr & Mrs Michael Evans (Silverdale Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

16/00909/LB	Glebe House, Melling Road, Melling Listed Building application for the replacement of existing ground floor, first floor front and first floor rear timber, steel and uPVC windows with new painted timber windows for Mr James Mallaband (Upper Lune Valley Ward 2015 Ward)	Application Permitted
16/00910/FUL	St Michaels Church, Church Street, Whittington Replacement of double timber churchyard entrance gates with double metal gates for Revd. Michael Hampson (Upper Lune Valley Ward 2015 Ward)	Application Permitted
16/00912/VCN	Land At Walkers Industrial Estate, Middleton Road, Middleton Erection of a freight depot (B8/B2) comprising a new detached building with offices, vehicle workshop and warehouse with external hardstanding area (pursuant to the variation of condition 2 on planning permission 15/01182/VCN to create an additional access point, repositioning of the building and parking area and alterations to the drainage layout) for Mr Vincent Waddell (Overton Ward 2015 Ward)	Application Permitted
16/00914/FUL	Anems House, Ireby Road, Ireby Erection of a replacement porch to front elevation for Mr William Metcalfe (Upper Lune Valley Ward 2015 Ward)	Application Permitted
16/00922/FUL	1 The Old School, High Road, Halton Installation of a black insulated metal flue for a multi fuel stove and window to the rear elevation for Ms Michelle Lawson (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
16/00923/VCN	Land South Of Orchard Cottage, Lodge Lane, Wennington Erection of one dwelling with associated parking and creation of a new access (pursuant to the variation of conditions 2, 7 and 9 on planning permission 14/00006/FUL to omit the stone wall to the northern boundary and replace with grass verge) for Mr Ian Wood (Upper Lune Valley Ward 2015 Ward)	Application Permitted
16/00924/OUT	Land At 50 Market Street, Carnforth, Lancashire Outline application for the erection of 7 dwellings for Mr T Johnson (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
16/00926/LB	Lancaster Castle, Castle Park, Lancaster Listed building application to facilitate the conversion of part of prison into an office including fitting out of exhibition/ information space, replacing masonry infill of existing archway with a new window at ground floor level, removal of an internal door and fitting out of 2 toilets and kitchen area to first floor level for Mr Graeme Chalk (Castle Ward 2015 Ward)	Application Permitted
16/00927/LB	School House, Main Street, Whittington Listed Building application for the demolition of rear storage building, erection of single storey rear extension, removal of rear window, insertion of roof light and new leaded window to the rear, and relocation of internal doors and partitions at first floor for Mr Simon Raistrick (Upper Lune Valley Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

16/00929/FUL	School House, Main Street, Whittington Demolition of rear storage building and erection of single storey rear extension and detached single garage for Mr S Raistrick (Upper Lune Valley Ward 2015 Ward)	Application Permitted
16/00932/FUL	Neville House, Moorside Road, Brookhouse Demolition of domestic store/workshop and erection of a 2 storey dwelling with associated landscaping for Mr & Mrs D Brown (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00934/OUT	Land Adjacent To Church Bank And Greenways, Over Kellet, Lancashire Outline application for the erection of 15 dwellings and creation of a new access for The Late James Cottam (Senior) Will (Kellet Ward 2015 Ward)	Application Withdrawn
16/00938/ADV	12 Victoria Street, Morecambe, Lancashire Advertisement application for the display of an externally illuminated fascia sign for Mr Stuart Clayton (Poulton Ward 2015 Ward)	Application Permitted
16/00939/CU	Halton Green East, Green Lane, Halton Change of use of agricultural land to parking area for 6 spaces for Mr A Cornthwaite (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
16/00941/FUL	25 Hornby Court, Lancaster, Lancashire Erection of a single storey side/rear extension for Mr & Mrs D Whittle (Skerton East Ward 2015 Ward)	Application Permitted
16/00950/PLDC	25A Dallam Avenue, Morecambe, Lancashire Proposed lawful development certificate for the construction of a dormer extension to the rear elevation for Mr A. Greenwood (Poulton Ward 2015 Ward)	Lawful Development Certificate Granted
16/00955/FUL	3 Dalton Square, Lancaster, Lancashire Installation of a replacement external fire escape staircase for Mr M Horner (Castle Ward 2015 Ward)	Application Permitted
16/00956/LB	3 Dalton Square, Lancaster, Lancashire Listed building application for the installation of a replacement external fire escape staircase for Mr M Horner (Castle Ward 2015 Ward)	Application Permitted
16/0097/TPO	Lancaster Moor Hospital Annex, Quernmore Road, Lancaster Crown reduce the canopies of a total of x4 trees for Mr Martin Nugent (Bulk Ward)	Application Permitted
16/00970/FUL	17 Manor Lane, Slyne, Lancaster Retention of existing single storey side extension for Mr J Lambert (Bolton And Slyne Ward 2015 Ward)	Application Permitted
16/00972/LB	Lancaster Castle, Castle Park, Lancaster Listed building application for repair and redecoration works to ground floor infill archways comprising of the removal of vents, iron bars, gates, mesh and signage for Mr Graeme Chalk (on behalf of the Duchy) (Castle Ward 2015 Ward)	Application Permitted
16/00975/FUL	67 Strickland Drive, Morecambe, Lancashire Erection of two single storey front extensions and a single storey side extension for Mr B Wright (Bare Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

16/00976/PAM	Vodafone Site 37708, Hilderstone Lane, Yealand Redmayne Prior approval for the removal of existing 15m high monopole, 2 antennas and 1 transmission dish and installation of a replacement 17.5m high monopole, 2 antennas, 4 transmission dishes and 1 equipment cabinet and other ancillary development for CTIL And Vodafone Ltd (Silverdale Ward 2015 Ward)	Prior Approval Not Required
16/00980/FUL	Field South Of, Borwick Lane, Borwick Retrospective application for the retention of an agricultural building for Mr Bryan Hoggarth (Kellet Ward 2015 Ward)	Application Permitted
16/00981/FUL	Land North Of Shore Road, Shore Road, Heysham Erection of a gas fuelled generator plant with associated ancillary buildings and a 2.4 metre high security fence for c/o Agent (Heysham South Ward 2015 Ward)	Application Refused
16/00982/PLDC	14 Barton Road, Lancaster, Lancashire Proposed lawful development certificate for the erection of single storey rear extension for Mrs Corinne Beveridge (Scotforth East Ward 2015 Ward)	Lawful Development Certificate Granted
16/00983/FUL	1-12 Wyngarth Court, Queen Street, Lancaster Replacement of windows to the front elevation and windows and door to the rear elevation of flats 1-8 and replacement windows to the front elevation of flats 9-12 for Sanctuary Housing Group (Castle Ward 2015 Ward)	Application Permitted
16/00984/ADV	21 Market Street, Lancaster, Lancashire Advertisement application for the display of a non-illuminated suspended fascia sign and a non-illuminated projecting sign for Mr Peter Denning (Castle Ward 2015 Ward)	Application Permitted
16/00985/FUL	6A Rosemary Lane, Lancaster, Lancashire Retrospective application for the change of use of office (B1) to form part of existing restaurant (A3) for Blue Moon Restaurant (Castle Ward 2015 Ward)	Application Permitted
16/00986/PLDC	4 Blackberry Hall Crescent, Heysham, Morecambe Proposed lawful development certificate for a dormer extension to the rear elevation for Mrs M. Kelly (Heysham Central Ward 2015 Ward)	Lawful Development Certificate Granted
16/00993/LB	Halton Green East, Green Lane, Halton Listed building application for the partial demolition of existing stone boundary wall for Mr Alan Cornthwaite (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
16/00994/FUL	28 Dunkirk Avenue, Carnforth, Lancashire Erection of a detached double garage for Mr T Bargh (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
16/00995/FUL	Lane House Farm, Kirkby Lonsdale Road, Arkholme Erection of an agricultural building over existing manure store for Mr R Cornall (Kellet Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

16/00996/NMA	Pharmacy, Heysham Primary Care Centre, Middleton Way Non material amendment to approved application 15/01188/VCN to incorporate vents into the east and west elevations for The Co-Operative Group (Heysham South Ward 2015 Ward)	Application Permitted
16/01003/FUL	10 Home Farm Close, Wray, Lancaster Erection of a single storey rear extension for Mrs B Wood (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/01005/LB	21 Market Street, Lancaster, Lancashire Listed building application for a non-illuminated suspended fascia sign and a non-illuminated projecting sign for Mr Peter Denning (Castle Ward 2015 Ward)	Application Permitted
16/01006/FUL	18 Ullswater Road, Lancaster, Lancashire Erection of a two storey rear extension and privacy screens for R. Whitham & L.Conerny (Bulk Ward 2015 Ward)	Application Permitted
16/01008/FUL	Land To The Rear Of 179 Main Street, Lancaster, Lancashire Retention of three existing residential caravans for permanent use for Mr H Fury (Skerton East Ward 2015 Ward)	Application Permitted
16/01011/FUL	53 Parkfield Drive, Lancaster, Lancashire Erection of a two storey side and rear extension for Ray & Julie Starr (Scotforth West Ward 2015 Ward)	Application Refused
16/01015/FUL	186 Albert Road, Morecambe, Lancashire Erection of a two storey side extension for Mrs V. Zorab (Harbour Ward 2015 Ward)	Application Permitted
16/01019/FUL	2 Lane Cottages, Burrow Heights Lane, Lancaster Erection of a single storey side/rear extension for Mr & Mrs Wanless (University And Scotforth Rural Ward)	Application Permitted
16/01020/PLDC	9 Arnside Close, Lancaster, Lancashire Proposed lawful development certificate for the erection of a single storey side extension for Mrs Helen Longden (Scotforth East Ward 2015 Ward)	Lawful Development Certificate Granted
16/01024/PAH	26 Clifton Drive, Morecambe, Lancashire Erection of a 3.4 metre deep single storey rear extension with a maximum roof height of 4 metres and a maximum eaves height of 2.8 metres for Mr D Jones (Bare Ward 2015 Ward)	Prior Approval Not Required
16/01035/LB	Ripley St Thomas Church Of England Academy, Ashton Road, Lancaster Listed building application for the installation of a supplementary heating system for Mr Ripley St Thomas C of E Academy (Scotforth West Ward 2015 Ward)	Application Permitted
16/01057/NMA	Land For Proposed Bailrigg Business Park, Bailrigg Lane, Lancaster Non material amendment to planning permission 16/00117/VCN to remove the roundabout within the Science Parks internal access road for Lancaster University (University And Scotforth Rural Ward)	Application Permitted
16/01059/LB	2 Castle Hill, Lancaster, Lancashire Listed building application for a replacement roof and re-pointing of existing chimney stacks for Mr Rutherford (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

16/01062/PAM	Site No La 0016, Smith Green Barn, Scriffen Lane Prior approval for the removal of 3 antennas and replacement of 3 new antennas and 2 transmission dishes fixed to existing monopole for Vodafone Ltd (Ellel Ward 2015 Ward)	Prior Approval Not Required
16/0107/TPO	Breckanfield, Brettargh Drive, Lancaster Crown reduce the canopies of a total of x4 trees for Mr Malcolm Woodhouse (Scotforth West Ward 2015 Ward)	Application Permitted
16/01074/AD	Richmond Hall, Lancaster Road, Cockerham Agricultural determination for the erection of a building over existing silage clamp for Mr & Mrs R Walmsley (Ellel Ward 2015 Ward)	Prior Approval Not Required
16/01078/PLDC	12 Harewood Avenue, Lancaster, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension, construction of a hip to gable roof extension and dormer extension to the rear for Jenny Ingle (Scotforth East Ward 2015 Ward)	Lawful Development Certificate Granted