



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 12TH DECEMBER 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 14th November, 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 that the proposed development has particular implications for community safety, the issue is fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to local finance considerations when determining planning applications. Local finance considerations are defined as a grant or other financial assistance that has been provided; will be provided; or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has, will or could receive in payment of the Community Infrastructure Levy. Whether a local finance consideration is material to the planning decision will depend upon whether it could help to make development acceptable in planning terms, and where necessary these issues are fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

Human Rights Act

Planning application recommendations have been reached after consideration of The Human Rights Act. Unless otherwise explicitly stated in the 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.

5	A5 16/00274/FUL	23 - 25 North Road, Lancaster	Bulk Ward	(Pages 1 - 19)
		Phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis), one 3-bed and two 5-bed cluster flats and 32 residential studios (C3) and gym area with associated internal and external alterations, erection of two 2-storey rear extensions, associated landscaping and carparking and Relevant Demolition of existing rear extensions for Bargh Estates & CityBlock Ltd		
6	A6 16/00275/LB	23 - 25 North Road, Lancaster	Bulk Ward	(Pages 20 - 24)
		Listed building application for internal and external alterations to facilitate the phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis) one 3-bed and two 5-bed cluster flats, and 32 residential studios (C3) and gym area, erection of two 2-storey rear extensions and demolition of existing rear extensions for Bargh Estates & CityBlock Ltd		

7	A7 16/01183/VCN	Lancaster Leisure Park, Wyresdale Road, Lancaster	Bulk Ward	(Pages 25 - 29)
		Erection of 71 dwellings including associated parking and landscaping (pursuant to the variation of condition 2 on planning permission 12/01109/FUL to vary the amended plans) for Mr Simon Jones		
8	A8 16/00745/OUT	Land Rear Of Ingleborough View, Station Road, Hornby	Upper Lune Valley Ward	(Pages 30 - 44)
		Outline application for the development of 11 residential dwellings and creation of a new access for Mr & Mrs Norris		
9	A9 16/01239/VCN	Former Frontierland Site, Marine Road West, Morecambe	Harbour Ward	(Pages 45 - 52)
		Redevelopment of former amusement park to form retail units, restaurants, family pub/restaurant, hotel, associated car parking, landscaping and public art and new access (pursuant to the variations of condition 2, 3 and 4 on planning permission 16/00159/VCN to amend the approved plans, use classes and retail floorspace) for Opus Land North (Morecambe) Ltd & Wm Morrison Supermarket.		
10	A10 16/01060/FUL	The Tractor Yard, Capernwray Road, Capernwray	Kellet Ward	(Pages 53 - 60)
		Demolition of existing buildings and erection of five industrial buildings comprising mixed use Light Industrial (B1) and Storage and Distribution (B8) with associated access road and parking for Mr S Wightman		
11	A11 16/01248/FUL	Burrowbeck Grange Nursing Home, Scotforth Road, Lancaster	Scotforth East Ward	(Pages 61 - 67)
		Demolition of existing care home and outbuilding and erection of a replacement 63 bed care home with associated landscaping, car parking and alterations to the existing access for Active Pathways		

12	A12 16/01268/FUL	14 Damside Street And 20 Wood Street, Lancaster, Lancashire	Bulk Ward	(Pages 68 - 76)
		Redevelopment of properties and land adjacent, comprising of change of use of first and second floors of 20 Wood Street to one 3 bedroom student cluster flat, erection of first and second floors to 14 Damside Street to create two 3 bedroom and two 5 bedroom student cluster flats and erection of a new 3 storey building of one 4 bedroom and one 6 bedroom student cluster flats and 9 bay car park at rear for AHB Property Holdings		
13	A13 16/01180/FUL	Ashton Golf Centre , Ashton Road, Ashton With Stodday	Ellel Ward	(Pages 77 - 84)
		Change of use of golf driving range (D2) for the siting of 14 holiday chalets (C1) for Mr & Mrs Lake		
14	A14 16/00764/FUL	Land At Canal Bank Stables, Ashton Road, Lancaster	Scotforth West Ward	(Pages 85 - 91)
		Erection of a detached dwelling (C3) and associated access for Miss Emma Wilson		
15	A15 16/0137/TCA	95 Main Street, Warton, Carnforth	Warton Ward	(Pages 92 - 93)
		Fell a single conifer for Mr Kevin Richards		
16	A16 16/0142/TCA	Denny Bank, Main Street, Arkholme	Kellet Ward	(Pages 94 - 95)
		Fell x1 conifer for Mr Peter Thomas Williamson		
17		North West Coast Connections Project: Stage 3 (s42) Formal Consultation Response	Heysham South Ward; Overton Ward	(Pages 96 - 139)
		This report enables the Committee to give formal views on behalf of the City Council to National Grid, on the route and siting proposals for the North West Coast Connections national infrastructure project, with particular reference to the tunnel-head proposals at Middleton (Heysham).		

18 Delegated Planning Decisions (Pages 140 - 149)

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 and Geoff Knight

(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 Wednesday 30th November, 2016.

Agenda Item A5	Committee Date 12 December 2016	Application Number 16/00274/FUL
Application Site 23 -25 North Road Lancaster Lancashire LA1 1NS	Proposal Phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis), one 3-bed and two 5-bed cluster flats and 32 residential studios (C3) and gym area with associated internal and external alterations, erection of two 2-storey rear extensions, associated landscaping and car parking and Relevant Demolition of existing rear extensions	
Name of Applicant Bargh Estates & Cityblock Ltd	Name of Agent Mr Chris Bradshaw	
Decision Target Date Time extension agreed until 20 th December 2016	Reason For Delay N/A	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Approval	

(i) Procedural Note

A site visit was arranged for Elected Members and undertaken on 23rd May 2016. There has been a subsequent delay in the report being drafted due to ongoing discussions taking place with all relevant parties/consultees, and to enable the applicant to seek to address issues of noise and drainage.

1.0 The Site and its Surroundings

1.1 The site is located on the northern fringes of Lancaster City Centre in the Waring and Gillow's Showroom building which is a 19th Century Grade II listed building of coursed dressed sandstone with ashlar dressings. Its original use was as furniture showrooms and offices constructed in 1882 and altered in the 20th Century, and was in active use for furniture sales and manufacture until its closure in 1962. It currently homes the Livingwoods furniture store, and has been used recently as a nightclub and bar (in a number of different guises). The site is located to the east of North Road and is bound by other buildings to the north-east (including The Yorkshire House pub) and a further building to the south west. To the east lies the Sugarhouse Nightclub and beyond this the Grade II listed St Leonards House. To the west is North Road with a car park beyond this.

1.2 The proposal sits within the Lancaster Conservation Area (Canal Corridor North) and the Gillows building is Grade II listed. The site falls within Flood Zone 2 and sits within the Lancaster Air Quality Management Area.

2.0 The Proposal

2.1 The proposed development involves the phased change of use of the Gillows and Waring building that has been previously used as a bar, nightclub and furniture shop for a total of 98 student bedrooms. This will consist of 32 studio apartments, four-7 bedroom, one-3 bedroom, two-5

bedroom, two-8 bedroom and finally one-9 bedroom cluster flats. In addition the scheme proposes a student gymnasium, which would front North Road, together with private dining area and communal space. The scheme proposes the demolition of the existing stair towers (constructed in 1998) to the rear of the building to be replaced by two glazed structures (21.5m long x 2.9m depth x 10.5m high and 13.2m long x 2.9m depth x 10.5m high), which will require there to be some alterations to the fabric of the existing building to facilitate the creation of bedrooms such as the removal of stone lintels, transom panels, mullions, and the stone walls to the cill to be removed. The scheme also proposes 7 car parking spaces to the rear together with outside amenity space and landscaping.

2.2 Since the original submission the Livingwood's Furniture store which occupies the northern part of the ground and first floor is to remain for a period of 7 years (or as otherwise agreed between the applicant and the occupier). Therefore, it is proposed that 73 units of accommodation would be delivered as part of Phase One with 25 units being delivered as part of Phase 2. Given this, it is proposed to lower the height of the existing 1990's stair tower (behind Livingwoods) by removing the second floor access (on a temporary basis). However, as part of the overall development proposals this would be removed and replaced with the fully glazed unit. There will be other alternations to the rear such the provision of a new entrance under an existing stain glass window.

2.3 The development would involve the insertion of three new mezzanine floors which would provide for 6 levels of living accommodation in addition to removal of the existing windows to be replaced by a steel casement window system with acoustic laminate glazed units, in a dark grey colour, together with new partition walls throughout to create the rooms.

3.0 Site History

3.1 The applicant engaged in the Council's pre-application advice service and the scheme has been subject of a pre-application meeting.

Application Number	Proposal	Decision
16/00275/LB	Listed building application for internal and external alterations to facilitate the phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis) one 3-bed and two 5-bed cluster flats, and 32 residential studios (C3) and gym area, erection of two 2-storey rear extensions and demolition of existing rear extension	Pending Decision
15/00878/PRETWO	Change of use from nightclub to student accommodation	Determined
97/01036/CU	Change use basement, part ground floor to Class A3 (Food & Drink), part 1st & 2nd floor to Night Club, & retain remainder of ground & 1st floor for Class A1 (Retail) use, including 2 external staircases & alterations to frontage	Approved

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	<p>Initially objected to the development on the basis of insufficient information contained within the applicants noise assessment report.</p> <p>A revised noise assessment was received in June 2016 and this was the subject of an external independent review by Martec Consulting, in addition to being reviewed by Environmental Health, which demonstrated that noise from the Sugarhouse was likely to be detrimental to the amenity of occupiers and further clarification was required.</p>

	<p>Additional information was received from the applicant's noise consultant on 2nd August 2016 addressing issues of low frequency noise; provision of additional calculations; improved glazing and clarification on matters.</p> <p>The Environmental Health Officer (and external noise consultant) continued to object to the development as the noise predictions relied on a glazing specification said to be on the technical limit of sound insulation with a lack of consideration of predictions that include contributions from sound passing through the roof and external walls. There were concerns relating to the limits of accuracy of the predictions. No consideration to sound 'canyoning' around the building has occurred.</p> <p>Overall it was not considered that music noise levels associated with the Sugarhouse could be satisfactorily controlled so as not to exceed 47dB in the 63Hz octave centre frequency band within habitable areas of the proposed development. It was considered that the development presented an unacceptable risk of adverse impacts and therefore Environmental Health continued to object.</p> <p>Following the receipt of an amended noise assessment and the proposed design amendments, the Environmental Health Service now offer No Objection to the scheme and are prepared to relax the applied criteria for both living and sleeping areas during <u>daytime periods</u> and for living spaces during night-time periods with a relaxation of 5dB. Conditions have been recommended to ensure that the development is undertaken in accordance with the measures contained within the noise report and also a pre-occupation condition to be imposed to ensure the levels are met. This is a view shared by the appointed independent acoustician Martec Consulting.</p> <p>No objections have been received in respect of air quality and contaminated land.</p>
Historic England	No observations to make on the scheme (local guidance to apply).
Conservation Officer	No Objection and the development will enhance and enable appreciation of the Grade II listed building.
The Victorian Society	<p>Object to the development on the basis that the heritage statement fails to comply with Para 128 of the NPPF. They also raise concerns with;</p> <ul style="list-style-type: none"> • Replacement of the windows with double glazed units; • Installation of the mezzanines throughout the building including the transom panel at first floor level; • Inappropriate glazed elevations towards the rear.
Ancient Monuments Society	No Observations received within the timescales.
Society of the protection of ancient buildings	No Observations received within the timescales.
Georgian Group	No Observations received within the timescales
Lancaster Civic Society	Welcomes proposals to restore the building and overall no objections to the scheme.
The Council for British Archaeology	No Observations received within the timescales
United Utilities	No Observations received within the timescales
Greater Manchester Ecology Unit	No Objection
County Highways	No Objection subject to planning conditions associated with the submission of a Construction Traffic Management Statement, provision of cycle storage, upgrading of bus stops, ability to leave the highway in a forward gear.
Lead Local Flood Authority	Initially objected to the development on the basis that there was an unacceptable Flood Risk Assessment (FRA) submitted in support of the scheme. An amended FRA has since been submitted and raise No Objection subject to the development being undertaken in accordance with the mitigation proposed within the FRA.

Environment Agency	Initially objected to the proposal based upon an unacceptable Flood Risk Assessment (FRA). An amended FRA has since been submitted and No objection is raised, however recommend no sleeping accommodation on the ground floor.
City Council Drainage Engineer	No Objection , however recommends that protection measures are implemented to protect against the culvert that runs beneath the building (The culverted watercourse is the Mill Race),
Forward Planning Team	No Observations received within the timescales.
Lancaster University	Raise concerns with the scheme in terms of; <ul style="list-style-type: none"> • Whether there is sufficient and appropriate student demand for the scheme; • The loss of the site to potentially benefit wider city regeneration and economy; • Could trigger the loss of an established student facility.
Lancaster University Students Union (LUSU)	Object to the development on the following grounds; <ul style="list-style-type: none"> • Errors contained within the applicants noise assessment; • Loss of Nightclub / Threat to the future viability of the Sugarhouse and has the potential to impact on business within the City Centre; • Would Jeopardise the Sugarhouse's viability and enjoyment of the students who use the student nightclub. <p>LUSU, via an external noise consultancy, submitted a number of reviews of the acoustic reports prepared by the applicant highlighting a number of concerns with the reports and concerns associated with low frequency noise.</p> <p>LUSU have suggested if Planning Permission is to be granted, mitigation is required to include;</p> <ul style="list-style-type: none"> • Fully sealable windows; • Section 106 agreement to ensure windows cannot be opened together with marketing material alerting future occupants of the presence of the Sugarhouse; • Deed of Easement of Noise to be entered into.
University of Cumbria	No observations received within the timescales
Natural England	No comments to make on the application.
City Council (Waste and Recycling)	Recommend amendments to allow for 4 x 1100 litre bins for general refuse and 6 x 360 litre bins for recycling.
Lancashire Police	No Objections , recommend measures such as CCTV to be installed.
Fire Safety Officer	No Objection.

5.0 Neighbour Representations

5.1 The application has been advertised in the press, by site notice and adjoining businesses and residents notified by letter. At the time of compiling the report there had been **666** letters of representation received in response to the scheme, of those **664** object to the proposal based on the below;

- Noise complaints will come from the students who will reside in the Gillows;
- Too close to the Sugarhouse Nightclub and will create unacceptable noise levels for occupiers; and,
- Threaten the viability of the Sugarhouse and jeopardising Lancaster's night-time economy.

One letter neither objects or supports the proposals and has been received from Crown Furniture who is the current tenant operating the Livingwoods furniture shop expressing concerns with tenancy arrangements (which is not a planning consideration).

One letter of support has been received that the principle of the development is a good idea.

In addition to the above there has been **121** standard postcards received stating;

- Too close to the Sugarhouse Nightclub
- Threatening the viability of the Sugarhouse

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraph 12 and 14 – Presumption in favour of Sustainable Development
Paragraph 17 – Core Principles
Section 1 (paragraph 18 – 22) – Building a strong, competitive economy
Paragraph 28 – Supporting the rural economy
Section 4 (Paragraphs 29 – 41) – Promoting sustainable transport
Paragraphs 56, 58, 61, 64 – Good Design
Paragraph 69 – Promoting healthy communities
Paragraph 123 - Noise
Section 12 (paragraphs 128, 131 – 134) – Conserving and enhancing the historic environment
Paragraphs 188-190 – Pre-application engagement
Paragraphs 196-198 – Determining planning applications

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC2- Urban Concentration
SC4 – Meeting the District’s Housing Requirement
SC5- Quality in Design

6.3 Development Management DPD

DM1 – Town Centre Development
DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking & cycling
DM22 – Vehicle Parking Provision
DM23 – Transport Efficient and Travel Plans
DM30 – Development affected Listed Buildings
DM31 – Development affecting Conservation Areas
DM32 – Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM36 – Sustainable Design
DM37 - Air Quality
DM38 – Development and Flood Risk
DM39 – Surface Water Run-Off and Sustainable Drainage
DM40 – Protecting Water Resources
DM46 – Accommodation for Students
Appendix B – Car Parking Standards
Appendix D – Purpose Built and Converted Shared Accommodation
Appendix F- Studio Accommodation

6.4 Other Material Considerations

- Noise Policy Statement for England;
- National Planning Practice Guidance
- BS8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings;
- World Health Organisation: Guideline for Community Noise;
- NANR45 Low Frequency Noise Criteria;
- Manchester City Council Noise Guideline

7.0 Comment and Analysis

7.0.1 The main considerations with the application are as follows;

- Principle of student accommodation;

- Noise Considerations;
- Lancaster University Students Union – Noise Concerns;
- Design Considerations and Heritage Considerations;
- Amenity Considerations;
- Flooding;
- Highways;
- Ecology;
- Air Quality;
- Other Considerations.

7.1 Principle of student accommodation

- 7.1.1 The use of the application site for student accommodation is acceptable in principle. It is situated in a central sustainable location and is close to local services and facilities. It is also adjacent to good bus routes to the Lancaster Campus of the University of Cumbria and to Lancaster University and also a short walk to Lancaster Bus Station. Student numbers in Lancaster have shown an increase over recent years (particularly from international students) with an anticipated increase of 4,000 new students by 2025. While development at Lancaster University has increased the capacity to house students on campus, accommodation off campus continues to be operationally important in order to ensure all first year students can be offered accommodation on campus at the start of their course. The need for student accommodation in the city centre is identified within the Development Management DPD and Policy DM46 sets out criteria by which proposals will be assessed, such as ensuring appropriate living conditions, occupancy conditions, development that is sympathetic to heritage assets and satisfies all relevant planning policies. These issues are discussed further in this report. The Local Planning Authority are supportive of student accommodation within the City Centre; students make a positive and valuable contribution to the mix of uses within the city.
- 7.1.2 Whilst Lancaster University have not objected to the proposals they have raised some concern with the scheme as to whether there is sufficient and appropriate student demand for this development. Whilst there has been no supply and demand assessment submitted as part of this proposal, following the receipt of the University's observations officers wrote to the University to ask for their future projections as to whether additional student accommodation is indeed required (7th July 2016). At the time of preparing this Committee report no formal response has been forthcoming on this point. Whilst the University's concerns on this application are noted, there is no evidence to suggest there is not a requirement for more student accommodation; indeed other student schemes have not elicited similar objections (including the notably larger student village scheme at Bulk Road – Ref: 16/01084/FUL) for 630 units, and discussions with the University (on other potential emerging schemes) suggests that there remains capacity for more student accommodation off-campus. It is therefore considered in the absence of any robust evidence to suggest otherwise that there remains a demand for purpose-built student accommodation in the city centre. Furthermore it is considered that those residential areas in which students traditionally live in terraced properties (including areas of Primrose, Bowerham and Greaves), then the development of purpose-built accommodation provides an opportunity to seek to return this type of housing stock back to the residential open market, hopefully providing much-needed affordable accommodation for first time buyers.
- 7.1.3 The site is not formally allocated in the Local Plan however the University have concerns that the site should be delivered as part of a wider masterplanning exercise for the locality, as opposed to determining individual planning applications. The local planning authority agrees that wider masterplanning would have some benefit. Notwithstanding this, the local planning authority needs to consider each planning application on its own merits. If the application is considered acceptable for all other reasons, then it cannot be refused solely because it would be preferable to develop a masterplan. The site is in close proximity to the Canal Corridor Regeneration Area and the University are of the opinion that the scheme should be considered in the context of these regeneration proposals and not in isolation. The site itself does not fall within the Canal Corridor land allocation, with the Sugarhouse and St Leonards House providing a buffer between this and the allocation. Therefore, in planning terms this cannot be sustained as a reason for refusal.
- 7.1.4 Notwithstanding the above, the loss of the evening economy uses within the Gillow building (being the bars and nightclubs – albeit they have been closed this year) are negatives associated with this planning application, given its location within the City Centre (importantly however the site is not within the City Centre Boundary). It is accepted that nationally there has been a significant decline

in people attending nightclubs (with half the nation's nightclubs having closed since 2005). The evening and night-time economy is dynamically different to 10 years ago for a variety of reasons, including the changes to the licensing laws and the availability of cheap or discounted alcohol at retail outlets. In terms of the loss of the venues within the Gillow Building, DM DPD Policy DM1 is of partial relevance, whereby it states that residential development will be considered favourably provided that it is above ground floor level and does not restrict the maintenance of an active street frontage. Regrettably the proposed development would involve the loss of the bar that operated on the ground floor and also the furniture shop, albeit the shop will continue to trade in the short term. However the building is not in within a primary shopping area nor does it benefit from a primary or secondary retail frontage. The ground floor adjacent to North Road would contain a gymnasium (which is defined as a main town centre use in-line with the NPPF Annex 2). On balance it is considered that the use is in accordance with Policy DM1 of the Development Management DPD.

7.2 Noise Considerations

7.2.1 The main issue arising from this application relates to noise, and as such this report considers the noise issues in some depth. National Planning Practice Guidance (NPPG) advises that noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Noise – like many other issues – can override other planning considerations, but the NPPG advises that the National Planning Policy Framework (NPPF) does not expect noise to be considered in isolation, separately from the economic, social and other environmental dimensions of a proposed development.

7.2.2 The application site is located approximately 10 metres from the Sugarhouse nightclub, which is run and owned by Lancaster University Students Union (LUSU), who are a registered charity. It currently opens on a Wednesday night between 2300-0300 and on a Friday and Saturday night between 2300–0330 and generally is only open to the students who study at the University of Cumbria and Lancaster University. It is usually open for around 30 weeks of the year (during term time). Its permitted hours are 0900-0630 Monday to Sundays (with 24 hours opening on New Years Eve) and 15 Temporary Events (Notices) are allowed per year. There is also the Yorkshire House Public House located close by, to the north of the site being located approximately 3.5m to the nearest façade of the Gillow building. The Yorkshire House is a live music venue. Paragraph 123 of the NPPF makes it clear that planning decisions should aim to recognise that development will often create some noise and existing businesses wanting to develop should not have unreasonable restrictions placed on them because of changes in nearby land uses (notwithstanding this the provisions of the Environmental Protection Act 1990 and other relevant law will continue to protect amenity).

7.2.3 It should be noted that there is no specific guidance in the NPPF or the Local Plan which presents absolute noise level criteria, and there is no accepted formal methodology for assessing the potential impacts of low frequency noise. Low frequency noise is music in the 63 Hz and 125Hz octave band, which is often described as 'bass noise'. It can be difficult to contain and the impulsive and the non-steady character of low frequency noise can be particularly disturbing for residents exposed to it and occurs as a result of venues such as nightclubs. The initial noise assessment was found to be lacking in detail associated with low frequency noise and at the request of Environmental Health Officers, the subsequent revised acoustic assessment utilised *Manchester City Council's Planning and Noise Technical Guidance* with refers to NANR45 which is Low Frequency Noise Criteria (and in essence does underpin this guidance). NANR45 was a document created by Salford University to assist Local Authorities in investigating complaints of noise that could not be heard by officers, and which would help to identify if there was actually noise present where no identifiable environmental source could be found. Something that Members should consider is that the document does state it does not apply to entertainment noise: '*Low frequency noise from entertainment was not considered in the development of the method and is outside the scope of this document*'. Environmental Health Officers believe that Manchester City Council Guidance should be utilised to determine whether the scheme will be detrimental to health. Whilst the guidance is not part of the Council's adopted development plan, it does draw upon British Standards 8233 (2014), NANR45, and the World Health Organisation document '*Guidelines for Community Noise*'. The objective of noise criterion set for low frequency sound within the Guidance is to achieve 'inaudibility'/'virtually inaudible' by limiting music noise levels in the 63Hz and 125Hz octave centre frequency bands (in habitable rooms) to 47dB and 41dB respectively. Whilst the use of guidance from another authority is not common, it is considered that the guidance used in the determination of planning applications in Manchester is seen as a way of enabling the local authority to take a view

as to whether it is likely that the development would give rise to 'actionable' complaints. Whilst the applicant was uncomfortable initially with using standards from elsewhere, their assessment has been carried out with full regard to this methodology. There are other authorities who have less onerous requirements, such as Kirklees Council and Sheffield City Council, and the applicant did raise concerns about needing to adhere to a standard used elsewhere, but he has consented to work to the Manchester requirements. According to a piece of work undertaken by DEFRA in 2005 (NANR92), Noise from Pubs and Clubs (phase I), the local authorities that have an objective criteria for music noise tend to be the exception rather than the norm, as only 15% of authorities have objective criteria. Admittedly this document is 11 years old however it is not expected to have risen dramatically, but it puts into perspective how few local authorities utilise objective criteria in this particular field.

- 7.2.4 The application was submitted with a detailed noise assessment with background measurements undertaken between Friday 22nd to Monday 25th January 2016. The Council's Environmental Health Officer raised concerns with the noise report given the on-site measurement location was from a first floor window and there was concern that the sound levels for the higher floors would need to be re-evaluated to ensure that the correct level of acoustic insulation was provided for. The applicant's noise assessment was undertaken in January 2016 and the Yorkshire House Public House was closed (due to being flooded associated with Storm Desmond in December 2015). The applicants had accounted for this in the assessment using noise measurements taken from a similar live music venue, however it failed to take account of the bedrooms on the side elevations and concerns raised regarding the admission-queuing that occurs to the Sugarhouse. Concerns were also raised that the combined noise impacts had not been assessed adequately and that issues of low frequency noise had not been fully explored and considered. In response the applicants undertook additional noise monitoring between the 24th–27th June 2016 (it is understood that the Sugarhouse was operational on 24th June 2016) including clarifying points of concern Environmental Health Officers previously raised. The Local Planning Authority enlisted the advice of an independent noise consultancy (Martec Environmental Consultants) to review the noise reports. Martec are a consultancy that specialises in environmental noise assessment and control and the author is a corporate member of the Institute of Acoustics since 1988, and thus has significant experience in this field. Martec's review raised concerns that the proposal did not meet the required levels in terms of low frequency (63Hz and 125Hz frequency bands) as set out in the Manchester City Council document or the BS8233 guidance. Additionally there was a lack of assessment of the communal student living rooms (those facing the Sugarhouse); a number of deficiencies of the proposed acoustic design; concerns relating to the uppermost floor of the development (studios); together with providing additional measurements and predictions and a number of other issues that required further clarity. It was considered that these issues did not allow for a comprehensive and informed decision to be made, thus leading officers to conclude that the proposal would lead to a significant loss of amenity for those occupiers within it, with living accommodation located within the glass façade element to be potentially inhabitable after 11pm.
- 7.2.5 On 2nd August 2016, further information was provided which included additional mitigation and clarification arising from the external review of the assessment. The scheme now proposed the buffer zone to the rear of the building (which was to have a door separating the living and sleeping areas), to now be one room, as the latest predictions attempt to demonstrate that noise would be attenuated at the perimeter of the building. To increase the attenuation within the accommodation, window sizes were reduced from 6.7m² down to 3.5m² and the window specification increased, with the weight more than doubled. On the glass façade facing the Sugarhouse there would be a 24.8mm of glass a 400mm void space and 24.8mm of glass. There was a concern that the glazing had not been tested. Environmental Health and Martec continued to object to the development as the additional information relied upon a significantly improved glazing specification which was on the technical limit of sound insulation. The predictions (to arrive at this conclusion) did not include contributions from sound passing through the roof and external walls and therefore these omissions were a weakness, as was the accuracy of the predictions (considered to include a limit of accuracy of +/- 2dB). Overall it was considered that due to the continued uncertainties around the assessment it could not be concluded that noise levels associated with the Sugarhouse could be controlled so not to exceed 47dB in the 63Hz octave frequency within habitable areas.
- 7.2.6 The Local Planning Authority received a further noise assessment on 20th September 2016 with this being reviewed by Martec and Environmental Health Officers. In essence this failed to fully address the concerns and whilst there was a general consensus that relaxing the guidelines in living spaces at night could be found acceptable, the exceedances were significant (at 63Hz ranging from 15-

20dB exceedances), and there remained too much uncertainty of the potential impacts of noise on future occupants. Additionally there remained significant observed effect levels in relation to low frequency sound which are noticeable and intrusive and likely to give rise to complaints about noise. Given the self-contained nature of the upper-most floor studios there was concern here that noise could be problematic to the amenity of users.

- 7.2.7 On 21st October 2016 a new noise survey addendum was received which proposed some small changes to the design of the rear glass façade. These sought to utilise secondary glazing to the rear and side facades, and the provision of obscure glazing with acoustic panelling behind the glazed façade. It also proposed provision of a glazed door separating the living space element of a bedroom associated with the cluster flat and the bedroom (window construction to be 16.8mm acoustic laminate glass, a 500mm cavity and 16.8mm acoustic glass in a separate frame). With respect to the studios, window construction has been increased to 16.8 mm acoustic laminate glass, a 500 mm cavity and 16.8mm acoustic laminate glass in a separate frame and there is now proposed to include an inter-connecting door between the living and bedroom mezzanine with doors specified for between the corridor and studios. The studios and bedrooms on the side elevations will have a window construction of a 24.8mm acoustic laminate glass, a 500mm cavity and 24.8mm acoustic laminate in separate frames. The applicants now contend that the scheme would comply with the MCC guidance within all the bedrooms and the noise levels within living areas will be achieved assuming a 5dB relaxation. Martec have reviewed the revised noise assessment and it has also been reviewed by officers in Environmental Health. In considering relaxing the criteria for both the living and sleeping areas during the daytime periods and for living spaces during night-time periods Environmental Health consider it is reasonable to suggest a 5dB relaxation to the criteria which is derived from the provisions detailed within the NANR45 guidance.
- 7.2.8 There is now confidence that following the strengthening of the acoustic performance of the rear façade facing the Sugarhouse that the internal levels can be achieved (together with the changes associated with the studios on the uppermost floors). The applied relaxed criteria is achievable in the majority of living spaces, and is easily achievable in sleeping areas when interconnecting doors are closed, but even when they are not closed, the exceedances during night time periods are marginal. The view is taken that the marginality of the exceedances within the bedrooms with the interconnecting door open is likely to be 'barely perceptible'. The applicant's revised assessment demonstrates that with an appropriate 'applied relaxation' to the MCC criteria acceptable sound levels can be achieved in living spaces at night-time periods which are likely to result in 'lowest observed effect levels'. In bedrooms with doors closed, predicted sound levels are likely to result in 'no observed effect levels'.
- 7.2.9 In view of the above, Environmental Health Officers conclude that with appropriate sound insulating materials being implemented, these marginal increases in sound levels are more aligned to the MCC guideline criteria, used to ensure that noise is at a sufficiently low enough level so as not to cause unreasonable disturbance. They do however recommend planning conditions associated with sound insulation materials to be as detailed within the noise prediction calculations and a scheme of mechanical ventilation to be implemented throughout the development. A pre-occupation condition is also proposed to ensure that levels can be met. Whilst not raised by Martec or Environmental Health Officers, a question has been asked as to whether the phasing aspect is likely to lead to loss of amenity/creation of actionable noise complaints for occupiers within Phase 1. Confirmation has been provided from the applicant's acoustician on 23rd November 2016 to suggest the noise transfer will have a negligible impact on the internal noise levels within the residential accommodation above. The views of Environmental Health have been sought with respect to this, who consider that following the review of the information submitted by the applicant, it is not anticipated that there would be potential noise issues with the phasing aspect of the development with respect to low frequency noise.
- 7.2.10 As this report advises, a considerable amount of time has been expended and expertise – from colleagues within Environmental Health as well as consultants – has been utilised. In addition to this, the local authority also enlisted the expertise of the multi-agency consultancy Urban Vision to review the Council's approach to testing the noise assessment. Urban Vision's overall conclusion is that the previous objections were warranted, and that the Council has not been too risk averse in assessing the proposal. With the technical support of Martec, a significant upgrading in the design and the structure of the proposed living accommodation has been put forward. Urban Vision comment that while the planning system attempts to prevent noise from giving rise to significant adverse impacts there will be time, Environmental Health are able to use the available enforcement

powers to tackle the source of the noise. The view of Urban Vision is that the Sugarhouse is a specific noise source with scope for improvement in the structure of the building and in the way it operates to mitigate noise egress.

7.3 Lancaster University Students Union (LUSU) – Noise Concerns

- 7.3.1 LUSU's fundamental concern is that the operation of the nightclub could be compromised by introducing a noise-sensitive user in close proximity to its nightclub with complaints coming from future residents. The University's Provost for the Student Experience, Colleges and the Library estimates the Sugarhouse achieves almost 100,000 attendances a year and therefore in context this goes to show this is a heavily used student venue. LUSU suggest that the complaints may lead to proceedings against nuisance, *if* (our emphasis) the proceedings were successful that would result in a requirement for the Sugarhouse to abate the nuisance (in short turning the volume down, management of noise and/or improvements to the building – but not necessarily closure as this is a last resort). All parties including the applicant agree that this is not in the interests of anyone. Officers are of the opinion that the impact of a prospective planning permission on the viability of a neighbouring business may in principle amount a material planning consideration, and this was the stance in the Court of Appeal case in *Forster-v-The Secretary of State for Communities and Local Government* (2016) which concerned the demolition of a single storey building in Stepney and the erection of a mixed-used scheme comprising of living and commercial uses, which was adjacent to the George Tavern (a live music venue). There are therefore some synergies between the two schemes.
- 7.3.2 It is important for Members to consider that just because potential future occupants were aware of the nightclub, this is no defence against environmental health (noise) action being taken, and 'actionable' nuisance would still need to be investigated. The site lies within the City Centre and therefore it would be reasonable to suggest that some level of disturbance is likely to occur. The question for decision-makers is the level of disturbance and whether this is reasonable in this location? In their assessment of the scheme Members should have regard to the two questions below;
- I. Is there a risk that the proposed development (student accommodation) could lead to the restricted nature of the club (or closure of the Sugarhouse nightclub)?
 - II. What mitigation is required to enable the development to be acceptable in noise terms?
- 7.3.3 LUSU's appointed noise consultant has critiqued the applicant's noise assessment and remains of the view that the technical substance of the noise report is deficient and therefore the Council cannot be certain that the proposal will not increase the likelihood of an actionable nuisance being raised against the Sugarhouse. They raise significant concerns that the applicant has failed to examine the 1/3 octave spectrum, whereas the Authority have asked the developer to assess noise in the 63 Hz and 125 Hz full octave band noise levels. They also considered it is not reasonable for students to be expected to vacate their living areas by 23:00 so they are not disturbed by low frequency noise. They consider that given the conditions proposed by Environmental Health, this still implies that Environmental Health have their own concerns regarding the development.
- 7.3.4 Further information on the 1/3 octave is useful at this point. 1/1 and 1/3 octave spectra are the most frequently used formats in acoustical measurements. The audible frequency range can be split into unequal segments called octaves. Octave bands (or spectra) can be separated into three ranges, referred to as 1/3 octave spectrum. Some people may be more susceptible than others to the sound or tonal characteristics. A difficulty of low frequency noise is that it can be difficult to monitor and assess due to its nature and the nature of room acoustics. For instance it may be possible to hear something in the corner of a room but not the other side (i.e. incredibly localised). The MCC guidance does state that the 1/3 octave is not applicable to the assessment of entertainment noise and does recommend the use of combined octave band levels for 63 and 125 Hz. The rationale for this is that the Manchester Standards state that the main reason for not using the 1/3 octaves is a lack of laboratory test data for building materials. Attempting to predict the behaviour of low frequency sound is also fraught with difficulty and to fine tune predictions to 1/3 octaves may not necessarily assist and the levels that are used in the NANR45 curve are so low that in all likelihood may likely to be exceeded within a development by the use of mechanical ventilation or electrical appliances. The Environmental Health Service has considered the suggestion from LUSU on the 1/3 octave issue but the response is that this would be relevant to assess an existing situation, but such data would not be reliable or practical for applications in predicting 'future' sound levels due to

the lack of published data within these ranges. Following additional material from LUSU the Council's independent consultant has reviewed the material put forward on the 1/3 octave band. LUSU have sought to demonstrate that it is essential that the Authority seeks to establish the 1/3 octave sound levels and that this has been supported elsewhere notably in London (a scheme at Eileen House comprising residential accommodation adjacent to the Ministry of Sound nightclub). Martec's response on this matter is that in the instance where other local authorities have utilised alternatives to NANR45 (as modified by MCC) full rating curves have been used and not 1/3 octave bands. The applicant's acoustician did provide evidence from Sheffield and Kirklees, both of which were using Noise Rating Curves in full octave bands, Martec have also mentioned that Bristol operate in this way also. It does need to be remembered that many authorities do not have specific guidance but those that do such as Manchester, Sheffield, Kirklees and Bristol all appear to be seeking compliance based on entertainment noise measures or predicted in full octave bands. Martec note that the planning conditions associated with the scheme at Eileen House, are all based on octave bands (not 1/3 octave), therefore the planning conditions associated with Eileen House do not appear to support LUSU's position.

7.3.5 It's important to stress that whilst LUSU have concerns it is the view of officers that they are not entirely opposed to the proposal, more so concerned about the future of the nightclub. This is understandable is why they have sought to seek expert advice. Their consultants recommend that full sealed windows are incorporated into the development proposals and this should be secured by means of Section 106 agreement to ensure that no future application is submitted to vary the terms of the mitigation proposed. They also suggest that the applicant should secure sound insulation measures within the Sugarhouse at the applicant's expense together with a Deed of Easement of Noise. LUSU are of the view that without the safeguard of the deed of easement; and the prevention of any future applications to amend the details securing the noise mitigation works; and ensuring that the developer would ensure that marketing materials are given to potential occupiers then LUSU would have serious concerns for their business. LUSU have stated that the deed of easement was necessary to permit the scheme at Eileen House in London, together with the other measures contained above. It is the case that the Eileen House scheme did indeed have the obligations mentioned above attached to the consent. However officers have reviewed the reports associated with the approval of the Eileen House scheme. In the Stage III report dated 19th November 2013 it states the below;

In a further representation Ministry of Sound (MoS) has suggested that the GLA, the owner, the developer and MoS should enter into a Section 106 Agreement to deal with wind and noise mitigation measures and to provide for a Deed of Easement to be granted to MoS to deal with that the MoS claims will be adverse impacts arising from the proposal. Officers, however, do not consider that there is any need for such an agreement for an easement to be granted because taking into account the mitigation measures, which have been introduced into the design of the proposal and conditions proposed, the likely effects on the nightclubs operation will not be such as to give rise to any adverse impacts. In any event, securing such an agreement and grants of rights will depend on obtaining the landowners agreement and as far as GLA officers are aware, this is not likely to be forthcoming. The proposal made by MoS has no further relevance in the determination of this application.

In the representation hearing addendum report dated 19th December 2013 paragraph 17 it states the following;

Officers were satisfied that the mitigation detailed in the stage III report is sufficient to make the development acceptable and that further mitigation was therefore not necessary to make the development in planning terms. However the amendments to the proposed planning conditions and planning obligations noted above are welcomed and will provide comfort to the developments neighbours that the development will be carried out as proposed, that the local planning authority will be provided with sufficient information required to discharge the conditions, and that proposed mitigation works will be implemented, retained and maintained as proposed. The likely significant environmental effects of the development have been considered the importance of the predicted effects and scope for reducing them have been clarified and agreed by the objectors and the applicant.

In summary whilst there is a deed of easement applicable to the above development, from a review of the associated reports to the Mayor of London this was only arrived at following discussions between MoS and the developers, as the representation hearing meeting was adjourned to allow the applicant and MoS to discuss MoS's proposals for a deed of easement and planning obligations.

The applicant and MoS agreed the amendments to the planning conditions and Section 106 to address the concerns raised, but nevertheless this is a material consideration in the determination of this planning application.

7.3.6 LUSU have suggested that a deed of easement would enable them to be more relaxed with the proposal. With respect to a deed of easement, this would allow noise from the 'The Sugarhouse' to effectively pass over the Gillows development such that any future occupier of the building would be fettered from pursuing any actionable noise nuisance claim. The deed of easement was utilised in the approval of a planning consent for the 41 storey residential re-development of Eileen House in South London. Whilst the concept has been utilised on this London based scheme, in practice whether a resident could still complain to the Council under the Environmental Protection Act 1990 remains to be seen and whilst a deed would be in place should a complaint be received a Council would appear to still have a duty to investigate and serve an abatement notice should nuisance be found but there is no legal method to guarantee this will not happen. Whilst the principles are accepted, Environmental Health consider that the scheme as now proposed can meet the relevant limits and they have proposed planning conditions to address this. Whilst the Local Planning Authority are sympathetic to the stance of LUSU, on balance it is not considered reasonable in this instance to make the developer be party to such a deed of easement and would not be required to make the development acceptable in planning terms and therefore fails to accord with Paragraph 204 of the NPPF. It should be considered that the noise predictions have been assessed on the basis of a current scenario case (before any proposed improvements internally within the Sugarhouse as discussed in 7.3.7) and therefore there is no reason to doubt that the relaxed limits as agreed by Environmental Health Officers cannot be achieved. If members were to consider that a deed of easement was required (to give total assurance to LUSU), this would require the applicant to agree to this which from officer's discussions is unlikely to happen on the basis that they meet the recommended limits (and as it would be a burden on title and secondly funding for the scheme would be difficult to be attained should this occur – it should be noted that nothing has been submitted by the applicant to come to a conclusion on this, however it is apparent that since the recession that lending institutions are more risk averse to lending than they were previously). Whilst there are merits to such a deed, officers are confident planning conditions can be imposed which enable sufficient protection for both parties.

7.3.7 With respect to measures to control noise emanating from inside the Sugarhouse, in October 2016, Robertson's (the applicant for the change of use of St Leonards House to student accommodation (16/01155/FUL) undertook a series of measurements within the nightclub to establish where there could be improvements made to the building to assist in attenuating sound at source. This was followed by a meeting on 15th November 2016 with the local planning authority, the applicant (Cityblock), LUSU, Lancaster University and Robertson's (the applicant on neighbouring application 16/01155/FUL for St Leonard's House), and this was chaired by the Chief Officer (Planning and Regeneration). The measures proposed to the Sugarhouse included:

- Amendments to the main entrance doors;
- Amendments to the smoking shelter access door;
- Fire escape replacement double doors and cellar access double doors.

It was understood that Cityblock and Robertsons would split the costs of the works listed above.

It has been noted that there could be works undertaken to the lightweight thermal roof but viability could prove an issue (but it is an option). The applicant maintains that LUSU are currently in breach of their planning permission for their smoking shelter (07/01032/FUL) where a condition was attached requiring the smoking shelter doors to have a self-closing mechanism. This will be investigated separately by Officers. Whilst a proposal has been put forward to LUSU this is on the basis of a goodwill gesture by the applicants. Officers believe that the works are not required to allow the development to proceed, but LUSU have via their agents requested that works are undertaken to their building in previous correspondence (October 2016). Following the meeting there is still uncertainty as to whether LUSU would be satisfied with the works being undertaken to their building to help limit noise escaping from their nightclub as they maintain that the improvements are unlikely to offer any improvements with respect to low frequency noise. The Local Authority have assisted with facilitating a meeting between the parties and whilst the door is not closed in terms of improvements this would be the subject of discussions between the developer and LUSU and in the opinion of officers it would be unfortunate if LUSU were not receptive to the suggestions being made.

LUSU have suggested that the development will result in 'actionable complaints' and this would result in the Court requiring the noise to stop, and with it the continued operation of the nightclub. This is not the case as any order would be to attenuate noise so it does not pose an 'actionable nuisance'. In the opinion of officers the measures proposed above would assist in making the building more noise resilient and would assist in providing further safeguards to LUSU.

7.3.8 It is considered that measures such as the requirement for windows to be closed could be deemed unreasonable, as many of us use windows for rapid or purge ventilation. However, as is the case here, windows do need to be closed to ensure that the noise levels are achieved, in these circumstances as long as adequate ventilation is provided for (which will be addressed by planning condition), then on balance this is deemed acceptable to officers. LUSU would like to see a control on marketing material to be made available to prospective tenants, together with noise mitigation to be secured by legal agreement. It is considered that restricting future applications being submitted, (in essence if the applicant tried to water down the mitigation measures), is unnecessary because any new or variation of a planning condition application would be formally assessed on its own merits. Such an application would be presented to the Planning Committee. With respect to marketing material, this is something that is likely to occur anyway from the applicant's perspective, but is not considered required to enable a positive recommendation to be reached, however has been brought to the applicant's attention.

7.3.9 As can be seen in Paragraph 5.1 of this report there has been considerable interest in this planning application, predominately from LUSU, Lancaster University and many hundreds of students who study at Lancaster University (of which the overwhelming majority of the representations received are from). Many have cited the concern that the Sugarhouse as one of the last remaining "nightclubs" in the city centre could be lost as a result of this scheme and that noise complaints would threaten the future of this. Whilst these concerns have been noted, on many occasions the impact of external noise generated from off-site uses can be mitigated through engineering solutions within a building. Furthermore there are many examples especially within cities whereby late night music venues and residential properties co-exist. Planning conditions can be used to ensure amenity is not harmed, where there is certainty that the condition can be fulfilled and complied with, but planning conditions cannot be imposed if they are not able to be fulfilled. Given the responses of the Environmental Health Service, Martec and Urban Vision there is now confidence that planning conditions can be appropriately imposed. It is therefore considered that noise (in particular low frequency noise) would not be detrimental to the amenity of those occupiers and that the design of the development (which includes the mitigation) would create acceptable living and sleeping conditions and therefore conforms to meet the requirements of DM DPD Policy DM35 and Policy DM46.

7.3.10 Turning to paragraph 7.3.2 and the questions Members should consider;

- III. Is there a risk that the proposed development (student accommodation) could lead to the restricted nature of the club (or closure of the Sugarhouse nightclub)?
- IV. What mitigation is required to enable the development to be acceptable in noise terms?

The impact on the Sugarhouse is a material consideration, and significant weight has been attached to this in the determination of this application, as is evidenced by the amount of scrutiny that the issue has received, from internal and external noise experts. It is for this reason there have been a number of revisions to the scheme. Officers are satisfied that the proposal can be delivered without detriment to the operations of the Sugarhouse. On the issue of the 1/3 octave data the Environmental Health Service have provided assurance (paragraph 7.3.4) and officers are satisfied that based on the evidence there is certainty that the scheme can be delivered. The mitigation proposed has been designed into the scheme such as the use of laminate glass and acoustic glazing. Conditions can be imposed requiring the limits to be adhered to and this is considered reasonable. Environmental Health did propose a pre-occupation condition to establish whether the levels are adhered to; the applicant has concerns that this is not reasonable given there will be a condition controlling the overall noise in any event, this is a view echoed by Urban Vision. Officers consider that there is merit in such a condition being imposed. On the deed of easement issue, Officers would not be looking to recommend a scheme for approval if they considered that actionable noise complaints were likely to occur.

7.4 Noise Conclusions

7.4.1 The application has generated a substantial amount of concern with respect to noise and this is why the Local Authority engaged the services of an independent noise consultant in the form of Martec Consulting. A further tier of assurance (from Urban Vision) has been provided as part of this process, to ensure that the process has been appropriate and robust. These measures were considered necessary to ensure (a) occupants would not be subjected to noise that would be detrimental to health and (b) that it would not adversely impact on the operation of the nightclub. Both of these independent consultants, who have been appointed to give an impartial view, consider the scheme is acceptable from a noise perspective subject to the provision of conditions. The objections received are understandable as the Sugarhouse is a long-standing student nightclub in the City Centre which adds to the student experience of studying at Lancaster University, and the Local Authority recognises its' social and economic value to the wider city. It is noted that the applicant already provides purpose built student accommodation within the City Centre, it could be said that some students may find considerable favour in being located so close to the University's only nightclub. Members are tasked to determine the application based on the evidence provided. Whilst LUSU refer to a scheme in London which sought to include extensive mitigation by legal agreement, the London development is a very different scheme which proposes permanent living accommodation. The scheme before Members is for student accommodation which is not the sole address of the occupants. The scheme has communal areas of living, whereas the scheme in London would not contain this. Unlike permanent residences, students are provided with support whilst in tenancy and if intolerant to particular noise disturbances from either within or without the development, they can be given the option to be relocated. Tenancies are usually only 50 weeks in duration. However critically - in the opinion of officers and their appointed consultants and Environmental Health - the scheme would not give rise to actionable noise complaints in any event. Collectively the Local Authority are content that the applicant' proposals (subject to conditions) are not likely to lead to 'actionable' noise complaints and the two land uses can co-exist.

7.5 Design Considerations and Heritage Considerations

7.5.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Conservation Area or the setting of a listed building, the Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area or the setting of the building. This is reiterated by Policies DM30, DM31 and DM32 of the DM DPD, with Policy DM31 setting out that alterations and extensions within Conservation Areas will only be permitted where it has been demonstrated that:

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

With respect to listed buildings favourable consideration may be afforded to schemes which represent the most appropriate way of conserving the building and architectural and historic significance and setting in accordance with Policy DM30 of the DM DPD. The applicant has submitted a heritage appraisal in support of the scheme and the contents have been reviewed by the Conservation Officer who feels that the heritage assessment does comply with the requirements of Para 128 of the NPPF in terms of detailing the significance of heritage assets affected.

7.5.2 There are a number of interventions that are proposed to be undertaken to allow the building to be used for student residential purposes. Externally, this includes replacing the existing timber windows (to all elevations) to double glazed units within a steel frame, replacement of the existing slate roof, the existing single glazed roof light to be replaced with a thin frame with double glazed units, the non-original modified door entrance to be removed and replaced with the original window fenestration, together with the provision of new doors and the demolition of the existing staircases to the rear to be replaced by two new glazed extensions. Internally the scheme proposes to include 3 new mezzanine floors and the removal of partition walls and stairs (associated with the nightclub use). It is the case that the building was heavily modified in 1998/1999 for the nightclub use, with

two new stair towers added for fire excavation purposes at the rear, windows boarded up internally, partition walls, ceilings and raised and false floors all added. The element of the building occupied by the furniture shop still possesses the original fabric of the building which has timber panelling to the walls, ceilings and doors, and decorative details to the cornice and door surrounds at first floor, and the impressive staircase and stained glass window are still all present (and retained as part of this proposal).

- 7.5.3 Given its former use as a furniture showroom, the building does have high ceiling heights in the region of 4.6 metres and given this the applicant has sought to provide new structural mezzanine floors being placed on the ground, first and second floor. The introduction of the mezzanine floors does raise some concerns, however Conservation Officers raise no objection welcome the re-use of the building.
- 7.5.4 The building is impressive (and is thought could have been designed by Paley and Austin). On the rear elevation is a grand stained glass window (currently boarded but this is to be re-opened as part of the scheme - a significant benefit). The proposal seeks to retain the existing cast iron columns and beams and as part of the fit out of the nightclub this included the insertion of fixed furniture and fittings, such as bar areas, seating, raised floors which have concealed the original finishes of the building. The frontage along North Road will essentially remain the same other than the entrance that once served Toast/Mojos is to be removed and replaced with the original window fenestration. On the first floor there will be an integrated transom panel at the new mezzanine floor level. Concerns were raised with the introduction of a transom panel measuring 270mm deep originally and this has since been reduced to 110mm by the applicant, on balance this aspect is considered appropriate. It is considered that the changes proposed to the North Road elevation are acceptable providing conditions are imposed addressing the need for materials (such as replacement stone, slates, windows etc) and an appropriate screening film on the ground floor windows to help screen gymnasium equipment.
- 7.5.5 The rear elevation does change dramatically as part of the proposal and the two rear stair towers erected in the late 1990's, have already resulted in changes to this façade, which was part of the consent in the late 1990's. The glass façade will provide additional floor space for the scheme, but crucially acts as an acoustic buffer aimed at protecting those occupiers from noise emanating from the Sugarhouse and Yorkshire House. Two predominately glazed extensions are proposed to the rear of the building, to facilitate this, however there would be intervention to the rear façade of the building to include the removal of stone lintels, transoms, mullions, sills and the stone wall beneath to the sills to be removed to allow for a doorway to be provided for. The intervention to the rear of the listed building here is regrettable, with the intervention required to facilitate the glazed facades to the rear of the building. In heritage terms whilst there would be harm to the rear elevation of the building and changes internally this would not amount to substantial harm. The proposed glazed facades are deemed to be complementary to the existing building and would look to provide a curtain walling arrangement. On balance whilst there is a significant change to the rear façade it is considered that the proposal would not lead to substantial harm, or loss of significance of the building, although inevitably there is some level of harm which is created by the proposed development however without this proposal, the building could to fall into disrepair. Whilst the Victorian Society raise a number of objections to the scheme, no objection has been received from the Councils Conservation Officer, Historic England or the Civic Society. The Victorian Society consider that the heritage assessment fails to consider the impacts of the proposals on the buildings significance, notably the interior, however the Conservation Officer feels that this has been satisfactorily done and therefore the assessment complies with the Para 128 of the NPPF. As they are one of the National Amenity Societies, and they maintain an objection against a planning application which recommends approval of certain works to a Grade II listed building, it is considered that the Listed Building Consent application (16/00275/LB) would require referral to the Secretary of State.
- 7.5.6 The Council's Conservation Officer raises no objection to the proposed development and concludes that the scheme has been sensitively designed and the alterations will lead to an enhancement of the building and the restored roof light will be appreciated. The windows are an important feature of the building and do form an important contribution to the character and significance of the building which is detailed around the building with a deep angled stone rebate with a stone mullion and transom which forms part of the window. The Conservation Officer did raise concern with the originally proposed transom panel however these concerns were removed on receipt of the amended detail.

7.5.7 It is considered that the re-use of this building is the most appropriate way of conserving the building and the historic significance and its setting, and there are public benefits associated with bringing this building back into use and officers are satisfied that the scheme does present the optimum viable use for the building and therefore the scheme accords with Paragraph 134 of the NPPF. The principal façade along North Road will be largely unaltered and views to it from both within and outside the Conservation Area will continue to be appreciated and would preserve and enhance the character and appearance of the Conservation Area. The rear elevation is largely unseen because of it being screened by St Leonards House and the Sugarhouse nightclub, however the glazed façade would add a contemporary element to the rear and whilst the loss of the windows on the rear to facilitate living accommodation is a weakness of the scheme, overall it is not considered that there would be substantial harm or a total loss of significance of the Grade II Listed building. Therefore it is considered that the scheme complies with Policies DM30, DM31 and DM32 of the Development Management DPD.

7.6 Amenity considerations

7.6.1 The Development Management DPD contains adopted standards with respect to room sizes for both studios and cluster flats. The scheme as presented proposes 32 studio apartments and all comply with the Council's standards in terms of 19m² rooms (with many of these in the region of 23m²). In essence these would be split level living, with living space/kitchen on the lower floor whilst the sleeping accommodation and en-suite facilities would be on the upper most floor. Natural light is appropriate on the living accommodation floor, but borrowed light (in the form of clerestory windows illuminated from the roof lights for the bed-deck/en-suite) is considered appropriate given the constraints imposed by the listed status of the building. Initially two of the studios failed to benefit from an appropriate standard of outlook by having no windows or natural light, but the plans were amended to provide for a narrow window opening (0.3m x 1.5m). This was less than ideal and so this has now been amended to provide for full height windows, which are acceptable. The cluster flats range from 3 bedroom cluster flats to 9 bedroom cluster flats. The standard is generally for these to have no more than 6 bedrooms. The applicant has developed previously in the City (notably Cityblock 1, 2, 3 & 4) where similar arrangements have been provided for. The Council's adopted position is for bedrooms to be 11m², the majority of the bedrooms associated with the cluster flats are approximately 14m², the bedrooms associated with the rear elevation who utilise a glass façade are in the region of 17m². Given bedroom sizes overall are in excess of the required standard, coupled with an appropriate amount of communal space the room sizes are to be supported.

7.6.2 The majority of rooms face across North Road or towards the Sugarhouse/St Leonards House and therefore have an appropriate outlook, but there are some bedrooms that face towards blank elevations on the adjacent warehouse and onto the gable end of the Yorkshire House Public House. It is considered that 7 of the bedrooms associated with the cluster flats have limited outlook (ranging from 7m to 9m) and therefore under the adopted position of 12 metres between a window and any wall or structure opposite. Given this represents a small proportion of the units applied for, and that the room sizes are above adoptable standards, and critically that the development will assist in the re-use of the impressive Grade II listed building, on balance this is acceptable.

7.6.3 The scheme does propose a small area of amenity/buffer to the east of the building consisting of a raised deck amenity area which contains some small scale landscaping proposals and seating. This element of the scheme is supported as even though the scheme is within the City Centre, residents may wish to enjoy some outdoor recreation space and the applicant's proposal allows this to occur.

7.7 Flooding

7.7.1 The site lies within Flood Zone 2 and the building suffered extensive damage to the basement and ground floor as a result of the flooding in December 2015, to the extent whereby the electrics were still not operational in the building at the time of the case officer's site visit. The applicant submitted a detailed Flood Risk Assessment (FRA) in support of the application which recommends subject to the development being built in accordance with the mitigation proposals detailed within the report such as existing wall penetrations and apertures to receive flood barrier protection, notably along the southern building line that the development would be acceptable in flood risk terms. It should be noted that the basement would contain the plant room however it is proposed to incorporate a drainage sump, and pathways for water ingress would be blocked. The ground floor would contain

the gym, private dining area, a common room, office, laundry and a cycle stores and student living and sleeping accommodation.

7.7.2 The Environment Agency and Lead Local Flood Authority originally objected to the proposals on the basis that an inadequate FRA was submitted with the scheme, and following this an amended FRA was submitted. Whilst the Environment Agency have removed their objection they recommend that there should be no sleeping accommodation on the ground floor of the building. As part of the full redevelopment of the site it is proposed that approximately half of the floor space will be given over to uses such as a gymnasium, common room, laundry and cycle storage, all of this is located at the North Road elevation of the proposal. There will be 9 bedrooms associated with shared accommodation on the ground floor. Whilst it would be preferential to have no sleeping accommodation on the ground floor there is no objection and therefore subject to the mitigation being put in place can be found acceptable. The Lead Local Flood Authority originally objected to the development however withdrew their objection in August 2016 on the understanding that the mitigation included within the FRA is included notably the finished floor levels to be as detailed within the assessment, flood warning and use of flood resilient technique. These issues can be addressed by way of planning condition should Members wish to support the scheme.

7.7.3 Development of this nature in Flood Zone 2 would generally require a Sequential Test in support of the application to establish if the development could be located in an area at a lower risk of flooding (such as Flood Zone 1). National Guidance however is clear that the Sequential Test does not need to be applied to applications promoting the change of use (except for change of use to a caravan, camping or chalet site or a mobile home or park home site), or for minor development. Notwithstanding the above, the glass façade to the rear would support living accommodation (albeit an extension to the bedrooms) and is not deemed minor development and therefore the agent has been asked to provide a Sequential Test in support of the application. The agent maintains that a Sequential Test is not required as the development cannot happen elsewhere as the proposal fundamentally relates to the change of use of a building. The guidance is clear that a pragmatic approach on the availability of sites should be taken. For example the guidance suggests '*in considering extensions to existing business premises it might be in-practical to suggest that there are more suitable alternative locations for that development elsewhere*'. On balance, and given the principle issue is the change of use of a listed building and the extensions are to facilitate the use of student accommodation in the circumstances it is not considered necessary in this instance for the applicant to consider other locations which are in Flood Zone 1.

7.7.4 Whilst the exception test does not need to be applied, there are wider sustainability benefits with locating student accommodation in Lancaster City Centre and this has been supported by the Council through a variety of historic planning applications and is acknowledged to have a wider range of sustainability benefits. The application will also result in a re-use of a Grade II listed building and improvement to its overall appearance and that of the Conservation Area.

7.7.5 The Local Authority's Drainage Engineer raises no objection to the development but has commented that the culverted watercourse known as the Mill Race runs beneath the existing building. It is therefore recommended that a condition is imposed on any grant of planning permission requiring details of the Mill Races Protection.

7.8 Highways

7.8.1 County Highways raise no objection to the development subject to the provision of cycle storage, a construction traffic management scheme and the upgrading of the bus stops (adjacent to North Road). The conditions are seen as reasonable as there is no current shelter on the North Road. Whilst not requested by the Highway Authority, swept path analysis has been submitted to demonstrate that refuse and emergency vehicles can enter and safely exit the site. The County have requested the cycle parking for 15 cycles is provided for, given the close proximity of the bus stop (adjacent to the site) this is considered acceptable. Overall in highway terms the scheme is acceptable subject to conditions being imposed.

7.9 Ecology

7.9.1 Given the interventions to the roof space, a bat survey was requested during the determination of the planning application as given the age and construction of the building it may potentially have been suitable as bat roosting habitat. A bat survey was therefore provided including emergence and activity surveys undertaken in line with Best Practice Guidance, which concludes no evidence of bats using the building, with the building having a low-negligible potential to support bats. The Councils ecological consultants have offered no objection to the scheme and agree with the findings as contained within the submitted report. The development is therefore acceptable in ecological terms and complies with Policy DM27 of the Development Management DPD.

7.10 Air Quality

7.10.1 An Air Quality Assessment has been submitted which states that the predicted pollutant concentrations at the proposed development are to be below the air quality objectives. The assessment has been reviewed by Environmental Health Officers, no objection has been raised, however they have recommended a ventilation system is incorporated into the design. No detail of the air inlet is proposed as part of this scheme and a concern of officers is that the means of ventilation has not been demonstrated within this submission, the applicant maintains that it would be unusual to provide this as part of a planning application. The Air Quality Officer is content with windows to be opening however there should be a management system in place to ensure all occupants are clearly advised of the reason and purpose for the ventilation system. Therefore this is considered acceptable. As part of any planning approval, a condition is recommended to secure details of ventilation measures.

7.11 Other Considerations

7.11.1 The applicants propose to site their refuse store to the west of the current building and details of the treatment of this can be controlled by planning condition. It is considered by the Waste and Recycling officer that the refuse area is a little small for a development of this size and have recommended 4 x 1100 bins for general refuse and 6 x 360 bins for recycling. The response from the Waste and Recycling Officer can be relayed to the applicant to make them aware of the requirements. The applicants proposals also include signage (similar to what is contained on the other Cityblock developments), this would need to be sought through an advertisement application and therefore this will feature as a note should members opt to support a scheme. No contaminated land assessment was submitted with the application, however the contaminated land officer has requested conditions associated with contaminated land and given the footprint of the building does indeed increase and a more vulnerable receptor will be utilising the building it is considered appropriate to include a condition to this effect.

8.0 Planning Obligations

8.1 None applicable.

9.0 Conclusions

9.1 The Committee are tasked with a difficult decision. This report is far more technical in nature than many reports for development proposals that are comparatively similar in size. The Sugarhouse has a long established use and is an asset to the student experience in Lancaster. Case law would advise that reasonable steps should be taken to mitigate noise impacts. LUSU have undertaken a critique of the noise assessment. However - in the opinion of officers and their appointed consultants and Environmental Health - the scheme as now proposed would not give rise to actionable noise complaints. Moreover, Environmental Health Officers and their appointed consultants are now satisfied that assuming the development is constructed in accordance with the plans and conditions attached to the permission, that noise will not cause a loss of amenity for future occupiers and with this is unlikely to lead to actionable noise nuisance complaints.

9.2 The Local Planning Authority is supportive of the re-use of this listed building for student accommodation and it is apparent that applicant has good intentions to preserve the building for years to come. The applicant has demonstrated to the satisfaction of the City Council, Lead Local Flood Authority, City Councils Drainage Engineer and Environment Agency that the development is

flood resilient; in heritage terms whilst there would be harm to the rear elevation of the building and changes internally this would not amount to substantial harm, and given the improvements proposed to the frontage it is considered that the development would enhance the character and appearance of the Conservation Area, and would help to preserve the listed building for generations to come. Overall the scheme would offer acceptable living conditions. It is therefore recommended that the development is supported and planning permission granted.

Recommendation

That Planning Permission and consent for Relevant Demolition **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Development in accordance with approved plans
3. Construction Management Scheme (Pre-commencement)
4. Contamination Assessment (Pre-commencement)
5. Archaeological Building Recording (Pre-commencement)
6. Surface water drainage scheme (Pre-commencement)
7. Foul drainage (Pre-commencement)
8. Flood evacuation procedure and development in accordance with Flood Risk Assessment including measures
9. Materials - details of all elevational, rainwater goods, roof and surface materials required (pre-construction above ground level)
10. Security Measures
11. Landscaping scheme for rear façade courtyard (details of the materials and landscaping) (Pre-occupation)
12. Refuse and Cycle storage (Pre-occupation)
13. Improvement of Bus Stops (Pre-occupation)
14. Finished Floor Levels as per Flood Risk Assessment
15. Noise Condition (47dB Leq at 63Hz and 41dB Leq at 125Hz within bedrooms, and 52dB Leq at 63Hz and 46dB Leq at 125 Hz within living rooms with windows shut and other means of ventilation provided). Scheme to be implemented in accordance with the specification as contained within PDA September 2016 Noise report (Ref 8885/1936/ECE/02)
16. Prior Occupation condition to ensure that noise limits described in condition 15 are met (Prior Occupation)
17. Means of Ventilation to be provided for (Prior to Occupation)
18. Scheme for the Protection of the Mill Race (Culvert)
19. Restriction of accommodation to students

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

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

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

Background Papers

None.

<p align="center">Agenda Item</p> <p align="center">A6</p>	<p align="center">Committee Date</p> <p align="center">12 December 2016</p>	<p align="center">Application Number</p> <p align="center">16/00275/LB</p>
<p align="center">Application Site</p> <p align="center">23 - 25 North Road Lancaster Lancashire LA1 1NS</p>		<p align="center">Proposal</p> <p>Listed building application for internal and external alterations to facilitate the phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis) one 3-bed and two 5-bed cluster flats, and 32 residential studios (C3) and gym area, erection of two 2-storey rear extensions and demolition of existing rear extensions</p>
<p align="center">Name of Applicant</p> <p align="center">Bargh Estates & Cityblock Ltd</p>		<p align="center">Name of Agent</p> <p align="center">Mr Chris Bradshaw</p>
<p align="center">Decision Target Date</p> <p align="center">Time extension agreed until 20 December 2016</p>		<p align="center">Reason For Delay</p> <p align="center">Addressing Officers' concerns on 16/00274/FUL</p>
<p>Case Officer</p>		<p>Mr Mark Potts</p>
<p>Departure</p>		<p>No</p>
<p>Summary of Recommendation</p>		<p>Approval (To be referred to the Secretary of State for consideration)</p>

1.0 The Site and its Surroundings

- 1.1 The wider site, its surroundings and buildings are as described in the accompanying planning application, 16/00274/FUL, which also appears on this Planning Committee agenda.
- 1.2 The Waring and Gillows Showroom is a Grade II Listed building located within the Lancaster Conservation Area, built in 1882 of coarse dressed sandstone with ashlar dressing under a slate roof. The building possesses twin flue chimney stacks on either side of the entrance bays with an 18 bay façade in a free Elizabethan style with three storeys plus cellars and attics. In the interior this has been significantly modified for the nightclub use though the original staircase is still in-tact together with the original cast iron columns.

2.0 The Proposal

- 2.1 Listed building consent is sought for works to the Gillows building for the change of use to provide 98 bedrooms consisting of a range of studio and cluster flats. Externally the works proposed include the removal of the two existing stair towers to the rear (with part removal to facilitate phase 1 – as noted within the Committee report for 16/00274/FUL Paragraph 2.2 of the report to Committee), replacement windows and roof, replacement of defective stonework, repair of rainwater goods, replacement roof light and sealing of basement vents. To facilitate the introduction of two glazed extensions to the rear there would need to be the removal of stone lintels, transoms, mullions and sills to allow for bedroom space to be extended.
- 2.2 Internally the scheme proposes to remove partitions, suspended ceilings, raised floors and floor finishes associated with the nightclub use, the provision of mezzanine floors at ground, first and second floors, removal of timber panelling beneath the main stair to facilitate the new rear entrance and insertion of new stairs to first and second floors. To the rear a new glazed access would be created.

3.0 Site History

Application Number	Proposal	Decision
16/00274/FUL	Phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis), one 3-bed and two 5-bed cluster flats and 32 residential studios (C3) and gym area with associated internal and external alterations, erection of two 2-storey rear extensions, associated landscaping and car parking and Relevant Demolition of existing rear extensions	Pending decision
15/00878/PRETWO	Change of use from nightclub to student accommodation	Determined
97/01036/CU	Change use basement, part ground floor to Class A3 (Food & Drink), part 1st & 2nd floor to Night Club, & retain remainder of ground & 1st floor for Class A1 (Retail) use, including 2 external staircases & alterations to frontage	Approved

4.0 Consultation Responses

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

Consultee	Response
Historic England	No observations to make on the scheme (local guidance to apply).
Conservation Officer	No Objection. The development will be an enhancement and enable appreciation of the Grade II Listed building.
Victorian Society	Objection to the development on the basis that the heritage statement fails to comply with Para 128 of the NPPF. They also raise concerns with: <ul style="list-style-type: none"> • Replacement of the windows with double glazed units; • Installation of the mezzanines throughout the building including the transom panel at first floor level; and • Inappropriate glazed elevations towards the rear.
Civic Society	No Objection overall to the scheme, welcoming proposals to restore the building.
Ancient Monuments Society	No observations received within the statutory consultation period.
Society of the protection of ancient buildings	No observations received within the statutory consultation period.
Georgian Group	No observations received within the statutory consultation period.
The Council for British Archaeology	No observations received within the statutory consultation period.

5.0 Neighbour Representations

5.1 Whilst no letters have been received directly in relation to this Listed building application there have been **666** letters of representation received in response to the 16/00274/FUL application, of which **664** object to the proposal for the following reasons:

- Noise complaints will come from the students who will reside in the Gillows;
- Too close to the Sugarhouse Nightclub and will create unacceptable noise levels for occupiers; and
- Threaten the viability of the Sugarhouse and jeopardizing Lancaster's night-time economy.

One letter neither objects nor supports the proposals and has been received from Crown Furniture, who is the current tenant operating the Livingwoods furniture shop, expressing concerns with tenancy arrangements (which is not a planning consideration).

One letter of support has been received that the principle of the development is a good idea.

In addition to the above there have been **121** standard postcards received stating the following:

- Too close to the Sugarhouse Nightclub
- Threatening the viability of the Sugarhouse

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

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

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

6.2 Development Management DPD

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

7.0 Comment and Analysis

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

7.1 External Alterations

7.1.1 The proposed amendments to the façade fronting North Road consists of replacing the existing timber sash windows/later louvres with replacement steel casement windows with acoustic glazing in a yale grey colour with top hung casement opening lights. Whilst the windows do not look to replicate timber casings, the steel windows are considered appropriate, though a condition should be imposed requiring precise details, including a further cross section of the windows showing the relationship with the additional glazing required. The entrance which used to serve Mojos/Toast is proposed to be reinstated with the original window fenestration together with repairs to the building include re-roofing (with slate), patch repointing and stonework repair, and repairs to rainwater goods. All these works are considered acceptable and would help preserve the building.

7.1.2 To the rear elevation there would be significant change with the two external stair towers being removed to make way for two new glazed extensions. However, to facilitate this there would need to be alterations to the existing windows to create door openings from the proposed bedrooms into the new extension. The loss of original stone mullions, sills (and the wall beneath the sill) and transoms are considered harmful to the building. However, this does not amount to substantial harm. Whilst the glazed extensions are discussed in further detail within the application for

16/00274/FUL, it is deemed that they are considered to be complementary and innovative to the existing building.

7.2 Internal Alterations

7.2.1 As noted previously, the building has been heavily modified to be used as a nightclub and bar and the proposal involves a large degree of demolition of the later partitions/suspended ceilings. It is considered that the original building's fabric will be revealed by some of these removals (such as revealing the impressive stained glass window to the rear of the building). Mezzanine floors are proposed on the ground, first and second floor. Inevitably the new mezzanine floors will have some impact on the historic fabric and notably the transom panel that is proposed on the first floor mezzanine windows. This is proposed to be 110mm deep and on balance whilst there would be some harm created by the introduction of this panel it would not amount to substantial harm. The development would include partition walls to create studios and cluster flats, and therefore the openness of the building would be lost as a result of this development.

7.2.2 To facilitate access, the alteration works within the main entrance would involve the opening up of previously blocked openings, revealing mullioned windows within the rear wall. There will be a need to removal a limited amount of timber panelling beneath the main stairs. However, the applicant is amenable to relocating the panelling elsewhere within the building. This is seen as appropriate and could be conditioned as such. The cast iron columns and internal window surroundings will be retained as part of this development.

7.3 Overall Considerations

7.3.1 The Victorian Society has concerns regarding the quality of the supporting information, as they consider the applicant's heritage assessment fails to comply with the guidance contained within Paragraph 128 of the NPPF. No objection has been received from the Council's Conservation Officer (nor do they consider that the heritage statement fails to meet the requirements of Paragraph 128 of the NPPF). The Victorian Society raises concerns with the introduction of mezzanines, the transom panel at first floor mezzanine level and also the unjustified removal of a large amount of the historic fabric at the rear of the property, together with concerns regarding replacing the windows with double glazed units. The Council's Conservation Officer has no objections to the glazing aspect of this development, though there are two attractive stained glass windows on either side of the main entrance to the building and it is recommended that these remain as part of this proposal (to be addressed by means of planning condition). The points that the Victorian Society raises regarding the transom panel, introduction of mezzanines and the loss of fabric to the rear are all noted but none of these changes either on their own or cumulatively would amount to substantial harm. Lancashire Archaeological Advice Service have not commented on the proposal but in the interests of conserving heritage it is considered appropriate that a building recording is imposed by way of planning condition should Members determine to approve this application.

7.3.2 Given the objection from the Victorian Society (as they are one of the National Amenity Societies), and they maintain an objection against a planning application which recommends approval of certain works to a Grade II Listed building, it is considered that the Listed Building Consent application would require referral to the Secretary of State.

7.3.2 On balance whilst there would be harm to the rear of the building to facilitate the glazed links it is not considered that this would amount to substantial harm and it is considered the development would help to seek to preserve and enhance the Conservation Area in accordance with Policies DM30, DM31 and DM32 of the Development Management DPD. The less than substantial harm caused by the proposal is outweighed by the public benefits of the scheme, including finding a viable and sustainable use for the future of an important and impressive Listed building in the city centre.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The details contained within this Listed building application are acceptable and whilst there is a certain level of intervention proposed this would not lead to substantial harm. The Council's

Conservation Officer is supportive of the proposal, which will bring a significant Listed building back into use, restoring and conserving its historic fabric which will be beneficial to the Conservation Area. However, due to one of the National Amenity Societies (Victorian Society) objecting to the proposal, the application will need to be referred to the Secretary of State.

Recommendation

That, subject to the referral to the Secretary of State resulting in no adverse response, Listed Building Consent **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale for Listed Building Consent
2. Works in accordance with approved plans
3. Building Recording
4. Details of external materials required:
 - New windows (colour and finish);
 - Front doors;
 - Rainwater goods;
 - Doors (colour and finish);
 - Conservation rooflights;
 - External vents and extraction;
 - Rear Glass façade materials, materials to be utilised for the lowering of the existing staircase;
 - New stone lintels, cills and details of lime putty for stone roof features; and
 - Retention of the stained glass windows adjacent to the main access door.
5. Details of external works required:
 - Stonework repairs, including sample of mortar/pointing;
 - Replacement roof;
 - Cross sections of windows and transoms;
 - Removal of the external metal cage (covering stained glass) – Holes to be made good;
 - Details of any cleaning method (including stone and stained glass windows); and
 - Surfacing materials for rear amenity space
6. Details of internal materials required:
 - New internal doors;
 - New staircases;
 - Transom panels; and
 - Mezzanine floors
7. Details of internal works required:
 - Works to staircase;
 - Schedule of repairs to decorative plasterwork;
 - Details of transom panel to mezzanine;
 - Details of structural steelwork required to create the mezzanine; and
 - Cast iron columns to be retained as detailed on plan

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

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

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

Background Papers

None.

Agenda Item A7	Committee Date 12 December 2016	Application Number 16/01183/VCN
Application Site Lancaster Leisure Park Wyresdale Road Lancaster Lancashire	Proposal Erection of 71 dwellings including associated parking and landscaping (pursuant to the variation of condition 2 on planning permission 12/01109/FUL to vary the amended plans)	
Name of Applicant Mr James Carman	Name of Agent	
Decision Target Date 29 January 2017	Reason for Delay N/A	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Approval subject to a Deed of Variation to the extant Section 106	

1.0 The Site and its Surroundings

- 1.1 The 2.31 hectare application site is situated on the east side of Lancaster within the Lancaster Leisure Park complex that falls between the M6 motorway and the residential area known as Golgotha. The site is bounded by an abattoir and the Leisure Park's main car park to the west, open fields to the south west and south east, The Ashton Guest House and Well House Farm to north east and Wyresdale Road to the north. Development on the site begun in 2014 with the new housing estate substantially complete.
- 1.2 The M6 motorway and Golgotha command higher positions to the east and west respectively with the application site sat within the bottom of a shallow valley between these 2 features. The site is generally flat on the western half of the site gradually climbing towards the eastern boundary. There are trees to the Wyresdale Road frontage, along the western side of the access road, to the south west boundary and on the boundary with The Ashton and Well House Farm (protected by Tree Preservation Orders).

2.0 The Proposal

- 2.1 Planning permission was granted in 2014 for the erection of 71 dwellings, access and landscaping under planning permission 12/01109/FUL. The majority of the units associated with the extant planning permission are built, with many of them occupied. This application seeks to remedy a breach of planning control associated with Plots 36 and 37 which are substantially complete despite their footprint being up to 1 metre different to that approved as part of the original application. A minor change is also proposed to the house type on Plot 37 from a conventional gable to a part hipped roof.
- 2.2 The original red edge plan which was approved in 2014 included land outside of the applicant's control, which has only recently come to light. The applicant seeks to correct this via this application. The parking spaces associated with the courtyard units (Plots 16, 17, 18, 19 and 20) are also different compared to the approved plans and therefore this application seeks to remedy this breach of planning control also.

3.0 Site History

3.1 There is a long and varied planning history across Lancaster Leisure Park, but the most relevant to this proposal relates to a planning consent for the 71 dwellings granted in 2014.

Application Number	Proposal	Decision
12/01109/FUL	Erection of 71 dwellings including associated parking and landscaping	Approved

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	No objection.
County Highways	Initial objection on the basis that the applicant's original application form discussed varying condition 3 which referred to surfacing materials. However, following re-consultation no objection is raised to the amendments.
Tree Protection Officer	Initial objection as the AMS and TWS were unacceptable. Following the receipt of additional information the objection has since been removed and no objection has been raised.
Lead Local Flood Authority	No observations received within the required timescales

5.0 Neighbour Representations

5.1 No representations have been received.

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

6.3 Lancaster Core Strategy
SC1 Sustainable Development
SC3 Rural Communities
SC4 Meeting the District's Housing Requirements
SC5 Achieving Quality in Design

6.4 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

6.5 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

7.1.1 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 (amendments that are more than 'non-material' but are such that the amendments would not result in a substantially different development to that approved).

7.1.2 In the summer of 2016 Officers were contacted by a local resident who felt that two of the houses (plots 36 and 37) were being built closer to his boundary than that shown on the approved plans. Following a site visit in August 2016 it was deemed that the original red edge plan included land outside the control of the applicant and the resident's concerns were fully justified as the approved plans showed a larger buffer between plots 36 and 37 and the property known as Well House Farm (plot 37 was proposed at 4.5 metres compared to 1.3 metre, which is currently the case). The applicant has sought to regularise this issue and has supplied a new red edge plan together with an amended site layout plan which shows the units in the "as built" positions. Whilst the applicant admits an error with respect to the plans, plot 37 is still in excess of 35 metres from Well House Farm and therefore is well in excess of the distances required by Policy DM35 of the DM DPD which would require 12 metres between habitable windows and a blank elevation.

7.1.3 Whilst plot 37 is slightly outside of its originally permitted location, the applicant has tried to minimise the impact of the development on Well House Farm by changing the roof from the permitted gable to a hipped roof on the elevation towards Well House Farm. This has been arrived at following discussions between Miller Homes and the resident at Well House Farm. In design terms the change does appear quite alien given all the other properties have the standard gable. The applicant has shared a street scene drawing to show how this would look, and it is noted that this is an end property and so views to it will be relatively constrained. The amendment helps to further limit impact on Well House Farm and therefore is supported.

7.2 Trees

7.2.1 Plots 36 and 37 are in close proximity to trees that benefit from Tree Preservation Orders, and the Local Authority is currently investigating alleged damage to these trees (court proceedings are ongoing). This has occurred due to ground works and inadequate tree protection measures. The Local Authority is of the opinion that a large mature Horse Chestnut tree (referred to as T22 on the applicant's statement – to the north of plot 36) has sustained damage to its root system. The applicant was wishing to remove a significant amount of live branches from the southern and eastern aspect of the horse chestnut canopy without a period of recovery or monitoring of the tree's ongoing health, vitality, and stability. This was unacceptable. The applicant was also proposing to undertake works to a mature, 13m high Beech tree, which include raising the overall canopy height to 6m above ground level. Again this is considered excessive and would result in an adverse impact from an amenity perspective (loss of amenity to this trees). An amended statement has since been received with the applicant removing the crown lift element on the Beech tree and the works proposed to the Horse Chestnut tree and therefore the proposals can now be supported.

7.3 Highways

7.3.1 The application seeks to regularise the parking arrangements associated with plots 16, 17, 18, 19 and 20. The change is minor and County Highways raises no objection to this amendment and therefore can be seen on balance to be acceptable.

7.4 Other Matters

7.4.1 The original planning permission required the onsite play facility to be operational by the time 35 units had been occupied. This has been exceeded. The applicant has stated that due to them providing the affordable housing units early in the development this has changed the route of the build programme, and if the play area was constructed in accordance with the condition there would be issues associated with health and safety (given in essence the play area would be located within the centre of a building site). The applicant should have sought to modify the condition earlier. However, they have stated that the play area will be implemented within the next two months and that this can be conditioned (should Members choose to support the scheme).

7.4.2 There are off-site highway measures which included the extension of the existing 30mph zone, cycle improvement, bus stop upgrades, traffic calming gateway and kerb line reconfiguration at the Wyresdale Road and Coulston Road junction. This has still to materialise and should have been implemented prior to the occupation of the first unit. Officers are aware that discussions are now taking place with the County Council (as the Highway Authority). However, a condition should be imposed ensuring the works are carried out in the shortest possible timescale (acknowledging the works do require the County Council to undertake them).

7.5 Conditions

7.5.1 In addition to the conditions already imposed on the original consent, which will be amended where appropriate to take into account those details which have approved, it is considered reasonable to attach a condition requiring details of the boundary fencing between plot 37 and Well House Farm to be addressed.

8.0 Planning Obligations

8.1 A deed of variation to the extant Section 106 is required as part of any approval to ensure that the requirements of the Section 106 carry forward to the varied consent.

9.0 Conclusions

9.1 Several breaches of planning control associated with this site have occurred which has resulted in alleged damage to a tree that benefits from a Tree Preservation Order. This is being investigated independently with this matter being presented to the Magistrates Court in December 2016. Notwithstanding this, the applicant has sought to address some of these concerns via the submission of this planning application and on balance the modifications can be found acceptable and therefore it is recommended that the application can be supported.

Recommendation

That Planning Permission **BE GRANTED** subject to the signing and completion of a Deed of Variation and the following conditions (though if the Deed is not signed and completed on or prior to the determination date the application is to be refused):

1. Standard 3 year timescale – **Remove**
2. Development in accordance with approved plans – **Amend**
3. Materials - elevational and roof, surface and site/plot boundary treatments –**Revise**
4. Sustainable construction - affordable housing to meet at least Code level 3 and open market housing to exceed Building Regulations 2010 Part L levels by at least 10% - **Retain**
5. Highway access - details required to Lancashire's adoptable standards – **Amend**
6. Visibility splays - provision and protection – **Retain**
7. Off-site highway works:
 - cycle improvements along Wyresdale Road
 - upgrades of the closest bus stops to Quality Bus Stops
 - Traffic Regulatory Order for the extension of the existing 30mph zone along Wyresdale Road
 - reconfiguration of kerb lines at the junction within Wyresdale Road / Coulston Road
 - traffic calming gateway to Wyresdale Road including pedestrian refuse and street lighting**Amend**
8. Construction Method Statement incl. dust control and wheel cleaning facilities – **Amend**
9. Separate drainage system – **Retain**
10. Development to be carried out in accordance with revised (10 October 2013) FRA and Drainage Strategy Report – **Retain**

11. Scheme for surface water drainage to be designed to a 1 in 100 year plus climate change critical storm to prevent risk of flooding off site – **Amend**
12. Tree protection plan – **Amend**
13. Arboricultural Method Statement and Tree Works Schedule – **Amend**
14. Landscaping scheme - details required. To be maintained at all times thereafter – **Amend**
15. Public open space and equipped play area provision - details required. To be maintained at all times thereafter – **Amend**
16. No pile driving – **Retain**
17. Hours of construction - 0800-1800 Mon to Fri and 0800-1400 Sat only – **Retain**
18. Standard land contamination condition – **Amend**
19. Prevention of new contamination – **Amend**
20. Importation of soil, materials and hardcore – **Amend**
21. Bunding of tanks – **Amend**
22. Ecology Measures - **Retain**
23. Garages solely used for vehicles – **Retain**
24. Cycle Storage / Bin Store– **Amend**
25. Car Parking Areas brought into use –**Retain**
26. Travel Plan – **Retain**
27. In accordance with Noise Mitigation - **Retain**

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.

Background Papers

None

<p>Agenda Item</p> <p>A8</p>	<p>Committee Date</p> <p>12 December 2016</p>	<p>Application Number</p> <p>16/00745/OUT</p>
<p>Application Site</p> <p>Land Rear Of Ingleborough View Station Road Hornby Lancashire</p>	<p>Proposal</p> <p>Outline application for the development of 11 residential dwellings and creation of a new access</p>	
<p>Name of Applicant</p> <p>Mr & Mrs Norris</p>	<p>Name of Agent</p> <p>Mr Avnish Panchal</p>	
<p>Decision Target Date</p> <p>18 November 2016 Extension of time agreed to the 15 December 2016</p>	<p>Reason For Delay</p> <p>Submission of additional information</p>	
<p>Case Officer</p>	<p>Mrs Jennifer Rehman</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Refusal</p>	

1.0 The Site and its Surroundings

- 1.1 The application site comprises 1.2 hectare of improved grassland pasture located behind Ingleborough View, south west of Station Road, on the southern outskirts of the settlement of Hornby. The site is divorced from the village core by the disused railway line which previously separated Hornby from the cluster of development at Butt Yeats. The application site and surrounding area are located within the northern fringe of the Forest of Bowland Area of Outstanding Natural Beauty (AONB). It is also land identified as 'Countryside Area' in the saved Local Plan. Hornby's Conservation Area lies to the north of the disused railway line covering the historic core of the village and castle. The application site is outside of this designated heritage asset. There are no protected trees within the site or on neighbouring land that could be affected by the proposals.
- 1.2 The site relates to the eastern part of a larger pastoral field. It is bound by the B6480 Wennington Road to the south; the remaining part of the field to its western boundary; the disused railway line and the residential development at Station Court to its northern boundary; and a row of semi-detached and terraced 2-storey houses known as Ingleborough View, Low barn (a residential property) a sub-station and Station Road to the site's eastern boundary. There is also an area of public open space (designated as PPG17 land) to the north of the application site situated between Station Court and Station Way Industrial Estate. A small cluster of development around the Butt Yeats junction is located to the south east of the site on the south side of Wennington Road with a further small residential complex, known as Lunesdale Court, around 180m to the south west of the site.
- 1.3 The site is enclosed predominately by native hedgerows, particularly to the northern and southern boundaries. The eastern boundary is made up of a mix of boundary treatment including stone walls, post and wire fences and hedgerows as they make up the domestic curtilages of neighbouring residential property. There are a small group of trees located on this eastern boundary separating the site from Station Road, close to the narrow bridge. The site is accessed by an existing field access off Station Road between Low Barn and 8 Ingleborough View.

1.4 Land levels rise gradually from an elevation around 35.8mAOD in the south eastern corner of the site (close to the existing access) to 40.8mAOD at the mid-point along the proposed western boundary of the site. At this highest point the levels then drop steeply towards the northern boundary where the site is elevated at approximately 29mAOD. The site is located outside of flood zones 2 and 3 and is not located in an area identified as being susceptible to surface water flooding (other than along the northern boundary where Mears Beck runs in an east-west direction). The site is located in a Mineral Safeguarding Area.

2.0 The Proposal

2.1 The application seeks outline planning permission (all matters reserved except for access) for the erection of 11 dwellings with an associated vehicular access off Wennington Road. The site includes land to accommodate a northern pedestrian link between the proposed field and the public open space to the rear of Station Court. This link will cross Mears Beck. The proposal also includes opportunities for links to Station Road via the existing field access and adjacent to the land subject to planning permission 15/00117/OUT for a single dwelling adjacent to the existing substation on Station Road.

2.2 The proposed access is applied for in full and is illustrated on the amended site plan. The access is a typical priority controlled junction from Wennington Road with a 2m wide footway to the western side of the junction. The access originally included a 2m wide footway on the eastern side of the access but this was removed as it was regarded superfluous and potentially dangerous given the lack of pedestrian footway along Wennington Road to the junction with Station Road.

2.3 The amended access arrangements involve the retention of the existing hedgerow to the eastern side of the access but the setting back of the field boundary and subsequent hedgerow translocation to the western side of the access in order to achieve appropriate sightlines. As part of the proposed access the scheme incorporates a new 2m wide footway on the northern side of Wennington Road from the new access westbound to the existing bus stop located opposite Lunesdale Court. This extends approximately 140m from the centre point of the proposed access

2.4 The proposal includes five affordable dwellings. Whilst the layout, scale, appearance and landscaping are matters reserved for subsequent approval, the application includes a landscape strategy and suggests that the scale of development is likely to be two storey with dwellings finished in traditional materials. The application indicates boundary treatments would comprise thorn hedging complimented by natural stone walling. This information is illustrative only and does not form part of the detailed consideration of the application.

3.0 Site History

3.1 The proposal has been subject to Level 1 Pre-application Advice with the local planning authority, which advised that the principle of the proposal was acceptable, subject to various matters being adequately addressed at the formal planning stage, including pedestrian connectivity and the provision of a suitable access, the provision of affordable housing, high quality design and landscape impacts, drainage, ecology and that existing and proposed residential amenity is protected.

3.2 The site has not been the subject to any formal planning applications previously. However, there have been a number of planning applications within the immediate vicinity of the site that are of relevance to this case (see below and over).

Application Number	Proposal	Decision
15/00117/OUT	Outline application for the erection of a single 3-bed dwelling with associated access.	Permitted <i>This site is located adjacent to No. 1 Ingleborough View and existing sub-station and is adjacent to the proposed site.</i>
14/01030/FUL	Erection of 9 dwellings and associated access	Permitted <i>This site is located opposite Ingleborough View and is currently under construction. This was permitted with contributions towards affordable housing and off-site public open space.</i>

14/01151/FUL	Demolition of former hairdressers and erection of a single storey dwelling with associated access	<p style="text-align: center;">Permitted</p> <p style="text-align: center;"><i>This site is located on the other side of the road bridge adjacent to land owned by the applicant.</i></p>
13/01205/FUL	Erection of 8 2-storey dwellings with associated access, landscaping and car parking	<p style="text-align: center;">Refused</p> <p style="text-align: center;"><i>This site relates to the public open space referred to in this report and is owned by the City Council, to the rear of Station Court.</i></p> <p style="text-align: center;"><i>This was refused on the grounds of potential noise impacts and subsequent impacts on residential amenity due to the incompatibility with the adjoining employment land</i></p>

4.0 Consultation Responses

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

Consultee	Response
County Highways	<p>No objections. The link via the public open space to Station Court is an essential pedestrian link, advising that if this link is not achievable then they would have to recommend refusal. Conditions recommended include Construction Management; construction of the access to Wennington Road to be adoptable standard before any development commences; scheme for off-site highway works, including pedestrian links and speed reductions to Wennington Road in the vicinity of the site; and protection of visibility splays. NB: <i>LCC Highways originally sought a contribution towards public transport facilities. This request has subsequently been withdrawn on further investigation that the obligation would not meet the tests set out in the NPPF.</i></p>
Lead Local Flood Authority	<p>No objection subject to conditions relating to a surface water drainage scheme as part of the reserved matters application</p>
United Utilities	<p>No objection subject to conditions relating to foul and surface water to drain on separate systems; detailed surface water drainage scheme and management and maintenance of drainage scheme. UU advises that a public sewer crosses the site and that no building can be permitted over its easement (3m either side of the sewer). NB: <i>the sewer is located in the northern corner within the indicative public open space area and therefore is unlikely to cause a significant problem.</i></p>
Natural England	<p>No objection - unlikely to affect any statutory designated conservation sites; the development is in the AONB and due regard should be given to NPPF paragraph 115 of the NPPF. Consultation is recommended with the relevant AONB Partnership or Conservation Board; Standing Advice is provided in relation to Protected Species; and the application provides opportunities to incorporate features into the design to enhance biodiversity.</p>
County Council (Strategic Planning)	<p>No objections subject to a contribution of £20,303.59 for 1 secondary school place based on their adopted methodology. No contributions for primary school places are sought.</p>
Parish Council	<p>No objections. The Parish Council is supportive but have raised concerns over traffic and highway safety at the Butt Yeats junction and would like to see a reduction in the speed limit at this point; queries raised over the pressure on the current drainage system, the adoption of the new footpath and maintenance of existing hedgerows; no issues raised with the proposed footpath from the site to Station Court and see it as a great benefit to residents as it will provide a safe access to the village; and in terms of public open space, the Parish has identified that the amenity space which is located to the rear of Station Court could be utilised as a small play/seating area and the existing park would benefit from upgrading/new equipment. They have also indicated that the Village Institute and swimming pool are under threat and the Parish is keen to support their retention.</p>
Forest of Bowland Area of Outstanding Natural Beauty	<p>Objection. The scheme is considered 'major' (in relation to its AONB designation) and so paragraph 115 of the NPPF applies. Development is likely to impact on the landscape character of the AONB and none of the tests for major development</p>

	proposals in the AONB have been adequately considered. This siting of the development is likely to have significant visual effects and impact on local views, some of which are unlikely to be ameliorated by any landscaping measures.
Greater Manchester Ecology Unit	No objection subject to conditions relating to new landscaping to compensate for the loss of hedgerows which have some local ecological value (SUDS could be incorporated into the landscaping proposals to enhance the wildlife value of the site); and prevention of hedgerow removal during the bird nesting seasons.
Tree Protection Officer	No objection. Initial objections have been removed following the submission of a satisfactory proposals for hedgerow translocation. Conditions are recommended relating to the Landscape Scheme to be implemented in full and development to be carried out in accordance with AIA and Hedgerow Translocation Method Statement. <i>NB: The applicant is not applying for Landscaping and so the first recommended condition would not be imposed in the event of an approval.</i>
Lancashire Archaeological Advisory Service (LLAS)	There are a significant number of known heritage assets in the general area, the closest being the Grade II Listed medieval cross at Butt Yeats crossroad. There are no known heritage asset within the site. However, given archaeological investigations and recording at Strands Farm which revealed remains of medieval periods and knowledge of Roman Roads suggested to be running on the lines of Station Road, together with 'native' settlements across the landscape, an archaeological investigation should be carried out and a heritage statement submitted prior to determination. Following the submission of a Heritage Statement, LAAS has provided further comments advising that the assessment in relation to archaeology is wholly inadequate and does not comply with the requirements of the NPPF.
Property Services (Lancaster City Council)	The footpath between 6 & 7 Ingleborough View is owned by the Council with both adjacent properties having rights of access over it. They advise consultation be undertaken with the Council's Council Housing Services regarding the use of the path for pedestrian access. <i>NB: this link has now been removed from the proposal.</i> They also advise that the land to the north is licenced to the Parish Council to maintain the informal recreation space and consultation with them should be carried out. Property Services advises that there is insufficient detail to understand the impact of the path on the existing development (Station Court) and Council land and that the proposals should not prejudice the ability for future development of this land. <i>NB: Further information has been provided in respect to the link. It is understood that the applicant's agent is in discussions with Property Services regarding this matter.</i>
Public Realm Officer	No objections subject to the provision of an amenity space to be provided on site (minimum of 200m ²); northern footpath link not to be separated (fenced off) from the public open space to the rear of Station Court; and a (maximum) contribution of £35,593 towards off-site public open space.
Strategic Housing Officer	No objection as the scheme is proposing 5 affordable housing units on site. Comments have been received in relation to the tenure mix/house types which could assist any subsequent reserved matters application.
Environmental Health Service	No objections subject to conditions relating to hours of construction; dust control and standard contamination conditions.
Electricity North West (ENW)	The development lies adjacent to ENW operational land. The development must not encroach this land or any associated easements. Records show a 33kV cable running across the site through plots 9, 10 and 11. Should the cable require diverting the costs would be borne by the developer.
Lancashire Constabulary	No objections. Security recommendations include external doors and windows to be enhanced security standard; design to Secured by Design Initiative; boundary treatments to sides and rears to be 1.8m high; and security lighting and intruder alarms fitted to dwellings.
Lancashire Constabulary (Traffic)	No objection. Contrary to popular belief there is not a significant collision problem at this location. The proposed new access has visibility splays suitable for traffic speeds in the region of 40mph. There is a preference to see a reduction in the speed limit to 40mph consistent with the visibility splays proposed but based on the evidence provided in the transport assessment technical note, the Constabulary (Traffic) has no objections to the proposed new access.

5.0 Neighbour Representations

5.1 At the time of compiling this report 14 letters of opposition have been received. The reasons for opposition are summarised as follows:

- Private amenity concerns, including loss of privacy (via pedestrian link to Station Road); overlooking due to land level differences; loss of light, additional noise and disruption;
- Traffic and highway concerns, including increase in traffic on the B6480 which is narrow with substandard pavements; concerns regarding junction with Station Road; and poor visibility on a 60mph road;
- Landscape concerns, including impact upon AONB; loss of green fields and rural landscape;
- The proposed plot 2 is a private access for 4 & 5 Ingleborough View only. The use of this access would also reduce security of neighbouring gardens and safety of children. *NB – this has now been omitted;*
- Provision of a footpath from site to Lunesdale Court manipulates local residents to support the application. Local residents have been asking the applicant for many years to provide a footpath on his land with no success;
- Site is not within Council's future development plans - there are other sites identified for development in the SHLAA (241 with 9 dwellings planned, site 245 with 20 dwellings planned, and site 712 with 123 dwellings planned);
- The 9 dwelling scheme opposite Ingleborough View is already having a negative impact.
- Precedent for future development;
- Increase pressure on existing services, particularly sewerage;
- Concerns regarding surface water drainage;
- Flood Risk Assessment is inaccurate and does not account for the 2015 floods

5 letters of support (or broad support) with following comments/concerns:

- The proposal is in keeping with the character of the area and the access road will improve sight lines along the B6480;
- New dwellings and families help to support the local economy and sustain services;
- The provision of the footway is supported and would improve access from Lunesdale Court (15 properties) to the village and local bus services;
- Despite support in principle there remains some concerns over increased traffic, speed limits and need for traffic controlled junction at Butt Yeats and traffic calming measures;
- A condition of support would be that no further developments in the vicinity of the site; and
- The provision of more affordable housing is needed in the village.

1 letter raising a number of queries for consideration:

- Queries the Highway Authority's view of the proposed access;
- Need for traffic calming measures as the road is very dangerous;
- Concerns over flooding and that additional development could increase flood risk elsewhere noting that the culvert under the A683 cannot cope at present. Asks that a condition be imposed preventing further development in the area. Notes that the FRA does not take account of changes to land levels as a consequence of the development;
- Concerns over the lack of information about the changes to the site contours.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles
Paragraph 32, 34, 35 and 38 - Access and Transport
Paragraphs 47, 49, 50 and 55 - Delivering Housing
Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design
Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities
Paragraph 103 – Flooding
Paragraphs 109, 115,116, 117,118 – Conserving the Natural Environment
Paragraph 120 – Risks from Pollution (contamination)
Paragraph 123 - Public health and noise considerations
Paragraphs 128-134 – Conserving and Enhancing the Historic Environment

Paragraphs 142 and 144 – Facilitating the sustainable use of minerals
Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

- 6.2 Lancaster District Core Strategy
SC1 – Sustainable Development
SC4 – Meeting the District’s Housing Requirements
SC5 – Achieving Quality in Design
SC8 – Recreation and Open Space
E1 – Environmental Capital
E2 – Transportation Measures
- 6.3 Lancaster District Local Plan (Saved Policies)
E3 – Development Affecting Areas of Outstanding Natural Beauty
E4 – Development within the Countryside
- 6.4 Development Management DPD
DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM32 – The Setting of Designated Heritage Assets
DM34 – Archaeology
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth
DM48 – Community Infrastructure
- 6.5 Joint Lancashire Minerals and Waste Local Plan
M2 – Safeguarding Mineral Sites
- 6.6 Other material considerations
National Planning Policy Guidance
Meeting Housing Needs Supplementary Planning Document
Lancaster City Council 2015 Housing Land Supply Statement
Forest of Bowland AONB Management Plan
Forest of Bowland AONB Landscape Character Assessment
Lancashire Landscape Strategy including Lancaster Character Assessment
Guidance Note on Policy M2 – Safeguarding Minerals, December 2014
Section 11A(2) of the National Parks and Access to the Countryside Act 1949
Section 85 of the Countryside and Rights of Way Act 2000
- 7.0 Comment and Analysis**
- 7.1 The application raises the following key issues:
1. Principle of Development
 2. Housing needs
 3. Highways and accessibility considerations
 4. Impact on the AONB and Countryside Area
 5. Archaeology
 6. Drainage
 7. Residential amenity
 8. Ecological impacts
 9. Mineral safeguarding
- 7.2 Principle of Development

- 7.2.1 The Development Plan for the area comprises those policies of the Lancaster District Core Strategy (CS) and the more recently adopted Development Management Development Plan Document (DM DPD). It also includes some saved policies of the Lancaster District Local Plan. The overarching spatial strategy and growth levels for the District are set out in the CS, which adopts an urban concentration strategy and seeks to deliver housing growth equating to 400 dwellings per annum. The CS seeks to achieve sustainable development (SC1) by ensuring development is sited in sustainable locations. CS policy SC3 identified sustainable rural settlements where a proportion of growth (housing and employment) could be accepted. The recently adopted DM DPD provides greater opportunity for housing growth in key rural settlements. This is set out in policy DM42. Hornby is identified as one of the sustainable rural settlements, recognising the level of services available in this village to serve its rural community. As advised at the pre-application stage, the principle of new housing in Hornby is considered acceptable. However, any such proposal should meet a number of general planning requirements (set out in policy DM42) having particular regard to the specifics of the site and its surroundings.
- 7.2.2 The National Planning Policy Framework (NPPF) provides that policies of the development plan must only be afforded weight concordant with the degree to which they reflect the aims and policies of the NPPF. As part of the Council's work towards delivering a new Local Plan for Lancaster District and in accordance with the NPPF (paragraph 47), the Council has been reviewing the objectively assessed need (OAN) for housing in the District. This evidence demonstrates that the District's OAN is likely to exceed the current figure of 400 dwellings per annum set out in the CS (policy SC4).
- 7.2.3 Paragraph 49 clearly states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year housing land supply. It is not disputed that past housing delivery has been below the CS target and as a consequence (when taking account of the backlog arising from under-performance and applying the Sedgefield methodology) the Council cannot demonstrate a deliverable 5 year housing land supply. Paragraph 49 states that all housing proposals should be considered in the context of the presumption in favour of sustainable development. The presumption in favour of sustainable development specifically, (paragraph 14 of the NPPF) states that for decision-taking the means *"approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - *specific policies in this Framework restrict indicate development should be restricted."*

Consequently, housing in Hornby could be regarded as acceptable in principle (policy DM42), but this is subject to all other material considerations being appropriate to assess the application against the tests set out in paragraph 14 of the NPPF. The report shall now consider key material considerations in turn.

7.3 Housing Needs

- 7.3.1 The pre-ambles to policy DM42 states that the Council will support proposals for new housing development in rural settlements that have good access to an appropriate range of services that contribute to the vitality of these settlements. It goes on to state that proposals should have clear benefits for the local community and that they meet rural housing needs. The Council's Meeting Housing Needs SPD, which is informed by evidence from the District's Housing Needs Survey, indicates that the market housing needs for Hornby are predominately 2 and 3 bedroom properties. The affordable housing needs are also 2-bedroom properties. In terms of affordable housing provision, given the scheme is for more than 10 dwelling units on a greenfield site, up to 40% affordable housing on site should be provided in accordance with policy DM41.
- 7.3.2 The application is in outline form with matters such as scale and appearance reserved for subsequent approval. The applicant's indicative layout plan shows the provision of 11 units with a mix of detached, semi-detached and terraced units. The affordable housing statement indicates that the size of units would comprise three 2-bedroom units and eight 3-bedroom units. The application also confirms that 5 of the 11 units would be affordable which would be secured by legal agreement. Whilst the exact dwelling types/sizes are not being considered in full at this outline stage, the mix of dwelling types/sizes indicated would not be considered unreasonable. The Council's Strategic Housing Officer has raised no objections and indicated that based on the Council's affordable

Housing policy 50% of the units should be available for social rent and 50% for intermediate housing. In this case, given 5 units are proposed for affordable housing, the preference is for 3 rented units and 2 intermediate units.

7.3.3 Overall, the application adequately demonstrates that the proposal would positively contribute to meeting the local market and affordable housing needs in accordance with policies DM41 and DM42 of the DM DPD and the Meeting Housing Needs SPD. The applicant has agreed to secure the provision of affordable housing via a legal agreement in the event of a favourable decision.

7.4 Highway and Accessibility Considerations

7.4.1 The application has been supported by a Technical Note addressing highway/traffic considerations, a revised location plan extending the red edge of the application to incorporate land to the north to provide a suitable pedestrian link, and a revised site plan showing the proposed access and visibility splays. The access is proposed off the B6480 Wennington Road. Within the vicinity of the site, the B6480 is unlit, has no footways and is subject to the national speed limit of 60mph. It is a typical rural road bound by relatively high native hedgerows. Station Road links Wennington Road to the A683 at the junction with Butt Yeats. Station Road runs alongside Ingleborough View and is subject to a 30mph limit with a footway along the western side of the carriageway. Access to the village from Butt Yeats/Ingleborough View is restricted by the narrowing of the carriageway over the disused railway bridge to the north of the site where there is limited provision for pedestrians. In terms of highway matters there are two principle issues to address. The first relates to the appropriateness of the proposed vehicular access and the second relates to accessibility for pedestrians to the village services/facilities from the site.

7.4.2 The proposed vehicular access is located around 50m to the west of the access serving Green Close (a detached dwelling) on the south side of Wennington Road. The access is approximately 130m to the Butt Yeats junction (east of the site) and just under 200m to the access to Lunesdale Court, which is to the west of the site on the south side of Wennington Road. The proposed access has been positioned to maximise visibility in both eastbound and westbound directions and comprises a typical priority controlled junction off Wennington Road. The access has been designed taking account of appropriate speed surveys undertaken by the applicant with maximum visibility splays of 2.4m x 104m eastbound and 2.4m x 111m westbound. A new footway is incorporated from the new access towards Lunesdale Court, which extends beyond the required visibility splay by around 30m. Despite local concern over highway safety, in particular the proximity of the access to the junction of Butt Yeats, road alignment and restricted visibility and traffic speeds, County Highways has raised no objections to the proposed access arrangements. County Highways has, however, acknowledged local representations and support their and the Constabulary's request that the speed limit in the vicinity of the access be reduced to from 60mph to 40mph. The provision of the access and the investigation and implementation of an appropriate speed reduction scheme can be secured by way of planning condition. In terms of highway safety and suitability, the proposed vehicular access is considered compliant with relevant national and local planning policy.

7.4.3 The application has been amended to address concerns over pedestrian connectivity from the site to the village centre. This primarily includes an extension of the red edge to the north of the site to provide a footpath link from the site to the village via the public open space adjacent to Station Court, thereby avoiding the narrow bridge on Station Road. The location plan has also been amended to include the existing field access which is land within the applicant's control (blue edge) to provide opportunities for a safe pedestrian access to Station Road, where there is an existing bus stop. These amendments have been supported and were encouraged at the pre-application stage.

7.4.4 The delivery of this link is, however, subject to private negotiations with the appropriate landowners as the link is on land outside the applicant's control. The land to the north of Mears Beck, which the link would have to cross, is public open space (POS) owned by the City Council but leased and managed by the Parish Council. A small section from the POS to the public highway is understood to be in the same ownership as Station Court (a registered provider (RP)). The requisite Notices have been served. There have been no objections or representations received from the RP concerning the link proposals. In the case of the City Council, initial comments indicate that the Council has some concerns over the link and that they would not wish the provision of a link to prejudice the ability to develop their land. It is understood that there are negotiations ongoing.

- 7.4.5 The planning history section of this report references an application on the POS in question (13/01205/FUL). Whilst the City Council (in their property role) has not fully agreed for a footpath to be linked to their land, they have equally not said it is not possible. Their primary concern relates to whether the footpath link would prejudice the future development of the site. Having regard to the layout proposed as part of planning application 13/1205/FUL, there is no reason why the proposed link would prejudice a scheme similar to that previously submitted, or indeed would prejudice neighbouring development, subject to detailed design.
- 7.4.6 County Highways have made it clear that the provision of the northern link is essential and that failure to deliver this link would render the proposal unacceptable as it would lead to increased pedestrian movements along Station Road and specifically over the narrow bridge where footway provision is deficient. This would result in unsafe pedestrian movements between the site and the village centre and so the proposal would fail to comply with policy SC1 of the CS, DM DPD policies DM21 and DM35 and paragraph 32 of the NPPF. In the event of an approval, a Grampian condition could be imposed to ensure details of the proposed northern connection from the site to Station Court are agreed by the local planning authority and that the implementation of such be undertaken on site before the commencement of development. It is contended that the works associated with the provision of the pedestrian link to the village (avoiding the narrow bridge) are required to make the development acceptable and such a condition would meet the tests set out in paragraph 206 of the NPPF. This approach is also accepted by the Highway Authority.
- 7.4.7 The provision of pedestrian links to Station Road would provide direct access to the bus stop located outside Ingleborough View. The delivery and precise details can also be controlled by condition. A single link would be reasonable rather than the two suggested. It is anticipated that at the detailed design stage, the level differences between the site and Station Road in the vicinity of the link to the north of the sub-station may prove problematic and so utilising the existing field access to the south of 8 Ingleborough View may be the most feasible route. With regards to the proposed footway to Lunesdale Court, this is seen as betterment for the residents of Lunesdale Court, but ultimately it is not an essential requirement to make the development acceptable. Residents of Lunesdale Court are knowingly located outside the village with no safe pedestrian access to facilities/services.
- 7.4.8 In terms of the internal layout and parking provision, by in large these are details reserved for subsequent approval. The indicative plan has been revised to remove the originally proposed footway incorporated into the access arrangements to the east of the access toward Butt Yeats, namely because the footway was regarded superfluous and potentially dangerous given it was not connecting to a footway but an area of grass verge. Overall, subject to the imposition of conditions relating to the proposed pedestrian connections, the scheme can deliver safe and suitable access for all and supports appropriate pedestrian connectivity as required by policy SC1 of the CS, DM20 and DM21 of the DM DPD and paragraph 32 of the NPPF.
- 7.5 Impact on the AONB and Countryside Area
- 7.5.1 The proposed development is located within the Forest of Bowland AONB. Paragraph 115 of the NPPF states that *great weight should be given to conserving landscapes and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scene beauty*. Paragraph 116 goes on to state that *planning permission should be refused for major development in these designated landscapes except in exceptional circumstances and where it can be demonstrated they are in the public interest*. This national policy position is enshrined in the Local Plan policy DM28. Specifically, policy DM28 states that *proposals which would have a significant adverse effect upon the character of the landscape or which would harm the landscape quality.....will not be permitted*. Saved policy E3 echoes this approach and clearly states that development which would have a significant adverse effect upon the character and quality of the landscape will not be permitted.
- 7.5.2 The application has been submitted with a Landscape and Visual Impact Assessment (LVIA). Officers have assessed the scheme and the LVIA and in reaching this recommendation have had regard to Section 85 of the Countryside and Rights of Way Act 2000. This places a statutory duty on the local planning authority when assessing and determining a planning application within the AONB, to have regard to the purposes of conserving and enhancing the natural beauty of the AONB.
- 7.5.3 The FoB AONB Landscape Character Assessment characterises the application site and its landscape within the Lune Landscape Character Area (LCA) and Valley Floodplain Landscape

Character Type (LCT). The landscape is characterised as flat, wide floodplains of the River Lune surrounding by rolling drumlins and hills. The overall visual sensitivity within the Valley Floodplain Landscape Character Type is considered to be high, as a result of the generally strong indivisibility with surrounding higher landscape Character Types and the strong sense of openness within views along the valleys. The FoB Landscape Character Assessment specifically refers to the strong cultural pattern of hedgerows and stone walls which delineate field boundaries and contribute to high cultural sensitivity. This assessment goes on to state that as a result of the above factors, this Landscape Character Type is considered to have limited capacity to accommodate change without compromising key characteristics of this LCT. Wennington Road and land beyond to the south, in the vicinity of the application site, is defined within the FoB AONB Landscape Character Assessment as Caton LCA and Undulating Lowland Farmland and Wooded Brooked LCT. The key characteristics of this LCT relates to the patchwork of pasture field and wooded troughs and gorges; a network of hedgerows and stone walls that delineate field boundaries, and; scattered cottages and clustered villages. The Caton LCA specifically refers to minor roads lined by mature hedgerows with specific guidelines to ensure highway improvements respect and reflect local character.

- 7.5.4 The FoB Management Plan clearly sets out that all development is expected to conform to a very high standard of design, to be in keeping with local distinctiveness and should seek to conserve and enhance the AONB's natural beauty. Development that is considered to have a materially adverse impact can only proceed where it is demonstrated that it satisfies an over-riding national need (paragraph 116 of the NPPF).
- 7.5.5 The first step in the assessment of this proposal is whether the proposal should be judged 'major' in the context of paragraph 116 of the NPPF. The NPPG states that whether proposed developments within these designated sites should be judged 'major' will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The NPPF is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable. Case law is beginning to assist in the assessment of whether a proposal is regarded 'major' or not. It is clearly not based on a prescribed set of criteria, nor the definition of 'major' for the purposes of the Development Management Procedure Order, or if it requires EIA. It is a matter of a planning judgement for the decision maker in light of all circumstances and the context of the site.
- 7.5.6 In this case having regard to the scale and amount of development proposed, the landscape assessment and localised site constraints, Officers are satisfied that the scheme would *not* constitute 'major' development in its ordinary meaning. This is contrary to the interpretation of 'major' set out in the FoB AONB Officer comments. However, this does not diminish the great weight that should still be afforded to the protection of the AONB designation, nor does it alter the statutory purpose of the AONB designation which is to conserve and enhance the natural beauty of the area.
- 7.5.7 The LVIA indicates that site encompasses the eastern side of a drumlin and then looks at the site in two sub-areas. The northern sub-area relating to the part of the site that steeply slopes towards the northern boundary and the southern area which slopes more gradually toward the southern boundary. The assessment sets out the national and county character areas and types and considers the more recent FoB AONB Lancaster Character Assessment. It includes representative viewpoints and photomontages which were agreed with Officers in advance of the submission and then considers the predicted likely landscape and visual effects that would arise from the development. In addition to the LVIA a revised Arboricultural Implication Assessment (AIA) has been submitted including methodology for hedgerow translocation along the southern boundary of the site. The Council's Tree Protection Officer has no objections to the development and the hedgerow translocation.
- 7.5.8 It is not disputed that the landscape value of the site and its surrounding landscape is judged to be high and that the landscape associated with the application site is on the fringe of Hornby which is influenced by existing development and recently consented schemes along Station Road and its immediate surroundings. Whilst the applicant's assessment is considered comprehensive and robust, the assessment does not sufficiently consider the implications of the access arrangements on the landscape and visual effects on the special qualities of the AONB having regard to the key characteristics of the landscape character types/areas.
- 7.5.9 The landscape effects will be a direct loss of improved grassland and the loss of approximately 13m of hedgerow to accommodate the new vehicular access. The landscape effects also include the

significant alterations to the southern field boundary, principally by the setting back of the existing field boundary and the widening of the carriageway to incorporate a grass verge (in places) and a 2m footway for a length of almost 130m. This includes the translocation of the existing hawthorn hedgerow along the southern boundary of the site. This is to provide the visibility splays for the new access, plus an additional length of footway to provide a pedestrian connection from the site to Lunesdale Court. Unlike the LVIA, the AIA does assess the impacts to the roadside hedgerow and includes a method for translocation which indicates 70m of hedgerow would be cut down to 300-500mm and then relocated 2m back into the field at the appropriate time of year. The extent of highway works along the southern boundary exceeds 70m and is closer to 130m westbound of the access based on the proposed access arrangements. Subsequently, there appears to be some inconsistency between the AIA and proposed access details submitted in relation to the extent of hedgerow translocation. Other hedgerows and trees around the boundaries of the site are intended to be retained. There are no objections to the information in relation to tree/hedgerow protection for the rest of the site.

- 7.5.10 The LVIA concludes that for a landscape with high to medium sensitivity to change the level of effect would be substantial to moderate. The assessment contends that the development would have direct effects on a relatively small portion of the Lune LCA, though this does not sufficiently take account of the works required to the southern boundary to facilitate the proposed access or the topography of the site, and argues the proposal simply moves the edge of Hornby westwards by 115m from the edge of the existing development (Ingleborough View), leading to a moderate to slight direct and indirect effects on the Lune LCA. In the case of the Caton LCA, the LVIA concludes the proposal would be perceived to be contiguous with existing development on Station Road and Station Court and when viewed from elevated parts of this LCA the development would form an improved edge to this part of the village by introducing new hedgerows. The LVIA suggests the level of effect would be moderate to slight. The submitted assessment concludes that overall the direct landscape effects on the FoB AONB are also moderate to slight and the indirect landscape effects slight to negligible. The application contends that the development could be accommodated given the relationship of the site with the edge of Hornby and the provision of green infrastructure to sustain and enhance the character of the landscape surrounding the site.
- 7.5.11 With regards to visual effects, the LVIA concludes that the visual effects are limited due to the enclosed character of the site and the surrounding landscape affording high level visual screening. It indicates that where views are obtained, they would be in the context of the existing edge to Hornby. The greatest level of visual effect is judged substantial and adverse on the views of residents living in property adjacent to the site.
- 7.5.12 In terms of the landscape and visual effects, the LVIA places significant weight on the indicative landscape strategy (landscaping) which incidentally has not been applied for as part of this outline application. Officers are mindful of this but in any case, do not share the view that the landscape strategy would sufficiently reduce the level of harm arising from the development. This view is shared by the FoB AONB Officer.
- 7.5.13 Policy DM28 requires development proposals to be appropriate to the landscape character type and designation. This policy requires great weight to be attached to the protection of this nationally designated site in the determination of planning applications. Built development around Butt Yeats was once considered outside the settlement of Hornby, which historically developed around the castle and bridge over the River Wenning. More recently we have seen development proposals come forward to the south of the disused railway which have been accepted as part of the settlement despite being slightly divorced from its centre by the disused railway line and associated bridge. Unlike this proposal, these development proposals have been accessed via the existing built-up area of the settlement namely, Station Road. They have also been positioned on relatively flat land reflective of the existing built development along Station Road. In this case, the proposal seeks to introduce a new access off Wennington Road in a location considered outside the built-up part of the settlement. Except for small clusters of development along its length such as Lunesdale Court and Butt Yeats, Wennington Road represents a typical rural road characterised by high hedgerows immediately abutting the winding carriageway as it runs through the valley with undulating pasture land beyond. The proposal would significantly alter this character and charm by the setting back of the southern field boundary, the widening of the overall carriageway, the introduction of grass verges (in some places) and a 2m wide footway for a length of approximately 135m westbound towards Lunesdale Court, with possible retaining features. This would have a significantly adverse urbanising effect on the character of Wennington Road which in turn would fail to conserve and

enhance the natural beauty of the AONB. It further fails to appropriately reflect the rural character and appearance of the Countryside in general. The application proposes that the existing hedgerow would be translocated behind the required sight lines, which there are no objections to in principle. However, the fundamental issue here is the introduction of a suburban access arrangement, potential retaining features and a footway in a location outside the built-up area, which would conspicuously contrast with the established rural character long Wennington Road. Policy DM42 makes it clear that new housing must be well-related to the existing built form of the settlement. The proposal fails this policy test.

- 7.5.14 In addition to the significant adverse visual and landscape impacts associated with the access arrangement, the scheme would introduce development elevated above existing development, Station Court and Station Road. As noted earlier, the site is located on the north and eastern sides of a shallow drumlin. The LVIA suggests the development will be partially screened by the drumlin when viewed from the west (viewpoints 3 and 5). Whilst the existing drumlin in this location would screen some of the development, based on the indicative layout and suggested scale of development, the landscape would be adversely affected by the introduction of a new roofscape and buildings extending above this drumlin across its entire north-south axis. At the junction of Wennington Road with the A683 (viewpoint 5) the existing drumlin provides a distinct landscape feature between the built-up part of Hornby (north of the disused railway line) and the cluster of development at Butt Yeats. In this location, there is a sense of openness through the valley bottom with views beyond of higher rolling landscapes. The development would diminish the importance of this landscape feature (both in terms of landscape and visual effects) from these viewpoints.
- 7.5.15 Contrary to the applicant's assertions that the development would be perceived to be contiguous with existing development on Station Road and Station Court and that the effects of the development on the AONB would be judged (at worse) to be moderate with substantial visual effects restricted to a limited number of people living in properties adjacent to the site, Officers contend the landscape and visual effects at a localised level are more likely to be substantial. The proposal is considered harmful to the natural beauty of the landscape and the open and rural character of the area. Subsequently, the proposal is considered contrary to policies SC1 and E1 of the CS, saved policies E3 and E4 of the Lancaster District Local Plan, policies DM28, DM35 and DM42 of the DM DPD and paragraphs 7, 17, section 7 and Section 11 of the NPPF.
- 7.6 Archaeology
- 7.6.1 Paragraph 128 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. An assessment of significance should be proportionate to the asset's importance but as a minimum the historical environment record should have been consulted. The Framework goes on to state that where there is potential for a development proposal to affect potential heritage assets with archaeological interest, an appropriate desk-based assessment and, where necessary, a field evaluation should be provided. This is echoed in policy DM34 of the DM DPD, which explicitly states that such assessments should be undertaken before the planning application can be determined to allow for an informed and reasonable planning decision to be made.
- 7.6.2 Lancashire Archaeology Advisory Service (LAAS) submitted comments to the planning authority advising that on examination of the Lancashire Historic Environment Record (HER) there are a significant number of known heritage assets of prehistoric, Roman, pre-Conquest and medieval dates in the general area of the proposed development. LAAS provided information relating to archaeological investigations and recordings at Strands Farm, which identified remains of medieval periods onwards, and information relating to prehistoric settlements and Roman roads suggested to have run in the vicinity of the site. LAAS acknowledge that there is no Roman roadside settlement known locally, but there is likely to have been a fairly dense scatter of 'native' settlements across the landscape. Despite the loss of potential surface features it is probable that significant buried remains of early sites will survive. LAAS have indicated that such remains will preserve significant information relating to settlement and landuse in both prehistoric and early historic times and would be vulnerable to destruction by the groundworks required for the proposed development. Given archaeological interest in the area, LAAS indicate that a desk-based assessment and field evaluation would be required as part of the assessment and determination of the application.
- 7.6.3 The applicant subsequently provided a Heritage Statement which addressed the development in relation to known designated heritage assets, such as nearby listed buildings and the conservation

area. In this regard the Council's Conservation Officer has raised no objections to the development but has indicated that in view of the relationship of the site to the Conservation Area, any proposal should reflect the scale, character and materials of the adjacent Conservation Area. These are matters that can be suitably addressed at the reserved matters stage. The nearest designated heritage asset relates to the listed grade II medieval cross base located around 70m to the east of the site. The Conservation Officer does not contend the proposal affects the significance of this asset or its setting.

- 7.6.4 Despite the applicant being made aware of LAAS's initial comments, the submitted Heritage Statement failed to address the potential archaeological interest associated with the site and surrounding area and has been considered wholly inadequate by LAAS. In accordance with local and national planning policy, the application remains deficient in its assessment of potential archaeological interest and is therefore recommended for refusal on this basis that the proposal is considered contrary to policy DM34 of the DM DPD, policy E1 of the CS and paragraphs 128 and 139 of the NPPF. The applicant had indicated they would undertake an appropriate assessment on the basis all other matters had been resolved allowing the council to support the application. The Case Officer had advised that the onus is on the applicant to satisfy the relevant heritage-related policy irrespective of other considerations. It is understood that the agent has advised the applicant of the policy position. To date, no further assessment has been provided.

7.7 Drainage and Flood Risk

- 7.7.1 The application has been accompanied with a Flood Risk Assessment and Drainage Strategy. The site lies within flood zone 1 which is identified as land at the lowest risk of flooding. The site has not been accompanied by any ground investigation or drainage surveys, but the applicant's consultant has undertaken a site visit and researched the geology of the area. This confirms that currently the site naturally drains to Mears Beck and that infiltration is unlikely to be feasible due to the ground conditions/soil types. The report indicates that surface water poses the highest risk of more frequent flooding and that detailed surface water drainage from new development is critical and consequently an appropriate sustainable drainage system would be implemented as part of the proposal. This would seek to control surface water discharge to the watercourse at the Greenfield rate. To achieve this, appropriate surface water attenuation would be required on site. Despite local objections to the contrary, the Lead Local Flood Authority have raised no objection to the proposal subject to the imposition of conditions requiring a detailed drainage strategy before the commencement of development. The LLFA have eluded to the fact that the drainage proposals for the site could implicate the layout and therefore appropriate ground investigations and a drainage strategy should be considered in advance of the reserved matters application in the event of an approval. In this case, unlike others, the site has the benefit of discharging surface water to the existing watercourse that runs alongside the application site in the event infiltration is proven not to be a feasible option. Subject to the detailed design and layout of the scheme, it will be possible to design-in appropriate surface water attenuation. On this basis, there would be no sound planning reason to refuse this outline planning application on flood risk/surface water drainage grounds. Policy DM39 recognises that appropriate conditions and /or legal agreement securing the implementation of SuDs and appropriate management and maintenance measures is a reasonable approach.

7.8 Residential Amenity

- 7.8.1 Policy DM35 relates to key design principles and requires new development not to have significant detrimental impact to the amenity of existing and future residents in relation to overshadowing, visual amenity, privacy, overlooking and pollution. The application is in outline form with layout and scale reserved for subsequent approval. Notwithstanding the wider landscape and visual amenity concerns, it is contended that the site could accommodate 11 units (not necessarily the housing mix suggested) in such a way to ensure residential amenity is protected. There are concerns in relation to the scale of units 9-11 marked on the indicative plan and the ability to provide sufficient useable gardens in this location given the sloping nature of the site. In the event of an approval, any subsequent reserved matters application would need to address these points without introducing features which would exacerbate the visual and landscape impacts associated with the scheme, such as terracing with large retaining features. At this outline stage, there are no grounds to resist the application in relation to residential amenity.
- 7.8.2 There have been objections raised in relation to further development around Station Road leading to an increase in noise and disturbance. Whilst the provision of an additional 11 units in this area

would result in increased domestic activity, given the small-scale nature of the development such activity is not considered likely to lead to significant adverse impacts on the health and quality of life. It is also acknowledged that the site is positioned relatively close to an existing employment area. However, given the degree of separation from this employment area and the potential for an increased landscaping buffer at the reserved matters stage, this is unlikely to lead to a significant amenity issue. Environmental Health raise no objections on the grounds of noise disturbance.

7.9. Ecological Impacts

7.9.1 An ecological appraisal has been submitted in support of the application. The local planning authority's own ecological advisers have reaffirmed that the application site is not designated for its nature conservation value and is not close to any designated sites. Natural England have also confirmed that the proposal is unlikely to affect statutorily protected sites. The site is dominated by species-poor improved agricultural grassland of limited ecological value, and overall the site has very limited potential to support any specially protected or priority species. Mitigation in relation to specific species has been set out in the submitted report, together with recommendations to retain hedgerow/trees and where this is not possible offer compensatory planting and habitat enhancement, such as the incorporation of SuDs and wetland habitat and additional landscaping. This mitigation is considered acceptable to prevent any harm to protected species and would provide the potential for biodiversity enhancement. In this regard the proposal is considered acceptable and complies with the relevant national and local ecology/biodiversity planning policy.

7.10 Mineral Safeguarding

7.10.1 The application site (and surrounding land) is located within a Mineral Safeguarding Area under Lancashire's Waste and Minerals Local Plan. Policy M2 of the Waste and Minerals Plan states that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals. The policy sets out circumstances where the Local Planning Authority may accept incompatible development, for example where there is an overriding need for the incompatible development that outweighs the need to avoid mineral sterilisation. It requires proposals for development other than non-mineral extraction, to demonstrate that they will not sterilise the resource or that consideration has been given to prior extraction, on site constraints and the need for the proposed development. The NPPF states that local planning authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes.

7.10.2 The application has given limited consideration of Minerals Extraction with no ground investigation undertaken to evaluate the mineral resource. However, Officers have had regard to policy M2 and the relevant guidance and conclude that given the topography of the site; its position in relation to surrounding land also allocated for mineral safeguarding which is dissected by rural roads and scattered development; its sensitive location within the FoB AONB; the potential for buried archaeological remains, and; the proximity of the site to residential property, that the application site is highly unlikely to attract significant commercial interest in the land for mineral extraction.

8.0 Planning Obligations

8.1 In the event of an approval, the affordable housing provision set out in paragraph 7.3.2 would be secured by legal agreement. In addition, the County Education Authority have requested an education contribution to the sum of £20,303.39 towards one secondary school place. Despite the applicant being willing to offer the contribution, as the County Education Authority's methodology is based on bedroom numbers, it is contended that in the event of an approval any planning obligation would require the Education Contribution to be calculated at the reserved matters stage.

8.2 In terms of public open space, the application site provides sufficient space to accommodate a reasonable level of amenity space in the interests of good design and facilitating social interaction and creating healthy, inclusive communities, in accordance with the NPPF (paragraph 69) and policies DM26 and DM35 of the DM DPD and SC8 of the CS. There will be a requirement for an off-site contribution towards existing children's play/young people's facilities in the village. The Public Realm Officer has indicated that existing public open space provision in the village will be the responsibility of the Parish. The Parish have subsequently set out their needs and so any off-site contribution should be delivered in collaboration with the Parish Council. Like the education

contribution, the methodology for calculating the POS contribution is based on bedroom numbers. It is therefore agreed that the POS contribution figure is determined at the reserved matters stage.

9.0 Conclusions

- 9.1 Whilst the proposal will contribute to the delivery of market and affordable housing and that matters in relation to highway safety, pedestrian connectivity, flood risk, trees and hedgerows, biodiversity, residential amenity and public open space have been satisfactorily addressed, it is contended that the harm identified in relation to the landscape and visual impacts upon the AONB and the rural countryside generally, would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the NPPF taken as a whole. Furthermore, the applicant has failed to address national and local heritage-related policy due to the absence of an appropriate archaeological investigation before the determination of the application. Despite some support locally for the scheme, Members are recommended to refuse the application.

Recommendation

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

1. By reason of the siting and the extent of alterations required to the southern field boundary and Wennington Road to accommodate a safe and appropriate means of vehicular access to the site with adequate sightlines, together with the provision of a significant length of footway along this stretch of rural road and potential retaining features, would have an overly-urbanising adverse impact that would be detrimental to the rural character, quality and appearance of this country road within the Forest of Bowland AONB. The proposal is therefore contrary to policies SC1, SC5 and E1 of the Core Strategy, policies DM28, DM35, DM41 and DM42 of the Development Management Development Plan Document, saved policies E3 and E4 of the Lancaster District Local Plan and the aims and objectives of the NPPF, in particular paragraphs 7, 17 and Section 7 and 11.
2. The development proposed by virtue of the sites position on the north and east sides of a drumlin, partially elevated above surrounding development, together with the inappropriate siting of the vehicular access, would result in overly-prominent development that poorly relates to the existing built form of the settlement and as a consequence will unacceptably encroach the countryside to the detriment of the natural beauty, character and appearance of the AONB landscape and the visual amenity of the countryside area, therefore failing to represent sustainable development. The proposal is therefore contrary to policies SC1, SC5 and E1 of the Core Strategy, policies DM28, DM35, DM41 and DM42 of the Development Management Development Plan Document, saved policies E3 and E4 of the Lancaster District Local Plan and the aims and objectives of the NPPF, in particular paragraphs 7, 17, Section 7 and 11.
3. The submitted Heritage Statement is wholly inadequate and has failed appropriately consider and assess the impacts of the proposal on potential archaeological remains on the site, particularly given known archaeological interest in the surrounding area. An appropriate desk based assessment and field evaluation should have been submitted to assess the archaeological potential of the site and the impact of the development upon it in order to allow an informed and reasonable planning decision to be made. Failure to provide an appropriate archaeological assessment is contrary to policy E1 of the Core Strategy, DM34 of the Development Management DPD and paragraphs 128 of the NPPF.

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

In accordance with the above legislation, Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in the Notice. Unfortunately some of the problems associated with the scheme are so fundamental that they are incapable of being resolved as part of the current submission.

Background Papers

None

Agenda Item A9	Committee Date 12 December 2016	Application Number 16/01239/VCN
Application Site Former Frontierland Site Marine Road West Morecambe Lancashire	Proposal Redevelopment of former amusement park to form retail units, restaurants, family pub/restaurant, hotel, associated car parking, landscaping and public art and new access (pursuant to the variations of condition 2, 3 and 4 on planning permission 16/00159/VCN to amend the approved plans, use classes and retail floorspace)	
Name of Applicant Opus Land North (Morecambe) Ltd & Wm Morrison Supermarket	Name of Agent Gareth Glennon	
Decision Target Date 6 January 2017	Reason For Delay N/A	
Case Officer	Mr Mark Potts	
Departure	Yes	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The application site relates to the former Frontierland amusement park previously operated by Blackpool Pleasure Beach Company. The site relates to an irregular shaped parcel of previously developed land extending approximately 3.1 hectares in area located off Marine Road West, approximately 650m south west of the Primary Shopping Area in Morecambe. Some former buildings, most notably the Polo Tower, remain on the site. The topography within the site is generally flat, although the land levels rise sharply towards the south eastern corner of the site, gradually lowering towards the seafront. The front portion of the site occupies an elevated position above Marine Road West with Highfield Crescent occupying a position approximately 3-4m higher than the main part of the site.
- 1.2 The site is predominantly surrounded by two different land uses: retail to the north and east comprising the Morrison's retail park and Aldi supermarket; and residential to the south (the West End). The site is located relatively close to other retail/leisure uses including the cinema, super bowl and the Market Hall on Central Drive. The rear elevations of Aldi, Morrison's and DW Sports (which includes a health and fitness facility) face onto the site. The service yard to the adjacent retail park abuts the site along its eastern boundary. Some of the residential properties on the south boundary directly face into the site (the frontages of the properties on Highfield Crescent) whilst the side elevations of the end terraces on Cedar Street and Grove Street flank the site at an elevated position.
- 1.3 This road is a wide carriageway enjoying a 30mph speed limit and separates the site from the promenade. An existing vehicular access to the site is provided off this adopted highway positioned approximately circa 25m south of the Aldi junction. Marine Road West (and the promenade) forms part of the strategic cycle network, which connects to the route along Central Drive then connects to the off-road route which runs along the railway line back towards Lancaster and beyond. This road is also a strategic bus route providing the main through-route between Carnforth and Heysham.

The bus station and railway station are both located on Central Drive approximately 500m (as the crow flies) from the application site (site frontage).

- 1.4 To the south the application site abuts part of the West End Conservation Area. The residential properties fronting the site on Highfield Crescent form the northern boundary of this designation. The site's frontage also forms a backdrop (when viewed from the promenade) for the iconic Grade II* Listed Midland Hotel located to the north of the site situated on the seafront. Other nearby Listed buildings include the Platform (Grade II, 200m due north east) and the Winter Gardens (Grade II* 440m due north east). There are also two groups of trees established along the southern boundary of the site that are subject to a Tree Preservation Order.
- 1.5 The site falls within a Tourism Opportunity Area outside of the defined Town Centre of Morecambe (saved Local Plan). It is also located within the area covered by the Morecambe Area Action Plan (MAAP), which provides a spatial plan (different to that of the saved Local Plan) for Central Morecambe in order to provide opportunities and facilitate its regeneration.
- 1.6 Other important off-site designations includes the promenade which forms part of a wider Informal Recreation Area, and Morecambe Bay which enjoys a number of different nature conservation designations (SPA – Special Protected Area, SAC – Special Area of Conservation, RAMSAR – Wetlands Convention, and SSSI – Site of Special Scientific Interest) are protected by European legislation.

2.0 The Proposal

- 2.1 The main purpose of the application is to provide for a Marks and Spencer (M&S) Foodhall to occupy Unit 7 (located within Zone 2). Therefore the application seeks to change the use class of the unit from A1 Comparison Retail to A1 unrestricted. The occupation of Unit 7 by M&S Foodhall would necessitate changes internally and the elevations of units within Zone 2. Externally the changes consist of the provision of a larger glazed entrance, together with provision for an external plant room to the north of the building. Changes are proposed to Zone 3 which relate to the internal layouts to suit the proposed tenant. This has had an effect on the external alterations in the form of additional glazing and doors to allow for access. The previous consent allowed for two units, however, the building has now been split into four units. Zone 7 relates to minor design changes concerning the positioning of doors and windows, which has been arrived at due to the need for signage. The application also seeks to ensure that plans which were approved on the original consent are carried across to this permission (which were not contained in the approval of 16/00159/VCN).
- 2.2 Amendments are sought to condition 3 to amend the principal uses of the site from comparison retail to A1 unrestricted to allow for Marks and Spencer (M&S) to operate from the site and the applicant seeks a minor change to the wording of condition 4 to allow for M&S to operate from the site.

3.0 Site History

- 3.1 There has been a number of applications across the site, the most recent relating to the approval for the redevelopment of the site to form retail units, restaurants, family pub/restaurant, hotel, landscaping and new access (14/00388/FUL) which was varied in 2016 under application 16/00159/VCN).

Application Number	Proposal	Decision
14/00388/FUL	Redevelopment of former amusement park to form retail units, restaurants, family pub/restaurant, hotel, associated car parking, landscaping and public art and new access	Permitted
16/00159/VCN	Redevelopment of former amusement park to form retail units, restaurants, family pub/restaurant, hotel, associated car parking, landscaping and public art and new access (pursuant to the variations of condition 2, 3 and 4 on planning permission 14/00388/FUL to amend the approved plans, allow A1 use in zones 3, 4 and 7 and to allow the sale of ancillary convenience goods across the site)	Permitted

4.0 Consultation Responses

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

Consultee	Response
Morecambe Town Council	No observations received during the statutory consultation period.
Lancaster Chamber of Commerce	No observations received during the statutory consultation period.
County Highways	No observations received during the statutory consultation period.
Natural England	No observations to make on the proposal
Lead Local Flood Authority	No observations received during the statutory consultation period.
County Ecologist	No observations received during the statutory consultation period.
Environmental Health	No observations received during the statutory consultation period.
Conservation Officer	No observations received during the statutory consultation period.
Drainage Engineer	No observations received during the statutory consultation period.
Environment Agency	No observations to make on the proposal
Fire Safety Officer	No objection
Lancaster Civic Society	No observations received during the statutory consultation period.
City Council Planning Policy	No objection in principle to the development on the understanding that it is for Marks and Spencer only
Tree Protection Officer	No objection
United Utilities	No observations received during the statutory consultation period.
Historic England	No requirement to consult

5.0 Neighbour Representations

5.1 Two representations have been received. One contains a wish to see a plan of the proposed development, timescale for implementation and how many retail units are proposed to be constructed, with a further one advising of their desire to work on the build of the scheme. Neither of which are planning considerations.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

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

6.2 Lancaster District Core Strategy (adopted July 2008)

E2 – Transportation Measures
 ER2 – Regeneration Priority Areas
 ER4 – Town Centres and Shopping

ER5 – New Retail Development
ER6 – Developing Tourism
SC1 – Sustainable Development
SC2 – Urban Concentration
SC5 – Achieving Quality in Design
SC7 – Development and the Risk of Flooding
E1 – Environmental Capital

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

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

6.4 Development Management Development Plan Document

DM1 – Town Centre Development
DM3 – Public Realm and Civic Spaces
DM20-23 – Transport, Accessibility and Connectivity
DM27 – Protection & enhancement of Biodiversity
DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM38 – Development & Flood Risk
DM39 – Surface water Run-off and Sustainable Drainage
DM48 – Community Infrastructure

6.5 Morecambe Area Action Plan (MAAP)

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

7.0 Comment and Analysis

7.0.1 The main issues arising from the application are:

- The principle of development;
- Amendments to conditions to reflect the high quality convenience retailer;
- Proposed design amendments;
- Highways; and
- Other material considerations

7.1 The Principle of Development

7.1.1 The application seeks to incorporate a Marks and Spencer Foodhall on the Bay Shopping Centre in Unit 7 (Zone 2). The Foodhall format is a specialist chain of small and medium sized foodstores selling predominately M&S branded convenience products, as well as very limited non-food goods, clothing and home range. Many also operate an instore café (such as the café located in the Lancaster M&S). M&S food stores of below 370 sq.m sales areas will continue to be known as *Simply Food* stores (such as the one at Forton Motorway Services), with food stores above this size being called a *Foodhall*. The Foodhall would sell a large range of comparison goods as well as its food range. It is anticipated that the proposed store would be likely to sell about 4,500 food lines in total, of which up to 100 would be branded goods and the remainder (98%) would be Marks and Spencer's own brand. The total number of lines is a small proportion of the 20,000+ lines that a food superstore might typically sell. The range of goods limits the average basket size of the stores. Thus, while the stores can meet an element of main food shopping needs, and serve the needs of the

shoppers who wish to use trolleys and carry goods away by cars, they do not meet the same requirements of a wide ranging bulky main food shopping trip as a food superstore (such as Morrison's, Asda or Sainsbury's). As a rule they require stores with ideally a floor area of about 1,400 sq.m (Unit 7 is 1,672 sq.m).

- 7.1.2 Some Members will recall that application 14/00388/FUL established the principle of retail development on this site despite its location away from the town centre and its departure from existing planning policy. Furthermore permission was granted earlier this year to allow for an increase in the convenience element of the scheme (16/00159/VCN), permitting 10% of the total overall space in the comparison retail units to be used for convenience retailing. This demonstrates that some degree of convenience retailing will be acceptable.
- 7.1.3 Members supported the principle of development on the basis that a high quality retail park could be realised, and if this was delivered, it would outweigh any detrimental impacts of it's out of centre location. At the time of considering 14/00388/FUL Members were provided with three possible scenarios that may arise, namely: (i) permission granted for a high quality retail park; (ii) permission granted for a low quality retail park (i.e. with a perceived 'lower-end' of operators/retailers); or (iii) that planning permission was refused. In Officers' opinion the presence of a premier convenience retail operator would provide a strong anchor assisting in the delivery of a high quality retail park and boosting the retail offer that Morecambe offers which is aligned to what was recommended by Officers and supported by Members in 2014.
- 7.1.4 The scheme before Members proposes to increase the levels of convenience retail than previously permitted, seeking to permit the unrestricted use of Unit 7 in Zone 2 for convenience retail in order to facilitate a single operator (the named operator is Marks and Spencer). It has to be remembered that the application is seeking to establish a town centre use in an out of centre location (which planning policy guards against). In these circumstances a Sequential Test is required in support of the planning application. The applicant's initial Sequential Test was lacking in detail as it failed to provide up-to-date availability of the Festival Market Site and on the availability of units in the Arndale Centre. This was brought to the applicant's attention and an updated assessment was received in November 2016 which has demonstrated that based on the "requirements of M&S" that there is no single unit within the Arndale that can accommodate the M&S proposal. The applicant has also provided confirmation from the Council's Estates and Valuation Manager that the Festival Market has not been declared surplus to requirements and is therefore not available. The certainty of providing a named operator as part of this proposal has provided the clarity for the applicant passing the Sequential Test, and the applicant has heavily relied on both the Dundee and Rushden High Court cases to demonstrate that the Sequential Test can be passed. It is important to note that the Dundee Case (which the Rushden Case relies on) involved a named operator and revolved around the definition of what was 'suitable for the development proposed by the applicant'. A crucial element of understanding what is 'suitable for the development proposed' is the understanding of the operational requirements of a named operator (such as the requirement of a floor area of 1,400 sq.m – which in essence rules out the smaller units in the Arndale). For this reason Officers were of the opinion that a planning permission here has to be a personal one (i.e. limited to M&S by means of planning condition), as otherwise the Local Planning Authority would be in essence granting consent for an open planning permission which would permit any convenience operator to make use of the unit. An unrestricted permission would significantly reduce the qualitative arguments over the delivery of a high-quality retail park which provides wider regeneration benefits to the town as a whole. Furthermore an open permission for a foodstore in this location, without a named operator, creates uncertainty over whether more suitable and appropriate premises are available in sequentially preferable locations, such as units in and surrounding the Arndale Centre.
- 7.1.5 Planning permission runs with the land, and it is rarely appropriate to tie this (by planning condition) to the applicant. There are occasions, however, when there may be exceptional circumstances where granting planning permission for development that would not normally be permitted could be justified on planning grounds because of who (in this instance M&S) would benefit from the permission. Officers' views were that for the applicant's proposal to be found acceptable this had to occur, otherwise a lower quality operator could occupy the unit, which in turn would undermine the original decision of Members, and the qualitative arguments in respect of the economic benefits that could be no longer demonstrated.

- 7.1.6 Officers have pushed hard for the applicant to enter into a legal obligation to restrict the planning permission to the Marks and Spencer's brand in Unit 7 for the reasons as contained within the preceding paragraphs (7.1.3 -7.1.5). It should be noted that the planning application has not been made in the name of Marks and Spencer's, although admittedly there is an operator statement contained within the submission (titled "Report on behalf of Marks and Spencer plc"), and there have been articles in the press to this effect (as recent as August 2016). There does therefore seem a commitment to the retailer operating in the town, which the Council fully welcomes in principle. It is therefore puzzling as to why the applicant is not amenable to entering into a legal agreement, as even if they choose to move from the site – a planning application could be submitted to vary the terms of any legal obligation at that juncture (which would be assessed on its merits at that point in time). Officers believe that this is seen as a reasonable suggestion, although recalling that a personal permission is unusual and would not generally be sought (which is echoed by Paragraph 15 of the NPPG).
- 7.1.7 The risk, should Members seek to permit the scheme on the basis of a planning permission without restriction, is that this will result in a planning permission that could be utilised by 'lower-end' retailers (which could be said to go against the grain of a high quality retail park that members sought in 2014). This also brings into question the applicant's sequential assessment, as this has been based on a named operator. If it transpires that the unit would not eventually be occupied by M&S, then the sequential assessment fails to identify the operational needs of another operator (who may reasonably be accommodated within the Arndale Centre or 53-55 Euston Road). Notwithstanding this, it is clear at present that there are no appropriate units of the size proposed by this application which are available within Morecambe.
- 7.1.8 The applicants have not submitted an Impact Test in support of the application, as the proposal relates to a unit with a floorspace of less than the 2,500 square metres threshold set out in the NPPF. Given that no locally set threshold exists (as it was deemed appropriate to use the one set by the NPPF) then the proposed development does not need to be assessed under the Impact Test.
- 7.1.9 On balance the Local Authority are supportive of a high quality retailer such as Marks and Spencer's returning to the town, which would assist with the regeneration of Morecambe. Officers maintain that a legal agreement to restrict the unit was seen as an appropriate mechanism to ensure the aspirations that were agreed in 2014 were realised. It is extremely unfortunate that the applicant is not amenable to this course of action.

7.2 Amendments to conditions to reflect the high quality convenience retailer

- 7.2.1. The applicant seeks to amend the current wording of condition 3 to allow for interested tenants to trade from the site (notably M&S). As part of the application earlier this year permission was granted to allow 10% of the floorspace within the comparison retail units to sell convenience goods and the applicant wishes to include this within the wording of condition 3 (it currently sits within condition 4). For clarity the table below indicates the uses of each zone as approved (16/00159/VCN), and the applicant's proposal should the current planning application be supported.

Zones	Use Class As Approved	Use Class As Proposed
Zone 1 (Units 1 & 13)	A1 Comparison Retail	A1 Comparison Retail (with no more than 10% of the total floorspace within each unit to be used for the sale of convenience retail)
Zone 2 (Units 2-6)	A1 Comparison Retail	A1 Comparison Retail (with no more than 10% of the total floorspace within each unit to be used for the sale of convenience retail)
Zone 2 (Unit 7)	New Condition	A1 Convenience Retail (principal and mezzanine floor area)
Zone 3 (Units 8,9, 13 and 14)	A1/A3 selling hot and cold food and drink for consumption on and off the premises <i>(for clarity, this does not include Use Class A5 hot food takeaways)</i>	A1/A3 selling hot and cold food and drink for consumption on and off the premises <i>(for clarity, this does not include Use Class A5 hot food takeaways)</i>

Zone 4 (Unit 10 and 11)	A1/A3 selling hot and cold food and drink for consumption on and off the premises <i>(for clarity, this does not include Use Class A5 hot food takeaways)</i>	A1/A3 selling hot and cold food and drink for consumption on and off the premises <i>(for clarity, this does not include Use Class A5 hot food takeaways)</i>
Zone 5	A3/A4 Public House/Restaurant Mixed Use	A3/A4 Public House/Restaurant Mixed Use
Zone 6	C1 Hotel	C1 Hotel
Zone 7 (Unit 12)	A1/A3 selling hot and cold food and drink for consumption on and off the premises <i>(for clarity, this does not include Use Class A5 hot food takeaways)</i>	A1/A3 selling hot and cold food and drink for consumption on and off the premises <i>(for clarity, this does not include Use Class A5 hot food takeaways)</i>

7.2.2 The applicant also seeks to vary condition 4 which currently reads:

'The maximum permitted gross retail floor area of the development shall not exceed 11,109 sq.m (principal retail floor area 7,359 sq.m and the mezzanine retail 3,750 sq.m) with no more than 10% of the total floor area in each unit dedicated to convenience retail. With the exception of proposed retail unit 3, no retail unit shall have a principal retail floor area of less than 465 sq.m'.

The re-worded proposed condition would read:

'The maximum permitted gross retail floor area of the development shall not exceed 11,109 sq.m (principal retail floor area 7,359 sq.m and the mezzanine retail 3,750 sq.m). With the exception of proposed retail unit 3, no retail unit shall have a principal retail floor area of less than 465 sq.m'.

The re-worded condition essentially removes the restriction of 10% convenience retailing which is now included within the proposed condition 3. On balance this is considered acceptable and ensures that the retail format differs from what is currently on offer in Morecambe Town Centre in order to maintain and enhance the vitality and viability of the town.

7.3 Design Changes

7.3.1 The scheme is in essence the same as previously approved. The most significant of the changes is for a plant enclosure to be located to the north of the proposed M&S unit and this would be screened by a louvre screen and the screening would be visible along Marine Road West. Details of the materials here are required and this can be addressed by means of condition as there is still the need to satisfy conditions associated with materials on this scheme. The other changes are relatively minor, including changes in design to account for signage and subdivision of zone 3 (which has resulted in design amendments), and on balance can be found acceptable.

7.4 Highways

7.4.1 The applicant has submitted a revised technical assessment associated with highways, which demonstrates that via sensitivity testing that the proposal will not have a significant impact on the trip generator and parking accumulation figures that have been previously agreed with the Highways Authority. The observations of the Highways Authority are yet to be received in relation to this scheme but will be reported verbally at the Committee meeting.

7.5 Other Material Considerations

7.5.1 The application has been advertised as a departure from planning policy, which is consistent with similar advertisement of the original planning application and also the Section 73 application. That process also involved referral of the decision to grant permission to the Secretary of State, to allow consideration of whether the application should be 'called-in'. In their written notification to the Council, dated 7 January 2015, the Secretary of State advised that the Government were committed to giving more power to councils and communities to make their own planning decisions. The letter continues by saying that following consideration the Secretary of State *"...is content that the*

application should be determined by the local planning authority". On this basis, and because the amendments being proposed as part of the current application are considered appropriate, then it is considered that no further referral is necessary.

- 7.5.2 An application for the discharge of conditions (16/00020/DIS) relating to application 14/00388/FUL was determined in August this year, and whilst some conditions were approved, there are still a number that are outstanding, with details that are required to be submitted for the Local Planning Authority's consideration. Those conditions that have been approved will be updated on the decision notice should Members support the scheme, whilst those not approved will be imposed again.

8.0 Planning Obligations

- 8.1 The obligations associated with the extant parent consent (14/00388/FUL as amended by 16/00159/VCN) will remain in force with any approval of this Section 73 application and therefore no separate agreement will be required.

9.0 Conclusions

- 9.1 The proposed inclusion of a high quality convenience retailer, whilst a departure from the Development Plan, is supported by Officers as this will act as a catalyst for the regeneration of this site, which is something that will have lasting benefit to Morecambe. It is extremely unfortunate that the applicant is not amenable to the Council's suggestion that a personal planning permission in the name of M&S should be agreed. In approving this application, it would clearly be a risk that a different retailer other than M&S may eventually occupy the unit. Officers remain hopeful that even without this legal mechanism that a high quality retailer will still occupy this unit, and bring lasting regeneration to Morecambe. It is time for the applicants to begin delivering this vision.

Recommendation

That conditions 2, 3 and 4 on planning permission 16/00159/VCN **BE VARIED** as follows*

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

NB: All other conditions as imposed on 14/00388/FUL will be carried forward, though updated where necessary to reflect where conditions have been previously discharged in part or full

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

Background Papers

None.

Agenda Item A10	Committee Date 12 December 2016	Application Number 16/01060/FUL
Application Site The Tractor Yard Capernwray Road Capernwray Carnforth	Proposal Demolition of existing buildings and erection of four industrial buildings comprising mixed use Light Industrial (B1) and Storage and Distribution (B8) with associated access road and parking	
Name of Applicant Mr S Wightman	Name of Agent Dan Ratcliffe	
Decision Target Date 4 January 2017	Reason For Delay None	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The site relates to an area of land located within the dispersed hamlet of Capernwray, approximately 2.3 kilometres to the north of Over Kellet and 3.9 kilometres to the north east of Carnforth. It comprises a large area of hardstanding, a single storey rendered building with a metal roof and a portable building, and is used for the sale, hire and servicing of agricultural vehicles. The site was originally part of the adjoining farm complex, Capernwray Old Hall Farm, and is still under the same ownership. This includes a number of large modern agricultural buildings, and a Grade II Listed farmhouse located approximately 90 metres from the application site. Most of these buildings appear to be used in association with the applicant's caravan site for the storage of caravans. However, part of the building to the north of the application site is used as a workshop in association with the tractor yard.
- 1.2 The site has an existing access from Capernwray Road and adjoins a field to the east. The south west, south east and north east boundaries comprise stone walls and a row of mature trees which are predominantly conifers. There are some other smaller groups of trees within the site. There is a group of residential properties located to the east, the closest boundary of which is approximately 60 metres from the site. Two of the buildings within this group, Rose Cottage and New Capernwray Farm, are Grade II Listed. The Lancaster Canal is located approximately 130 metres to the west and is a Biological Heritage Site. The site is located within the Countryside Area, as identified on the Local Plan Proposals Map, and is within a Radon Affected Area where basic radon gas protection measures are necessary.

2.0 The Proposal

- 2.1 Planning permission is sought for the erection of four buildings in order to provide eight industrial units. These will have a mixed use of light industrial and storage and distribution. The proposal also includes the removal on one building on the site which measures approximately 18 metres by 8 metres. Three of the buildings would be 19.4 metres by 11.4 metres, with a height of 4 metres to the eaves and 6 metres to the ridge. One of these would be divided into two units. The fourth building would be a combination of two of these buildings with a longer, thinner one in the centre, giving a total length of 63.3 metres. The height of this is not yet clear, as this long building was not originally

proposed and amended floor and elevation plans have not yet been provided, though it is not anticipated that it would be higher than the other proposed buildings. A total of 53 parking spaces are proposed, and an additional area of hardstanding appears to be proposed in the northeast corner of the site, although its use is unclear. The buildings are proposed to be finished in timber boarding above a blockwork plinth and have a fibre cement or profile steel roof.

3.0 Site History

3.1 The application site benefits from a certificate of lawful use of the land and buildings for agricultural engineering, sales and support workshop which was granted in 2001. This is very specific in relation to the areas used for the parking and turning of vehicles for customers, staff, sales and hire. It also restricts the number of vehicles for sale to 10, the number of vehicles for hire to 10, the number of staff vehicles to 5 and the number of employees to 6 full time equivalent. The relevant site history is set out below.

Application Number	Proposal	Decision
16/00392/PRETWO	Change of use and erection of industrial units (B1 and B8)	Advised that planning permission would not be supported
07/00276/FUL	Retention of a wheelwash facility	Withdrawn
06/00243/FUL	Construction of an open air wash bay for the use of forestry, agricultural and construction, plant and equipment.	Withdrawn
04/00362/FUL	Erection of an building for the storage of tractors and combine harvesters	Approved
03/00250/CU	Change of use of vacant agricultural building to storage use	Approved
01/00786/ELDC	Application for Certificate of Lawful use for land and buildings used for agricultural engineering, sales and support workshop	Approved
01/00052/ELDC	Application for certificate of lawfulness for land and buildings used for agricultural engineering, sales and support workshop	Refused
00/00996/CU	Change of use of existing buildings to agricultural engineering sales and support workshop	Withdrawn

3.2 The site was originally part of the adjoining farm complex and is still in the same ownership and retains some links. Below is the relevant history in relation to the adjacent land and buildings.

Application Number	Proposal	Decision
10/00892/CU	Change of use of redundant barn to agricultural machinery repair workshop (use tied by condition to the adjoining agricultural repair workshops)	Approved
09/00874/CU	Change of use of redundant farm buildings to caravan storage and the demolition of 3 structures	Approved

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Object. Raise concerns in relation to: the height of the buildings and the visual impact on the surrounding area; loss of trees which screen the existing buildings; the disposal of foul and surface water and flooding issues on adjacent land; precise details of lighting and hours of operation as unclear from the submission; and vehicular movements to and from the site due to narrow places on the road and at Over Kellet.
County Highways	No objection subject to conditions requiring: improvements to the access; surfacing

	of first 10 metres with a bound material; gateposts to be erected 10 metres back from carriageway; access to be constructed to a minimum width of 6 metres; and boundary wall/ hedging along the frontage to be reduced to no higher than 1 metre for 70 metres.
Environmental Health	No comments received during the statutory consultation period.
Tree Protection Officer	Object due to the scale of the proposed tree loss. The trees currently make an important contribution to the greening and screening of the site and their loss has the potential to adversely impact wildlife communities. The proposed new planting scheme does not have the potential to provide an adequate level of greening and screening in the short to medium term.
Environmental Health	No comments to make.
Lead Local Flood Authority	No comments received during the statutory consultation period.
National Grid	No comments received during the statutory consultation period.
Lancashire Fire and Rescue Service	Recommendations - It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service' and the proposal is provided with suitable provision of Fire Fighting water.

5.0 Neighbour Representations

5.1 5 letters have been received which do not raise objections to the proposal but highlight the following comments, queries or concerns:

- Details of proposed foul drainage are unclear – existing problems with drainage on site;
- No details in relation to hours of opening have been provided - concerned if the units operated for long hours, 7 days a week;
- No information about external lighting. It is important that this is discreet given the rural nature of the area;
- The use of the north east corner of the site is unclear;
- The traffic flows on Capernwray Rd can be quite high for a rural environment and a reduction would be an improvement. However, it is felt that the applicant has applied a significantly high increase in traffic movements in their traffic survey, which seems excessive;
- The removal of boundary trees will make the site highly visible from both the road and adjacent houses. The height and position of these close to the boundary will make them particular visible and impact on the character and appearance of the area;
- Request clarification that the units will not have a first floor;
- The provision of fifty parking spaces suggests a scale of vehicular use that is likely to have negative safety consequences;
- Concerned about the proportion of B8 uses (storage and distribution);
- Welcome continuation of diversified site usage and local employment opportunities;
- Existing trees are out of control and are damaging wall and causing it to fall onto adjacent land;
- Signage should be discreet; and,
- Request clarification on the use of the building to the north, outside the application site.

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 28 – Supporting economic growth in rural areas
 Paragraph 32 – Access and Transport
 Paragraphs 56, 58 and 60 – Requiring Good Design
 Paragraph 109 – Protecting valued landscapes and minimising impacts on biodiversity
 Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

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

E4 – Countryside Area

6.4 Development Management Development Plan Document (DM DPD)

DM7 – Economic Development in Rural Areas
DM15 – Proposals Involving Employment Land and Premises
DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles
DM39 – Surface Water Run-Off and Sustainable Drainage

7.0 Comment and Analysis

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

- Principle of the Development
- Size, siting, design and landscape impact
- Highways and parking issues
- Biodiversity
- Heritage assets
- Residential amenity

7.2 Principle of the development

7.2.1 The site is located within the small, geographically-dispersed settlement of Capernwray. It is in the open countryside, divorced from any settlements containing services and public transport routes. Policy SC1 of the Core Strategy promotes sustainable development, in terms of its location, and sets out that development should be located where it is convenient to travel to and from the site by walking, cycling and public transport. Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise opportunities for the use of walking, cycling and public transport. In relation to economic development in rural areas, Policy DM7 sets out that proposals which maintain and enhance rural vitality and character will be supported where it is demonstrated that they improve the sustainability of rural communities by bringing local economic, environmental and community benefits.

7.2.2 The application proposes eight units in total, to be used for light industrial and storage and distribution purposes (Use Classes B1 and B8), and will replace a building on the site and some of the existing area of hardstanding. It is acknowledged that there was another larger building on the site, associated with the existing use, but this was damaged by fire in 2015, and has been removed. The site benefits from a certificate of lawful use, issued in 2001, for the use of land and buildings for agricultural engineering, sales and support workshop. The certificate is very specific in terms of the use of different areas of the site, the number of vehicles and number of employees.

7.2.3 The submission sets out that the site was once part of the neighbouring Capernwray Hall Farm which, following the need to diversify in the 1980s, came to be used for the storage, sales and repair of machinery by the current owner. The site has been occupied over the years by a number of operators specialising in this field and is currently occupied by Bryan Hoggarth Ltd, an agricultural tractor and machinery hire, sales, servicing and repair business. It goes on to say that the use of the site is intensive and operations can run from 0500 until 2200 and that there are no planning restriction to control matters such as numbers of vehicles or hours of operation. Whilst there is no control over the latter, the lawful use certificate is very clear in relation to the level of use of the industrial activity on the site restricts the number of vehicles for sale to 10, the number of vehicles for hire to 10, the number of staff vehicles to 5 and the number of employees to 6 full time equivalent.

Even if the site activity has intensified, this is the current lawful use. The consent in 2004 for an additional storage building sets out that the use and limitation in overall numbers in the lawful use certificate shall not be exceeded without the express consent of the Local Planning Authority. There was a further consent in 2011 for the use of part of the building to the north of the site as an agricultural machinery workshop. This is outside the application site, and the land subject to the lawful use certificate, so does not affect this. It is, however, tied to the use of the adjoining workshop, which now no longer exists due to fire, and the site and hours of operation are restricted by condition. The submission in 2011 set out that the expansion of the workshop space was necessary due to health and safety concerns with the existing workshop, and the conditioned management plan confirmed that this would not increase the numbers of staff, as the proposal related to the relocation not expansion of the existing business. However, it does say that there were currently 15 members of staff operating from the site, which is greater than the certificate, although it is not clear if these were all full time.

- 7.2.4 The proposal would not seek to re-use existing buildings and would increase the number of businesses and employees operating from the site. Given the isolated rural location, people working from this site would likely be wholly reliant on private transport and the type of use proposed is likely to result in a number of vehicle movements to and from the site. The submission sets out that it is expected that the units would be rented by small businesses seeking premises in a convenient location. It goes on to say that the applicant has been in discussions with a local chartered surveyor and estate agent who has identified that there is demand for units of this scale in this part of the Lune Valley. However, no evidence has been provided in relation to this, including any potential end users, or why they would require a specific site in this location. It would be difficult to control the occupation of the units by local businesses without any specific need being identified. There are more appropriate locations for this type of development within villages containing services and different modes of transport within the general area identified by the surveyor.
- 7.2.5 The agent has set out that there is an established use of the site, which is far more intensive than the proposed use in terms of vehicles trips which is clear from the conclusions of the Transport Assessment. From surveys carried out in June 2016, the transport assessment sets out that the current daily average of trips generated is 150 and the estimated daily average for the proposed use is 224. It goes on to say that the owner of the site has confirmed that there has been a reduction of 60% of trips to/from the site since the fire in 2015 which destroyed one of the buildings and, as such, has increased the existing number of existing trips to 375. However, there is no evidence to support this and, as set out above it has been queried in the neighbour representations. The lawful use of the site is also very specific from the granted certificate, so that it is likely that the current use of the site goes beyond this. In other words, what the applicant can use the site for would generate a smaller number of trips than their submission implies, making the increase between existing (lawful) trips and anticipated trips by the proposal substantially greater. Even if this is not the case, the current operation does relate to one specific user which is one probably more suited to a rural area, given the customer base.
- 7.2.6 The submission also refers to a number of applications and sets out that these are in similar locations to the site. It should be emphasised that each application must be determined on its own merits and the specific site, surroundings and nature of the development taken into account when assessing the proposal. It is also worth noting that planning permission was refused, and the decision upheld at appeal twice, for a development for a B1 use a similar distance from Over Kellet, but to the south east. This also related to a previously development site, but for equestrian use, and partly related to an existing business at the site. The Inspector concluded that the proposal would make use of previously developed land and would be well designed, but the combined development would be relatively isolated such that it would not be economically and environmentally sustainable. The decision went on to say that the development taken as a whole would not represent the sustainable growth of a rural business and would be contrary to the Framework and Policy DM7 of the DMDPD as it would not be of an appropriate scale. There would also be a degree of conflict with Policies DM15 and DM20 due to the lack of accessibility for walking and cycling and the non-sustainable travel patterns that would result from the speculative elements of the overall development.
- 7.2.7 Four of the units are proposed to have 104 square metres of floor space, whilst the other four would have 210 square metres, each with associated office and washroom facilities. The submission states that approximately 942 square metres will be B1 and 314 square metres will be B8, creating a light industrial/ storage and distribution mixed use site. B1 use also includes office use (other than A2)

and research and development of products or processes, although it is assumed that the submission just relates to light industrial use from the description. Fifty three parking spaces have been shown on the submitted plans. There is also another area of hardstanding in the northeast corner of the site, the use of which is unclear. It may be intended to park larger vehicles and clarification has been sought from the agent. The number of spaces appears excessive and would indicate quite an intensive use of the site, although the submission does say that it is not envisaged that this number will be required. From the submission it appears that the development is speculative, with no end users known. Some cycle storage is proposed, but it is not considered that this overcomes the issues with regards to the accessibility of the site. Light industrial, and particularly storage and distribution, uses will require access for not only the people employed on the site but for deliveries to and from the site. There is also potential for ancillary retail uses which would further increase numbers of visitors to the site, who would be reliant on private transport. In addition, no information has been provided in relation to whether the existing business is being relocated and if so to where. It is not clear whether this is at the request of the landowner or due to requirements of the operator of the business.

7.2.8 Although the site would utilise previously developed land, it is located in the open countryside in a relatively isolated position in terms of services and facilities. It is possible that the existing business is operating outside its lawful use, in terms of its intensity, but this is not considered to be sufficient justification for a number of business units that have no link to any existing businesses in the area. Therefore, in terms of the economic and social dimensions of sustainability, it is not considered that the site is sustainable and no exceptional justification has been provided for the development in this location. The proposal is therefore considered to be contrary to the Core Strategy and Development Management Policies set out above in addition to the aims and objectives of the NPPF.

7.3 Size, siting, design and landscape impact

7.3.1 The site currently contains a relatively low industrial building and large areas of hardstanding. The south and south-east boundaries comprise a stone wall and a number of mature trees which provide a significant amount of screening to the site. It is most visible close to the entrance but there are a number of existing agricultural buildings at Capernwray Old Hall Farm adjacent to the site. Although the proposal will result in a number of additional buildings, they would be located within the confines of the existing developed area and would be well-related to the large modern farm building on the adjacent site. They would also be set back from the highway but closer than the existing buildings. However, concerns have been raised with the agent regarding the loss of the trees along the south east boundary. Although these are not native, being largely conifers, they do provide effective screening of the site and the original proposal indicated that all these would be removed with only new planting along part of the boundary. This would open up views of the site and make the new buildings, close to this boundary, particularly prominent within the landscape.

7.3.2 The agent has indicated that the trees along this boundary will now be mostly retained, and a draft amended site plan has been provided. This does, however, show one long building adjacent to the south east boundary, whereas the previous plan broke up this bulk with separate buildings. Amended elevation and landscape plans have not yet been submitted, but these will be reported at the Committee meeting. The design for the buildings put forward is of a modern agricultural style. It was previously advised that this would be more appropriate if the lower portion of the wall was not left as exposed blockwork, but finished in render or stone, and the roof finished in dark grey. It is considered that landscaping is an important part of the scheme and much of the existing trees should be retained and the landscaping enhanced where possible, particularly to the front of the site to break up views of the hardstanding and new buildings. Provided that this is achieved, given the existing nature of the site and its location adjacent to the some large farm buildings, it is not considered that the proposal will have a detrimental impact on the character and appearance of the area.

7.4 Highways and parking issues

7.4.1 A transport assessment has been submitted with the application. The Highways Authority agrees with the conclusions of the report, in that the re-development could be delivered without detrimental impact on highway operation or safety and the volume of trips likely to be generated by the proposed development can be satisfactorily accommodated on both the local highway network and through limited improvements to existing visibility splays at the site's point of access with Capernwray Road. The response does also set out that the residual cumulative impact of the number of trips generated

by the proposed development, when assessed against the area's existing use can be considered sustainable. However, as set out in section 7.2, there are questions with how the number of existing trips has been reached, as it is based on an assumption rather than actual data, and there are other factors to take into account.

- 7.4.2 In considering an appropriate site layout, the Highways Officer has recommended that:
- A 2 metre wide footway along the access roads easterly or westerly boundary is provided for the benefit of employees / visitors to the estate;
 - The minimum overall width of site access road should be 6 metres to allow for the passage of two heavy goods vehicles without conflict;
 - A 10 metre kerb radii is created at the site's point of access with the highway;
 - The first 10 metres of the access road is surfaced in a bound material; and
 - The movements of HGVs can be successfully accommodated within the site.

Capernwray Road has a speed classification of 60 mph. However, the transport assessment data suggests that 85% of vehicular speeds are in the region of 38mph. The Highways Officer has confirmed that reduced visibility splays of 2.4 metres by 70 metres, in each direction, is acceptable. It has been advised that this could be achieved through the removal of established "leylandii conifers" and reduction in height of the intervening boundary hedging / dry stone walling to 1 metre. However, there are concerns about this as it would open up views of the site. The agent has been asked to show the visibility splay on the plan to ensure it can be achieved and that any impact on trees is taken into account.

- 7.4.3 In terms of parking standards, the Highways Authority has advised that the maximum number of parking spaces should be around 30, and the level proposed is above that normally required for this use. However, it has raised no objection given the site's rural location and lack of alternative transport arrangements to and from the site. Overall, it is not considered that the development will have a detrimental impact on highway safety, subject to the resolution of the above points and appropriate conditions.

7.5 Biodiversity

- 7.5.1 The proposal involves the demolition of a building which, although of a modern construction is in close proximity to a row of mature trees and the canal. As such, there is potential for bats to roost within the buildings. It was advised that these are checked for their suitability for bats and if there is potential then further surveys should be carried out. However, this has not been done. Further concerns were raised with the applicant regarding the loss of trees as this could provide habitat for bats, particularly for foraging. The agent has now advised that an assessment of the building will be undertaken and most of the trees are now proposed to be retained. The results of this will be reported at the Committee meeting. Any lighting on the site would also need to be carefully considered, in order to protect any surrounding habitats, but this could be covered by condition.

7.6 Impact on Heritage Assets

- 7.6.1 There are some Grade II Listed Buildings located relatively close to the site. However, given the intervening buildings and screening, it is not considered that the proposal will have an adverse impact on the setting of these buildings.

7.7 Residential amenity

- 7.7.1 There are no residential properties immediately adjacent to the site, with the closest being Capernwray Old Farm, which is within the former farm complex. The others close to the site are separated by screening and a field and as such, it is unlikely that the proposal would have a significant adverse impact on residential amenity. The industrial use is one that should not cause harm to residential amenity, being B1 (light, not general, industrial uses). The most likely impact would be as a result of vehicle movements. Confirmation has been requested regarding hours of operation and deliveries, as these have not been provided in the submission.

8.0 Planning Obligations

- 8.1 There are none to consider as part of this application.

9.0 Conclusions

9.1 Although the site would utilise previously-developed land, it is located in the open countryside in a relatively isolated position in terms of services and facilities. Therefore, in terms of the economic and social dimensions of sustainability, it is not considered that the site is sustainable and no exceptional justification has been provided for the development in this location. The proposal is therefore considered to be contrary to the Core Strategy and Development Management Policies set out above in addition to the aims and objectives of the NPPF and as such is unlikely to be supported.

Recommendation

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

1. The site is in an unsustainable location within the open countryside, remote from services. Sufficient justification has not been provided to warrant the erection of the industrial units in this isolated location. As a consequence, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Principles and Section 3, Policy SC1 of the Lancaster District Core Strategy and Policies DM7, DM15 and DM20 of the Development Management Development Plan Document.

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

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

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

Background Papers

None

Agenda Item A11	Committee Date 12 December 2016	Application Number 16/01248/FUL
Application Site Burrowbeck Grange Nursing Home Scotforth Road Lancaster Lancashire	Proposal Demolition of existing care home and outbuilding and erection of a replacement 63 bed care home with associated landscaping, car parking and alterations to the existing access	
Name of Applicant Active Pathways	Name of Agent Condy Lofthouse	
Decision Target Date 5 January 2017	Reason For Delay N/A	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Approval subject to the receipt of amended plans	

1.0 The Site and its Surroundings

- 1.1 The site is located at the southern end of Lancaster, between Scotforth Road (A6) and Collingham Park. There is a large two storey building on the site which is set back from the highway, in an elevated position. This has been most recently used as a care home, although is not currently in use. There is also an associated single storey building located towards the southeast corner of the site. Vehicular access is from Scotforth Road and there are large numbers of mature trees along the site boundaries which are protected by a Tree Preservation Order. There is a public footpath running along the eastern boundary, but outside the site.
- 1.2 The site is located on the edge of a residential housing estate. To the north is a detached bungalow, which is sited at a higher level and has a large domestic curtilage. To the south is another detached bungalow which is situated lower than the application site and is used as a home for children and young people with disabilities. There are also some two storey dwellings to the east of the site, separated by a highway, Collingham Park.

2.0 The Proposal

- 2.1 Planning permission is sought for the demolition of the existing buildings on the site and the erection of a purpose built care home for the elderly, containing 63 bedrooms. This is proposed to be U-shaped, with one side of the 'U' facing towards the A6, and the open element facing to the south, providing a central courtyard. The accommodation will be over three floors, although the building will mainly have the appearance of two storeys, with a steeply pitched roof and dormers providing accommodation in the roof space. The land levels are proposed to be significantly reduced which will decrease the height of the proposal in relation to the existing building. The building is proposed to be positioned approximately 10 metres closer to Scotforth Road than the existing one, and a new driveway, utilising the existing access (albeit altered), and parking will be created in front of the building.

3.0 Site History

- 3.1 There is an extensive planning history on the site which is set out below:

Application Number	Proposal	Decision
16/00833/PRETWO	Demolition of existing building and erection of 60 bed care home with associated parking and landscaping	Principle, scale and design considered to be broadly acceptable
16/00212/FUL	Demolition of existing care home and outbuilding and erection of a replacement 60 bed care home with associated landscaping, car parking and alterations to the existing access	Withdrawn
15/01198/PREONE	Demolition of existing building and associated bungalow. Erection of 60 bed care home with accommodation over three floors with associated car parking and landscaping	Principle is considered acceptable
13/00892/RENU	Renewal of Planning Permission 10/00598/FUL (see below)	Approved
10/00598/FUL	Erection of a two storey extension	Approved
09/00997/FUL	Extension of time limit on application 06/00994/FUL for the erection of a two storey extension	Withdrawn
06/00994/FUL	Erection of two storey extension	Approved
01/01039/FUL	Erection of a two storey bedroom block extension	Approved
01/00141/FUL	Erection of an extension to provide an additional communal lounge (constructed)	Approved

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	No comments received during the statutory consultation period.
Strategic Housing Officer	Comments. The Commissioning Lead at the County Council has confirmed that there is an urgent need for affordable good quality residential beds supporting dementia, EMI and nursing requirements in Lancaster, and that this scheme could support the needs of the ageing population in Lancaster. The applicant is to be encouraged to continue dialogue with the County Council to ascertain where the actual type of provision best aligns to local needs and fits with the County's priorities and budgets for residential care.
Tree Protection Officer	No objection subject to conditions requiring development carried out in accordance with the Arboricultural Implications assessment and a scheme of tree planting.
County Highways	No objection subject to conditions requiring scheme for the construction of the site access, wheel cleaning facilities, a construction management plan and provision of cycling and motorbike facilities.
Lead Local Flood Authority	No objection subject to conditions requiring a surface water drainage scheme and surface water maintenance and management plan.
Public Rights of Way Officer	No comments to make.
County Social Services	No comments received during the statutory consultation period.
Natural England	No comments to make.
Lancashire Constabulary	No objection – subject to full CCTV coverage of the main communal & circulation areas, window restrictors to ground floor windows, boundary treatments to resist access to the north, east and south external areas, and an access control system at the main entrance.
Lancashire Fire and Rescue Service	Comments. It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service' and is provided with suitable provision of Fire Fighting water.
Lancaster Civic Society	Comments. Modifications to the earlier application are welcomed. With the greater detail now provided, the Society are more positive that the design is appropriate and that good use is being made of this elevated prominent site.
United Utilities	No objection subject to conditions requiring foul and surface water to be drained on separate systems and submission of a surface water drainage scheme.

5.0 Neighbour Representations

5.1 One letter of objection has been received which raises concerns that alterations to the access will result in the loss of protected trees.

5.2 A letter has been received from the adjacent property, Burrowbeck Grange, which raises no objections to the application and sets out that privacy will not be affected due to dense boundary growth and the additional accommodation will be welcome to the community.

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 135 – Non-designated Heritage Assets

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.4 Development Management Development Plan Document (adopted July 2014)

DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
DM27 – The Protection and Enhancement of Biodiversity
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles
DM39 – Surface Water Run-Off and Sustainable Drainage
DM45 – Accommodation for Vulnerable Communities

7.0 Comment and Analysis

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

- Principle of replacement care home
- Scale, design and impact on the character and appearance of the area
- Residential amenity
- Highway safety
- Impact on trees
- Ecological Impacts
- Drainage

7.2 Principle of development

7.2.1 There is an existing care home on the site which is currently vacant, although it is understood that the smaller building is still being utilised. Consent has been previously been granted for a large extension to the building to provide an increase in the level of accommodation. The site has a long established use as a care home and is in an accessible location adjacent to the A6, on a bus route. Providing that the accommodation meets the genuine needs of older people and is wheelchair accessible, the principle of a larger care home is considered to be acceptable and complies with policy DM45 of the Development Management DPD.

7.2.2 The scheme proposes to provide a 63-bed space residential care facility for the elderly. The Council's Strategic Housing Officer has consulted Lancashire County Council's "Age Well" Commissioning Team. Whilst they are not in a position to provide very detailed feedback on the proposals, and are not directly commissioning this service, they have spoken directly with the applicant in terms of the delivery model which appears to offer flexibility in terms of the physical

design and layout of the building to adapt to mainstream residential care provision, nursing care or dementia provision. It has been confirmed that there is an urgent need for affordable, good quality, residential beds supporting dementia, and nursing requirements in Lancaster, and that this scheme could support the needs of the ageing population in Lancaster.

7.2.3 The existing building dates from the early 20th century and has a positive appearance, although it has undergone a number of changes over the years, including several extensions, which have eroded its original character and appearance to some degree. Given this, it is not considered to be worthy of retention and its replacement is therefore considered to be acceptable in principle, given the need to provide a building which is fit for the purposes of a care home.

7.3 Scale, design and impact on the character and appearance of the area

7.3.1 The existing property is considered to be an important gateway building, given its elevated position at the entrance to the built up area of Lancaster. Although there are a number of mature trees surrounding the building, it is still visible from public vantage points particularly in winter months. The submitted proposal relates to a two storey building arranged in a U shape with a central garden area. The design of the building has taken inspiration from the existing structure in that it will have a fairly steep hipped roof with dormer windows. However, the existing ground level is proposed to be reduced, by around 3m at its maximum, resulting in the ridge height being just under the existing eaves level. This will obviously significantly decrease the prominence of the building from the highway. The building would be approximately 37m long across its west elevation, 40m on its north elevation and 32m along the east elevation. The depth of each section of the 'U' will be between approximately 12m and 15m. The building will be positioned approximately 10m closer to the highway, than the existing building, but still set back by approximately 28m.

7.3.2 One side of the U shape is proposed to face towards the A6. This elevation is long but has been broken up with a central element which is set back and has a lower ridge height, which would be glazed at ground floor with grey cladding above. The design of this elevation is relatively traditional in form but has large modern openings and flat roof dormers. Most of the building is proposed to be faced in red brick with some areas of cladding proposed. There was some concerns regarding the use of copper cladding to the front elevation, and on other parts of the building, and it was not clear whether this would sit comfortably next to the brick. This has now been changed to be grey cladding which will complement the flat roof dormers. Given that no heads or cills are proposed around the windows, as the applicant wished to take a more modern approach, it was considered that grey windows would be more appropriate and these should be suitably recessed. The plans have been amended to address this, in addition to providing more consistency with window design and a more vertical emphasis.

7.3.3 Some concerns have also been raised with regards to detailing on the other elevations and, as such, alterations have been made. This has included increasing the depth of the roof on the northern section of the building, which was particularly shallow, and reducing the pitch of a gable. Areas of cladding have also been increased around windows to help break up the elevations and windows are more consistent in their design. Concern was raised about a flat roof element to house the lift shaft as it was considered to be a poor addition to the overall design. This has now been amended to have a hipped roof but it is not clear if and how this will be viewed outside the site. Floor and roof plans are awaited in order to be able to fully assess this. Given the large expanse of roof slope, the agent has been advised that the use of slate would be appropriate. Although it is close to more modern housing developments, they are not prominent from the highway, and much of the development which fronts the A6, leading into the centre of Lancaster, has slate roofs. In response to this the agent has proposed a thin slate type tile and, on balance, it is considered that this could be acceptable, subject to the precise details.

7.3.4 Overall the scale and design is considered to be acceptable, subject to the precise detailing and materials which can be controlled by conditions. It is a large building, but changes in materials and the size and positioning of windows help to break up the overall mass. It takes a slightly more modern approach to the building that is currently on the site.

7.4 Residential amenity

7.4.1 There are two neighbouring properties that have the most potential to be affected by the proposal. These are Burrowbeck Copse to the north, and Aroona to the south. There is currently a large hedge

along much of the boundary with Burrowbeck Copse, and the eaves of the existing building projects just above this. The proposal will increase the amount that the building extends along the boundary, but the ridge height will be lower than the existing eaves level. As such, it is not considered that there would be a detrimental impact on light, outlook or privacy to this property.

7.4.2 The property to the south is a bungalow and is located at a lower level than the application site. The development will bring the building much closer to this neighbouring property. The section shows this at a distance of approximately 18m between the buildings, although this would vary given the shape of the proposed development. Given the reduction in site levels, it is not likely that there would be a significant loss of outlook or daylight. There are some windows in the southern elevation but these are not proposed to serve bedrooms. As such, it is not considered that there would be a significant adverse impact on the privacy of this neighbouring property.

7.5 Highway Safety

7.5.1 There is an existing access to the highway which is proposed to be widened to 6m. A new footway is also shown from the highway, across the grassed area, to the front of the building. In terms of parking, 16 car spaces, two cycle stands and motorcycle spaces have been shown. It may be more appropriate to have some cycle stands close to the main entrance for visitors and some secure cycle facilities for staff. It is considered that this could be incorporated into the scheme.

7.5.2 The Highways Authority has raised no objection but some concerns were raised about the number of staff indicated on the application form which suggested that there will be 70 equivalent full-time posts at the site. The agent has confirmed that this number included the Domiciliary Care Business which was an error as the office for this service will be permanently moved to another location when construction on the site is commenced. The revised number is 43.5 full time equivalent employees. The agent has set out that the maximum number of staff on site at any one time would be 25 and would be working the following shift patterns - 0745 to 2000 and 1945 to 0800. Given the sustainable location of the site (on a number of regular bus routes and very close to the strategic cycle network) the level of car parking is deemed acceptable.

7.6 Impact on Trees

7.6.1 The site benefits from a range of relatively large, mature landscape trees, which are protected by a Tree Preservation Order. Many of these trees can be seen from a range of locations within the wider public domain. In addition, their canopies make physical and visual links to other similar sized trees within the wider locality. Trees established to the west of the main building make a significant contribution to the character and appearance of the site and the wider area. A total of 72 individual trees have been identified in relation to the proposed development, in addition to 4 groups and 4 hedges. Species include pine, oak, holly, sycamore, beech, maple, ash, elm and hawthorn. 7 trees have been identified as category "U", and, as such, require removal because of their poor overall condition, regardless of whether planning consent is granted. 38 trees have been identified as high amenity trees "A" and "B", and the remaining 35 trees have been categorised as "C", which are those that should not represent an obstruction to development.

7.6.2 There are 10 category C trees and 1 category B tree to be removed to accommodate the development, in addition to some category U trees that are in poor condition. There are also implications for existing trees on site in relation to the proposed new infrastructure, including the new access, additional car parking and proposed new route towards the main building. An Arboricultural Method Statement has been provided in relation to "no dig" and "root friendly" materials and methods of working in relation to works within root protection areas of retained trees. Overall it is considered that the development can be accommodated on the site without having a detrimental impact on protected trees and the amenity of the site and surrounding area. A landscaping scheme would be requested by condition to ensure that the loss of some trees is adequately mitigated.

7.7 Ecological Impacts

7.7.1 An ecological appraisal was submitted with the previous application which outlined the need for a number of additional surveys to fully assess the implications on various species. This report has now been updated and a supplementary bat survey report provided.

7.7.2 In relation to bats, the original survey identified that the proposal may result in the destruction of a

roost likely to support low numbers of common species of bat, assessed as a transitional roost. Two old bat droppings were found in the loft space, and have been assessed to have fallen through the roof lining and deposited by a common pipistrelle that used the external features of the building as an occasional roost on a low number of occasions. Bat emergence and activity surveys have been carried out and confirm that there are no bat roosts at the site. The report sets out that the condition of the building has changed now that it is unoccupied which reduces the likelihood of bats using the internal roof void of the building as a roost. There is no evidence to suggest that a current roost is present, or that the building has been used regularly in the past. It does recommend that if bats are unexpectedly found during any stage of the development, work should stop immediately and a suitably qualified ecologist should be contacted to seek further advice. It also sets out that the tree line to the east of the existing care home should be retained as much as possible as it is an important commuting and foraging resource for common pipistrelles. This will be the case, as covered by the tree assessment. It also states that bat boxes should be installed on retained trees and the new building, and should be of the type known to be used by pipistrelle species.

7.7.3 In terms of reptiles, the report sets out that, although suitable habitat for common reptiles is present on the site, it is unlikely that reptiles will be harmed as the extent of habitat removal has been significantly reduced in the new proposed plans, with only a small area of the close mown amenity grassland being impacted by the development. Additional parking spaces will be added along the existing driveway and a turning area with parking spaces will be constructed on the western side of the new building. There is considered to be negligible impact on great crested newts given the separation that the A6 provides from suitable ponds. It is therefore considered that the development will not have a detrimental impacts on protected species and the introduction of bat boxes could help to increase the roosting potential of the site.

7.8 Drainage

7.8.1 The proposal will increase the amount of built development on the site and therefore has implications on surface water drainage. However, not all of the site is proposed to be development and, as such, there should be opportunities to provide adequate drainage. The Lead Local Flood Authority has requested that conditions be added to request a surface water drainage scheme, in addition to maintenance and management of this. It is considered necessary that this is provided before works start of the construction of the new building to ensure that it is adequately designed into the overall scheme.

8.0 Planning Obligations

8.1 There are none to consider as part of this application.

9.0 Conclusions

9.1 The proposal will meet an identified need for care accommodation in relation to the elderly population, and will replace an existing facility with a larger one, constructed specifically for this purpose. Following amendments, the modern replacement building is considered appropriate in terms of its scale, siting and design. The proposal will also ensure that mature trees are retained and protected and there will be no adverse impacts on ecology, residential amenity or highway safety.

Recommendation

That Planning Permission **BE GRANTED** subject to the receipt of appropriate amended plans and the following conditions:

1. Standard timescale
2. Approved plans
3. Surface water drainage scheme
4. Surface water lifetime management and maintenance plan
5. Materials – details and samples including brick, cladding, roofing material, eaves verge and ridge details, rainwater goods, windows and doors, surfacing
6. Landscaping scheme
7. Works to the access and creation of parking and turning, including for cycles and motorbikes.
8. Works in accordance with Arboricultural Implications Assessment
9. Bat mitigation – including details of bat boxes and location

10. Restriction of use to care home within use class

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.

Background Papers

None

<p align="center">Agenda Item</p> <p align="center">A12</p>	<p align="center">Committee Date</p> <p align="center">12 December 2016</p>	<p align="center">Application Number</p> <p align="center">16/01268/FUL</p>
<p align="center">Application Site</p> <p align="center">14 Damside Street And 20 Wood Street Lancaster Lancashire LA1 1PB</p>		<p align="center">Proposal</p> <p align="center">Redevelopment of properties and land adjacent, comprising of change of use of first and second floors of 20 Wood Street to one 3 bedroom student cluster flat, erection of first and second floors to 14 Damside Street to create two 3 bedroom and two 5 bedroom student cluster flats and erection of a new 3 storey building of one 4 bedroom and one 6 bedroom student cluster flats and 9 bay car park at rear</p>
<p align="center">Name of Applicant</p> <p align="center">AHB Property Holdings</p>	<p align="center">Name of Agent</p> <p align="center">Mr Michael Harrison</p>	
<p align="center">Decision Target Date</p> <p align="center">5 January 2017</p>	<p align="center">Reason For Delay</p> <p align="center">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 the receipt of amended plans</p>	

1.0 The Site and its Surroundings

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

2.0 The Proposal

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

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

3.0 Site History

3.1 Planning permission was refused earlier in the year for a similar proposal (16/00171/FUL) on the site. The main difference was that the new build element involved the creation of a four storey building containing eight two bedroom flats. The application was refused for the following reasons:

1. *As a result of the location of the site within flood zone 3, and the location of residential accommodation on the ground floor, in particular sleeping accommodation, it is considered that the proposal would result in unacceptable risks of flooding to future occupiers of the development, which have not been adequately mitigated. As a result, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 10 and Policy DM38 of the Development Management Development Plan Document.*
2. *The current proposal, in particular relation to the four storey element, fails to respect the design, form, massing and scale of the adjacent buildings and, as a result of this is not considered to represent high quality urban design as advocated by the NPPF and will have a detrimental impact on the streetscene and the special character and appearance of this part of the conservation area. It is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 7 and Section 12 and Policies DM31 and DM35 of the Development Management Development Plan Document.*

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	No comments received within the statutory consultation period.
Conservation	No objection subject to conditions requiring details and/or samples of stonework, render, doors, windows, roofing material, rainwater goods, eaves verges and ridges, materials for cycle store, and method of render removal
Parking Services	The applicant should be advised that the occupiers of the properties will not be eligible for residents parking permits for the Lancaster City Council Residents Parking Scheme.
County Highways	No objection subject to conditions requiring a construction traffic management method statement, a pedestrian/vehicular shared surface, covered and secure cycle storage facilities and a scheme for the construction of off-site highway works (including kerb-line realignment of Dye House Lane, amendment to existing traffic regulation/prohibition of driving order to Butterfield Street/Dye-House Lane; prohibition of vehicular access from Butterfield Street to Chapel Street through placement of bollards)
Lead Local Flood Authority	No comments received within the statutory consultation period.
Environment Agency	No objection subject to a condition requiring finished floor levels no lower than 300mm above current ground level and no sleeping accommodation on the ground floor. Recommend that consideration be given to use of flood proofing measures and the emergency planning and rescue implications of new development.
Historic England	No comments received.

Lancashire Archaeological Advisory Service	No objection subject to a condition requiring a programme of archaeological recording and analysis.
Lancaster Civic Society	Comments. Welcome the reuse of the site and the replacement of the incoherent collection of undistinguishable building. The overall impression is that the design is unexceptional and “pastiche”. Nevertheless it is appropriate in a conservation area, as is the choice of materials.
Lancashire Constabulary	Comments. Recommend security measures including: physical security standards for all windows and doors; increased natural surveillance as much as possible; street lighting to parking area; restriction of access to external rear areas by a 1.8 metres lockable gate; lighting to external yards and staircases; consideration of location of mail boxes and CCTV to main entrances.
United Utilities	No comments received within the statutory consultation period.
Lancaster University	No comments received within the statutory consultation period.
LUSA Housing	No comments received within the statutory consultation period.
University of Cumbria	No comments received within the statutory consultation period.

5.0 Neighbour Representations

5.1 No comments received within the statutory consultation period.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

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

6.2 Lancaster District Core Strategy (adopted July 2008)

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

6.4 Development Management Development Plan Document (adopted December 2014)

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

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

6.5 Other Material Considerations

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

7.0 Comment and Analysis

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

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

7.2 Principle of development

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

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

7.3 Scale, design and impact on heritage assets

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

7.3.2 The current buildings on the site are fairly low in scale comprising mainly single storey and partly two storey. A development of a similar scale to the existing three storey block is considered to be acceptable, and the design has taken an approach of extending the existing terrace. The shopfront will be broken up by ashlar stone at ground floor and the upper floors, fronting the highway, will be finished in coursed stone with a slate roof above. A gable element has been introduced in this section of the building but does not project from the front wall and, as such, appears awkward in relation to the overall design. It has been advised that this is removed and quoins introduced to break up the building, if considered necessary, as visible on buildings on Chapel Street to the east. It has also been recommended to the agent that the shopfront better relates to the window arrangement at the upper floors. It has been noticed that the elevation plan, in relation to the upper floor windows, does not correspond with the floor plans. Amendments have been requested. Overall, it is considered that this section of the scheme will produce a building that will enhance this part of the Conservation Area, subject to the relatively minor alterations set out above.

7.3.3 The current scheme proposed a three storey building over part of the existing car park, and will be

slightly lower than the adjoining building as proposed. It will also be set back slightly from the highway. Whilst the scale of the building is much more in keeping with the surrounding development than the previously refused scheme, there are some concerns regarding the appearance as it appears quite bland and there is a high solid to void ratio. It also has quite an uncomfortable relationship with the adjoining part of the scheme as it is similar in some ways but not really a part of it. It has been suggested that it may be more appropriate if a slightly contemporary approach was taken to this. This could involve the introduction of some grey cladding to the front elevation to help provide some contrast to the extension to the traditional three storey terrace. Amendments are awaited and will be reported to the Planning Committee.

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

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

7.3.6 Subject to the design concerns raised above being overcome through the receipt of appropriate amendments it is considered that the development would conserve, and potentially enhance, this part of the Conservation Area. It would therefore comply with the requirements of the Act, the NPPF and Policy DM31 of the DM DPD.

7.3.7 The County Archaeologist has submitted detailed comments in relation to the proposal. It has been advised that the development site is located on or adjacent to Lancaster's medieval corn mill site. The mill was powered by water taken from the Lune at Skerton weir and run in a millrace around the Green Ayre and back into the river at Fleet Square. This millrace was gradually culverted and integrated into Lancaster's drainage system, with the section in this area now followed by the line of Damside Street. Archaeological work was also undertaken on the site of the recently erected 11 Damside Street, the work revealing limited Roman material but also evidence of pre-Conquest occupation – a rare survival in the City. The area inside the millrace was not generally developed in the 17th century, the land being open and used for recreation and grazing, but by the 18th century development had started encroaching upon it, leading to a dense network of streets and houses in the area of the development. The mill building itself is not obvious on that rather general map, although it does seem to survive on Mackreth's map of 1778 in the centre of an open area and it is possible that some remains may be incorporated into the present 14 Damside Street. The present open portion of the development site bounded by Wood Street, Butterfield Street and Dye House Lane had been built up by 1810.

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

7.4 Flooding

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

overcome the issues with the previous proposal. This building will be divided vertically into two units of shared accommodation, rather than providing two self-contained flats on each floor. The ground floor of each unit will accommodate the living/dining/kitchen room, with sleeping accommodation on the upper floors.

- 7.4.2 The NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high risk, but where development is necessary, making it safe without increasing flood risk elsewhere. As such, a Sequential Test has been submitted. The aim of this is to steer new development to areas with lowest probability of flooding and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If, following the application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied. For this to be passed it must be demonstrated that the development provides wider sustainability benefits to the community which outweigh the risks posed by flooding and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.
- 7.4.3 The submitted Sequential Test sets out a series of alternative sites outside highlighted flood risk areas where the development could reasonably take place. This has focussed on the city centre, which is considered to be an appropriate approach given that the accommodation is specifically to house students. The City Council has over a number of years had a consistent approach to the delivery of student accommodation, in that any proposals for new accommodation should be located within the existing campus area or located within appropriate locations within Lancaster city centre. This approach has been taken to alleviate pressure on residential properties in the suburban areas of the town and to ensure that student accommodation is located in places which have good access to a range of key services and public transport. All sites identified have been discounted for a range of reasons, including land availability, site size and site deliverability. The NPPG suggests that when applying the Sequential Test, a pragmatic approach on the availability of sites should be taken. On this basis it is considered that the site selection presents a reasonable consideration of alternative sites in Lancaster City Centre and the reasons identified for discounting these sites are pragmatic, taking account the needs of the proposed development, in terms of the scale of development. It is therefore considered that the Sequential Test has been passed.
- 7.4.4 In terms of the first part of the Exception Test, in relation to wider sustainability benefits, locating student accommodation in Lancaster city centre has been supported by the Council through a variety of historic planning applications and is acknowledged to have a wider range of sustainability benefits. The application will also result in a regeneration of the site and improvement to its overall appearance and that of the Conservation Area, subject to an appropriate design. This part of the Exception Test is also considered to be passed.
- 7.4.5 It is the role of the Environment Agency (EA) to provide comments in relation to the second part of the Exception Test which relates to the safety of the development for its lifetime, taking into account the vulnerability of users. They have raised no objection, providing that the development complies with the mitigation measure in the flood risk assessment that requires the ground floor to be 300mm higher than the current ground level, and no sleeping accommodation is located on the ground floor. They have also advised that the local planning authority formally considers the emergency planning and rescue implications of new development in making their decision and have recommended that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. The mitigation measures in the flood risk assessment also refer to flood proofing measures and the use of the Environment Agency Information Service, so that occupiers are aware of warnings of flood alerts. These can be controlled by condition. It is not therefore considered that there will be an unacceptable risk to future occupiers as a result of flooding.

7.5 Highway Safety

- 7.5.1 Part of the site currently comprises a private car park with access from Dye House Lane and Butterfield Street. The application proposes to retain nine parking spaces as a car park, but not to serve the proposed development. The site is easily accessible by a choice of sustainable travel modes including foot, cycle and public transport. The surrounding pedestrian environment is of an

acceptable quality, with footways being well-lit adding to a sense of personal security. Signage and the built form add to a good level of legibility with adjacent pedestrian footway links providing an acceptable means of access to the application site. The site is within close proximity of cycle routes on Chapel Street which provide access to the city centre and surrounding cycle network. Secure cycle parking is proposed on the site in a convenient location and the number of on-site cycle parking spaces appears to be acceptable. This should be covered and this has been queried with the agent.

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

7.5.3 In relation to vehicular access, the junction of Chapel and Butterfield Street has a known accident record. The Highways Officer has advised that in view of safety concerns, this will be the subject of a "prohibition of motor vehicle" order. Butterfield Street/Dye House Lane is to be considered as a pedestrian / vehicular shared surface with the latter considered the site's principle means of access/ egress onto Damside Street. Deliveries and servicing should be undertaken via the rear of the premises on Dye House Lane. However, the layout provides little indication that large vehicles serving the development can turn within the curtilage. The Highways Officer has raised no objection to the layout of the proposed private car park, though there appears to be no provision to serve the large retail unit. This has been queried with the agent.

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

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

The construction management plan seeks to control matters covered by other legislation. Other organisations have the powers under non-planning legislation to enforce this, and therefore such a condition is not considered to meet the tests of the paragraph 206 of the NPPF.

7.6 Impact on amenity of neighbouring properties

7.6.1 There are some flats in the upper floors of properties fronting Damside Street and those fronting onto Chapel Street. At its closest the new part of the development is approximately 12 metres from the property to the rear, but given the angle, most of it is further than this, approximately 16 metres at its maximum. This is sufficient to not have a significant impact on light but there is some potential for overlooking. All the windows at the rear, in the upper floors, are proposed to serve bedrooms. There does not appear to be permanent living accommodation in the closest building to the east. Some research has shown that at least some of the upper floor is let as holiday accommodation, but this may just be at the front facing Chapel Street. Given the number and position of windows and the slight angle of the building it is not considered that there will be a significant adverse impact on the privacy of either property. It is also a city centre location and therefore more difficult to maintain separation distances that would usually be expected.

7.6.2 The proposed upper floors to the existing building are further from the development to the rear,

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

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

7.7 Standard of Accommodation/ amenity for occupiers

7.7.1 Appendix D sets out standards in relation to shared student accommodation. In terms of the sizes of rooms, and level of outlook and light, the standard of accommodation is considered to be acceptable. A noise impact assessment has been submitted which identifies the environmental noise impacts at this location and demonstrates that there are likely to be significant observed noise effect levels if noise impacts are unmitigated. However, with provision of certain glazing specifications and with additional ventilation solutions noise can be mitigated to achieve internal design criteria targets specified within British Standards. The site is also located in close proximity to the Lancaster Air Quality Management Area and the Lancaster Bus Station. There is therefore potential for the introduction of new exposure to poorer air quality as a consequence of its proximity to these sources. The submitted air quality assessment recommends the provision of mechanical ventilation to the living accommodation on the ground, first and second floors, taking air from a point above third floor level as far as possible away from Wood Street. A response is awaited from Environmental Health. However, they recommended a scheme for mechanical ventilation to be submitted and implemented in relation to the previous application.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The proposal for student accommodation is considered to be appropriate in this city centre location and will help to enhance this part of the Conservation Area, subject to the receipt of some amendments to the design. It is also considered that the development will provide an acceptable standard of amenity and will not have an adverse impact on nearby residential properties, highway safety, or result in an unacceptable risk to future occupiers from flooding.

Recommendation

That Planning Permission **BE GRANTED** subject to the receipt of appropriate amended plans and the following conditions:

1. Standard timescale
2. Approved plans
3. Scheme of archaeological recording and analysis

4. Assessment of contamination
5. Surface water drainage scheme and management
6. Scheme of offsite highway works
7. Noise and air quality mitigation measures - a scheme for mechanical ventilation and glazing specification details
8. Materials – details and samples including stonework, method of render removal (14 Damside Street), render, doors and windows, roofing material, ridge, verge and eaves details, heads, cills and window surrounds, rainwater goods, materials for cycle store, surfacing material, all means of enclosure including wall to balcony/terrace, external lighting
9. In accordance with mitigation in flood risk assessment, including floor levels and emergency measures in flood events
10. Bin store and bike store
11. Student accommodation restriction

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.

Background Papers

None

Agenda Item A13	Committee Date 12 December 2016	Application Number 16/01180/FUL
Application Site Ashton Golf Centre Ashton Road Ashton With Stodday Lancaster	Proposal Change of use of golf driving range (D2) for the siting of 14 holiday chalets (C1)	
Name of Applicant Mr & Mrs Lake	Name of Agent Mr Avnish Panchal	
Decision Target Date 27 December 2016	Reason For Delay N/A	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The proposed development is located at Ashton Golf Centre, located approximately 4.75 km to the south of Lancaster city centre with the driving range being located on the south side of the golf centre. The application site covers an area of roughly 0.85 hectares and is currently used as a golf driving range with a defined stone wall and tree planting marking the boundaries. The ground is relatively level. Access to the site would be afforded off the A588 (Ashton Road) then via a private road which serves Ashton Road garden centre, the golf centre, a touring caravan site (approved under 12/00212/CU and currently being implemented) and a number of residential properties, including Ashton Barns.
- 1.2 The application site is adjacent to a significant copse of woodland to the west, with the golf course located beyond this. To the north and east lies further tree planting and the golf club's greens beyond this. To the south is further tree planting leading to an unclassified road with Seafield Plantation beyond this. The nearest residential dwelling to the proposal is approximately 100 metres to the east of the site.
- 1.3 The site is not within a protected landscape, although it is located approximately 200 metres from the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and a RAMSAR site. There are no listed buildings on the site (although there are curtilage Listed walls associated with Ashton Hall), although Ashton Hall is a Grade I Listed building and is located some 300 metres to the east of the proposal. The wider golf centre complex is allocated as 'PPG17 Open Space' land, though only the golf driving range shelter falls within this designation. The land is allocated as Countryside Area as part of the adopted Local Plan.

2.0 The Proposal

- 2.1 The proposed development consists of the siting of 14 holiday chalets on the current golf driving range of Ashton Golf Centre. The scheme proposes three different types of units being the Cresta (4.73m x 12.23m), the Tirol Annexe (6.84m x 10.65m) and the Sherwood (6.9m x 10.97m) - all single storey and of timber construction. New planting is also proposed as part of the scheme. Access to the site would be afforded via the existing site entrance to the golf course, and users would park in

the existing car park and will be transported by golf buggies to their chalet with an internal track to access each of the chalets.

2.2 The scheme also proposes a temporary access that crosses the existing golf course to facilitate the delivery of the chalets which is likely to be a temporary roadway way made up of heavy duty matting.

3.0 Site History

3.1 The recent withdrawn application noted below is the most relevant history:

Application Number	Proposal	Decision
16/00665/FUL	Change of use of golf driving range (D2) for the siting of 14 holiday chalets (C1) and creation of a new access point	Withdrawn

4.0 Consultation Responses

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

Consultee	Response
Natural England	No objection
Thurnham Parish Council	No comments received during the statutory consultation period
County Highways	No objection, subject to conditions associated with covered and secure cycle storage and off site highway works including stop and give way lines
Environmental Health	No objection, subject to conditions associated with contaminated land and bunding of tanks
Lead Local Flood Authority	No comments received during the statutory consultation period
Tree Protection Officer	Objection due to insufficient submitted information to assess the effectiveness of the proposed Tree Protection Plan
Sport England	Given the scale of the development have no comments to make
Public Realm Officer	Initially raised concerns regarding the lack of information contained within the applicant's open space assessment. Following the receipt of additional information is satisfied that the applicant has demonstrated that there is no longer a need for the facility
Lancashire Police	Advise that measures should be employed such as CCTV, use of barriers on accesses and low energy dusk to dawn lighting should be used
Planning Policy	Raise concerns over a lack of information with respect to landscape impacts
Greater Manchester Ecological Unit	No objection, and recommends informative's regarding Great Crested Newts, Nesting Birds and for a condition to be added regarding ecological enhancement
Historic England	No comments received during the statutory consultation period
Conservation Officer	No comments received during the statutory consultation period

5.0 Neighbour Representations

5.1 4 letters of objection have been received raising the following points:

- Issues of ownership (not a planning consideration);
- Concerns with respect to foul and surface water;
- No evidence of need;
- Harm to Ashton Hall;
- Lack of suitable netting on the site leading to stray golf balls leaving the site;
- Detrimental impact on landscape and ecology;
- Highway safety concerns; and
- Unsustainable location.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
Section 3 – Supporting a prosperous rural economy
Section 4 – Promoting Sustainable Transport
Section 8 – Promoting Healthy Communities
Section 11 – Conserving and Enhancing the Natural Environment
Section 12 – Conserving and Enhancing the Historic Environment

6.2 Lancaster District Core Strategy Policies

SC5 – Achieving Quality in Design
ER6 – Developing Tourism

6.3 Development Management DPD

DM7 – Economic Development in Rural Areas
DM9 – Diversification of the Rural Economy
DM14 – Caravan Sites, Chalets and Log Cabins
DM20 – Enhancing Accessibility and Transport Linkages
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM30 - Development affecting Listed Buildings
DM32 – The setting of designated heritage assets
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM39 –Surface Water Run-Off and Sustainable Drainage
DM40 – Protecting Water Resources

6.4 Lancaster District Local Plan Saved Policies

E4 – Development within the Countryside

6.5 Other Material Considerations

PPG17 – Open Space Study

7.0 Comment and Analysis

7.1 The application raises the following main issues:

- Principle of development;
- Flooding and drainage;
- Open space;
- Ecology;
- Highways;
- Heritage; and
- Other Considerations.

7.2 Principle of Development

7.2.1 The proposed development involves the siting of wooden chalets on the golf driving range associated with the Ashton Golf Centre. Policy DM14 of the Development Management DPD is therefore relevant which concerns the siting of caravans, chalets and log cabins, and generally proposals should seek to utilise brownfield land first and the local highway network should be capable of accommodating the development. In addition, the points below require special consideration:

- (Development should) be of a scale and design appropriate to the locality and does not have any detrimental impacts on the local landscape;
- (Development) should make use of appropriate materials which are sympathetic to its locality.

Priority will generally be given to utilising previously developed sites and when greenfield sites are considered it should be demonstrated that no alternative suitable brownfield sites exist locally. The site has a historic use as a golf driving range and therefore whilst it is greenfield (with manicured greens) it is considered to be potentially capable of accommodating this form of development, assuming issues regarding the loss of recreational open space can be fully addressed (see Section 7.4). It is the applicant's intention that the chalets would likely be used by people wishing to take a golfing holiday and that the provision of the chalets would enhance the attraction to users and boost the income of the business, and in general terms this is something which is to be encouraged by the Local Planning Authority. The Highway Authority raises no objection in highway terms.

7.2.2 The application seeks to utilise wooden chalets of single storey build and the site is enclosed, so views into the site would be limited and only really be gained by golfers and perhaps those using the private lane to the south of the site in the winter time when the trees are not in leaf. It is therefore considered to be of a scale and design that is appropriate to its surroundings and the wooden chalets would be sympathetic to the rural location. There are concerns with respect to accessing the development (both during the construction and during operation) via the existing golf course and this requires further thought, as is noted in paragraphs 7.6.2 and 7.6.3, but overall the principle of this development could be found acceptable (assuming other issues such as the loss of recreational open space, access and drainage can be overcome).

7.3 Flooding and Drainage

7.3.1 Compared to the previous iteration of the scheme when the red edge plan occupied an area in excess of 1 hectare it has since been reduced so now occupies 0.85 hectares in area and therefore falls under the threshold which would require the submission of a Flood Risk Assessment (FRA) to accompany the scheme. However, one has been submitted (admittedly brief) which discusses that the site is within Flood Zone 1 and that surface water will be discharged by each chalet having a rainwater harvesting system in addition to providing an allowance for infiltration into the ground via a soakaway. With the withdrawn application there is no detail submitted of how surface water would be managed, and whilst the applicant states that a soakaway would be used, there is no evidence before officers as to whether this solution would indeed be practical as this would be entirely dependent on the ground makeup (of which no detail has been provided). The Lead Local Flood Authority (LLFA) previously raised an objection on the premise that no FRA was submitted with the application, though this was when there was a requirement to submit one given the area was over 1 hectare. There are concerns that the applicant's temporary access crosses a drain. The views of the LLFA are awaited and will be reported verbally at the Committee meeting. However, it is considered that surface water can be appropriately controlled and would not lead to flooding elsewhere – it is a matter of how this will be achieved.

7.3.2 Foul water is proposed to be handled by the use of a package treatment plant on the site and the applicant has provided amended plans to reflect this. United Utilities has made no comment on the planning application and it has to be assumed that foul water can be handled appropriately on the site. Officers do have concerns in this regard, though in terms of how access would be afforded to any ongoing maintenance of any package treatment plant it is unclear from the submission how this would be delivered in practice. The applicant's proposed route of accessing the site would also cross a drain, though no detail has been provided to demonstrate how this will indeed be crossed.

7.4 Open Space

7.4.1 The Ashton Golf Centre is identified in the Council's PPG17 study on open spaces (though the study only covers the driving range shelter and not the area where the chalets are proposed to be sited, even though these are on the driving range greens). Notwithstanding this it is clear in the specification of the PPG17 study that the driving range is part of the make-up of the allocation. Sports facilities such as the golf driving range are a source of recreation and amenity and therefore in line with Policy DM26 of the Development Management DPD the applicant has submitted an Open

Space Assessment for consideration. The withdrawn submission provided weak justification for the loss of the driving range and initially this was the case with this application. However, the applicant has submitted additional information in support of the scheme. This concludes that the current driving range was in profit until September 2014, though following this date has been operating at a loss. The applicant suggests that this is in part due to the approval of application 12/00212/CU (situated just south of the site) which was for the change of use of land to a touring caravan site with associated infrastructure and a legal dispute that has occurred between the owners of the Golf Centre and caravan site due to concerns regarding golf balls travelling from the driving range onto the caravan development site. The applicant has taken measures such as purchasing 20,000 reduced flight golf balls, repairing the netting at the southern edge of the driving range and banning the use of drivers and woods to ensure that balls entering third party land does not occur which is said to represent a health and safety concern especially when the adjacent site will be fully occupied.

- 7.4.2 Unlike with the withdrawn planning application the applicant acknowledges the loss of the driving range and the applicant proposes to offset this by the creation of a short game practice area on the range outfield opposite the proposed chalets. This is made up of a large practice putting green, chipping area with bunkers near the range building and will be used by the teaching professional, users of the lodges and the public. The existing driving range shelter is proposed to remain, however, there is the longer term possibility to use the structure by tunnel netting this to create an “indoor” range and teaching area.
- 7.4.3 The applicant contended in their original statement that the Lancaster Golf Club (located less the 500m away) had recently gained consent for their own driving range and this is likely to have a detrimental effect on the existing facility at the Ashton Golf Centre. However, whilst full consent was granted under 13/01295/HYB for the change of use of land to a driving range further north along Ashton Road and outline consent for the associated building, this has not been implemented, and furthermore they only have a further 5 months to implement this consent before permission lapses.
- 7.4.4 Additional information has been provided that Lancaster Golf Course does have their own small scale driving range and were granted planning permission under application 15/01572/FUL to build a shelter over their existing practice area to create a driving range, with users purchasing tokens from the club shop (at a lower cost than Ashton Golf Course). One fundamental benefit is that any size club can be used here unlike the situation at Ashton Golf Course, but this is not open to the public to use; only members of the Ashton Golf Club.
- 7.4.5 The supporting information does state that the use of the main 9-hole golf course would not be affected by the proposed development. A weakness of the submission, however, is that unfortunately there has been no consultation with key stakeholders and the local community as to whether the driving range has a value – no information on demand or no detail on the number of users. The case officer understands that the driving range is still available for use 7 days a week between the hours of 09.00 and 20.30 during the summer months and 09.00 till dusk during the winter months. A decision on the loss of the driving range needs to be considered against the backdrop of falling revenues, the provision of other driving ranges locally (Ashton Golf Club) and justification that the applicant has put forward. On balance whilst Officers are satisfied that the applicant has demonstrated that special circumstances could apply here to justify the loss of the golf driving range, this should be on the basis of a replacement similar facility. Unfortunately the plans do not provide any evidence of this replacement. Amended plans in this regard are required before determination as this would constitute development in its own right. The public realm officer had reservations initially regarding the scheme but on balance now raises no objection to the development. Likewise Sport England have no adverse observations to make on the proposal.
- 7.4.6 The decision is finely balanced with plausible arguments on both sides but fundamentally details of the replacement facility are required before the application can be determined and whilst the applicant has committed to these in writing these are not shown on plan. This has been conveyed to the applicant’s agent, however, no response has been forthcoming. Whilst it can be considered that a solution can be found, further work is required to enable a positive recommendation in this regard. It is therefore considered that the applicant may well have provided sufficient justification to allow for the loss of the driving range on the provision of what is contained within their written submission, but a plan detailing the replacement facility is required before the scheme can be positively recommended and therefore the application fails to comply with Policy DM26 of the Development Management DPD and Paragraph 74 of the NPPF.

7.5 Ecology

7.5.1 The scheme is supported by an ecological appraisal of the site. Whilst the site itself is not deemed to be of significant biodiversity interest the surrounding woodland is considered as high value woodland and there are a number of ponds in close proximity to the application site. Given the age of trees bats are known to forage locally, but the trees in question would remain as part of this development proposal, and therefore there would be no loss of habitat. The ponds in close proximity to the site have been assessed as not being suitable for Great Crested Newts. Notwithstanding the above, a condition is recommended for ecological enhancement of the site (including a control on external lighting). Officers are satisfied that the proposed development could, through the use of planning conditions, be beneficial to the natural environment, this is echoed by the Council's ecological advisors Greater Manchester Ecology Unit. A response from Greater Manchester Ecology Unit has not been received with respect to the applicant's temporary access and will be reported verbally to the Committee meeting.

7.5.2 With the withdrawn application there was a requirement for the applicant to provide a detailed tree survey and tree constraints plan in support of the application given the application proposes chalets in close proximity to mature trees. The applicant has sought to address this concern by providing a 5m buffer from the existing canopy, with all of the units being located outside of this buffer. The Tree Protection Officer recommends that the application is refused as the applicant has failed to provide a tree survey. The effectiveness of the proposed root protection area cannot be assessed in sufficient detail as the root protection area is calculated on a tree-by-tree basis, not a generic distance of 5m. Whilst no trees are proposed to be lost the submission fails to provide adequate certainty that existing trees would not be damaged due to this development and therefore the scheme fails to conform to the requirements of Policy DM29 of the DM DPD.

7.6 Highways

7.6.1 The site is accessed off Ashton Road via a private road that also serves a number of dwellings, the garden centre, golf centre, touring caravan site (currently under construction) and the application site. The Highway Authority raises no objection to the scheme on the understanding that the development is for holiday accommodation only and that cycle parking is provided on the site. Conditions are recommended requiring white-lining at the junction of Ashton Road and the private road. These are all considered acceptable and could be imposed should members resolve to support the scheme.

7.6.2 Whilst the Highway Authority does not object to the proposals there is concern as to how the site would be accessed as there would be a requirement to cross the existing golf club to access the chalets. A plan has been provided showing buggy access from the existing car park to the site but it is unclear whether this would need to be hard surfaced given the width of the current access is very narrow. The applicant's agent maintains it would remain as is the current situation and no further hard surfacing, which would constitute an engineering operation, would indeed be required.

7.6.3 The withdrawn application included an emergency vehicular access point to the south of the proposal which has been excluded from the red edge plan as part of this planning application, though the plan clearly shows an improved access. There is concern as to how the chalets would be delivered to the site though the applicant is proposing that these would be delivered in 2 or 3 sections to the existing car park and then to the site via the existing service road serving the driving range. Temporary matting across the golf course is proposed by the applicant. The applicant maintains the existing driving shelter was constructed this way but the applicant's proposal would appear to cross a drain. No detail has been provided as to how this will be crossed. In short whilst this may be a feasible suggestion there are significant concerns as raised within Section 7.7 of this report.

7.7. Heritage

7.7.1 The proposed development is close to a Grade I Listed building in the form of Ashton Hall which is a 14th century mansion now owned by Lancaster Golf Club. In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM30 and DM32. Given the screening between the Listed building and the proposed development it is not considered that the setting would be unduly harmed due to this development.

However, as part of the application process and following concerns raised by the case officer in respect of accessing the site for the delivery of the chalets there is likely to be the need to remove a small section of an existing stone wall which Officers feel would be curtilage Listed in association with Ashton Hall. No detail has been provided to show the amount of wall that would need to be removed, and Listed Building Consent would be required. An application should have been made for Listed Building Consent to fully assess the implications associated with the loss of the wall. In view of the uncertainty raised and the lack of assessment to establish the significance of the wall it has to be considered that there is insufficient information to assess the impact and therefore the development fails to comply with Policies DM30 and DM32 of the Development Management DPD.

7.8 Other Considerations

- 7.8.1 Many of those who have objected to the scheme have raised land ownership as an issue. However, the agent has signed the necessary certificate to state that they are the owner of the site. This is a legal declaration and has to be relied upon. Notwithstanding this, the concern has been relayed back to the applicant, but the Local Authority has not been informed of any changes to their previous declaration.
- 7.8.2 Concern has also been raised regarding the sustainability credentials of the scheme. However, the Ashton Golf Centre has a small club house serving food and drink. The nearby garden centre provides a similar service. Overall it is considered that a use such as that proposed could indeed be complementary to the offer already present and assist with maintaining rural businesses. This weighs in favour of support to the proposal.

8.0 Planning Obligations

- 8.1 Should Members support the scheme against the advice of Officers then the applicant should enter into a Section 106 legal agreement to limit the site solely to chalets for holiday purposes only to prevent the residential occupancy of the chalets.

9.0 Conclusions

- 9.1 The Local Planning Authority has tried to approach the decision making process in a positive way and has proposed solutions to the applicant to allow for a scheme to be supported. However, the proposal contains insufficient information, notably with regards to the loss of recreational open space, together with impacts on trees and how the development would be delivered on the site. Therefore whilst the principle of development is acceptable, Members are advised that the scheme should be refused for these reasons.

Recommendation

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

1. The applicant has not provided the necessary information to show the replacement facility which they propose in their supporting written submission and therefore it is considered that this information is required to enable the decision maker to come to an informed decision on the loss of the driving range. It is also considered that insufficient information has been supplied in respect to the delivery of chalets, how users would access them, together with associated maintenance, due to the potential need to cross the existing Golf Course, which could potentially adversely affect the recreational and environmental value of Ashton Golf Centre. The scheme therefore fails to comply with Policy DM26 of the Development Management Plan DPD and Paragraph 74 of the National Planning Policy Framework.
2. There is a lack of a coherent strategy as to the delivery of the chalets to the site which would appear to involve the loss of some curtilage Listed wall associated with Ashton Hall which is Grade I Listed. Due to the lack of information in this regard it is not possible to assess the impact of the development on the significance of the heritage asset, and therefore the scheme fails to conform to Policies DM30 and DM32 Development Management Plan DPD and Paragraph 128 of the National Planning Policy Framework
3. There is a lack of consideration of the development's impact on trees given the insufficient supporting documentation submitted as part of the application. In the absence of adequate tree

information it can only be concluded that the scheme has the potential to adversely impact the health of the trees in the vicinity of the application site and therefore the scheme fails to accord to Policy DM29 of the Development Management Plan 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.

Background Papers

None

Agenda Item A14	Committee Date 12 December 2016	Application Number 16/00764/FUL
<p align="center">Application Site</p> <p align="center">Land At Canal Bank Stables Ashton Road Lancaster Lancashire</p>	<p align="center">Proposal</p> <p align="center">Erection of a detached dwelling (C3) and associated access</p>	
<p align="center">Name of Applicant</p> <p align="center">Miss Emma Wilson</p>	<p align="center">Name of Agent</p> <p align="center">Mr Andrew Tait</p>	
<p align="center">Decision Target Date</p> <p align="center">12 August 2016</p>	<p align="center">Reason For Delay</p> <p align="center">Committee site visit and awaiting additional information and plans</p>	
<p>Case Officer</p>	<p>Mrs Kim Ireland</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Refusal</p>	

(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. The application was deferred from October's Planning Committee meeting for a site visit and to allow the applicant a chance to try and address the reasons for refusal cited within the report.

1.0 The Site and its Surroundings

- 1.1 The land which forms the subject of this application relates to land to the south of 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 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 the land following a similar topography and boundaries formed of mature trees and hedges. Land to the south of the site has a small group of residential properties known as Ashford Avenue. This is a small complex of large dwellings served off a short cul-de-sac, again rising steeply to the west.
- 1.3 A stone access track runs between the application site and the boundaries of the residential properties to the south. The current access off Ashton Road, which is a stone track, serves the equestrian development further to the west on the other side of the ridge line. This access also serves a small car parking area developed to serve the equestrian business, which is located close to Ashton Road.

- 1.4 Relatively new housing development lies further east and a little north of the application site on the east side of Ashton Road. These residential areas contain 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. The north and east boundaries of the site include a number of mature trees which are subject to a Tree Preservation Order.

2.0 The Proposal

- 2.1 The proposal is seeking to develop a detached dormer bungalow set in a large garden plot. The footprint of the property measures approximately 253sq.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 curtilage measures 30m deep (west-east) and 54m deep (north-south), totaling 1,620sq.m. The external walls are to be finished in a smooth lime mortar finish with quoins under a grey natural slate roof. Windows and rainwater goods are to be white UPVC.
- 2.2 Additional plans have been received from the applicant that show a dormer bungalow, though no information has been provided regarding a driveway or if a turning head is to be provided. No sections or constructional details are provided for the drive/turning area and its relationship to existing ground level. Plot boundaries are to remain as existing. Furthermore, plans are await to address a number of inconsistencies with the plans, most critically that the proposed dwelling is shown to fall outside the application (red edged) site.

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 has been three applications that are associated 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 of a detailed tree/hedge survey, tree/hedge constraints plan and tree/hedge protection plan, in compliance to BS 5837 (2012), in relation to onsite hedges and off-site trees subject of TPO no.269, required pre-determination.
Natural England	No comments to make
United Utilities	A water main/trunk main crosses the site. Access is required to operate and maintain it, so no development would be permitted within 5 metres either side of the centre line of the pipe.

5.0 Neighbour Representations

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

- Loss of privacy 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
- The dwelling will cause an invasion of privacy, as it will look directly into neighbouring properties

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

6.4 Saved policies of the Lancaster District Local Plan

E4 – Countryside Area

E29 – Urban Greenspace

E31 – Key Urban Landscape

7.0 Comment and Analysis

7.1 The key considerations arising for the proposal are:

- Principle of Housing in this Location; and
- Need for the Dwelling

7.2 Principle of Housing in this Location

- 7.2.1 The application site falls within the District's Countryside Area, a Key Urban Landscape and an Urban Greenspace. Whilst residential development within the Countryside Area is not prevented by saved Local Plan policy E4 (which seeks to manage the landscape impacts through appropriate design, scale, materials and external appearance, the access and parking arrangements, and the nature conservation impacts), saved policies E29 and E31 are far more restrictive, protecting the site from development unless it is essential education or community related development and it preserves the openness, character and appearance of its surroundings.
- 7.2.2 In developing the Land Allocation DPD the area of land running to the west and south of Haverbreaks has been reviewed and further landscape assessment work undertaken. The allocation is to be reconfirmed and it is proposed to be allocated as Key Urban Landscape only. Policy DM28 of the DM 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.
- 7.2.3 The site location is generally considered to be relatively sustainably, located within walking distance of a number of services (0.9km from Hala crossroads) 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, E4, E29 and E31 of the LDLP and DM28 of the DMPDP. These policies seek to safeguard the land, recognising its importance in protecting the setting of the urban area. Currently, the land is open pasture seen rising west from Ashton Road to the ridge line. 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, which is on lower land to the west of the ridge. Despite the plans being amended to propose a dormer bungalow rather than a 2 storey house, which reduces the impact slightly, the scale and location of the proposal fail to meet the requirements of the aforementioned policies and adversely affect the openness and character of the local environment.
- 7.2.4 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 is debatable whether this is deemed to be "essential education" as required by saved policy E29, but even assuming it meets this requirement of the policy (which given the context it would probably be difficult to argue otherwise), it still fails to meet other requirements, such as maintaining the openness of the area, preserving the environment's character and proposing appropriate development in terms of scale and siting. Furthermore, the scale of development proposed could not be deemed to be a "limited expansion" of the existing use, again as required by E29. The proposed siting of the dwelling has been moved west compared to the previous application, to the brow of the land which significantly rises 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.
- 7.2.5 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 proposing a dwelling to serve a rural enterprise, namely Canal Bank Stables. The location of the dwelling is not regarded as rural (despite being located within the Countryside Area)

but would need to be assessed against policy DM43 (accommodation for agricultural and forestry workers) and the associated Appendix C of the DM DPD. An agricultural worker's dwelling is only deemed acceptable where both the financial and functional tests are met.

- 7.3.2 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 on a full time basis. The stables appear to have been operating on a sound financial basis for all this period but the application has failed to provide any detailed financial background. However, notwithstanding the lack of information in this regard, given the longevity of the enterprise and continued employment of at least two people, it is considered that the financial requirements of policy DM43 and Appendix C are met.
- 7.3.3 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 approach 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 DM DPD sets out a number of criteria against which such development must be considered. Proposals would only be supported providing all the criteria are met:
- 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.
- 7.3.5 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. Additional information has been received from the applicant that states that there has been recent outbreak of strangles and loss of some animals due to illness. Therefore there is the need to provide 24 hour care and recently the applicant has stayed overnight in the stables to monitor the animals. The proposed dwelling would enable motion and sound activated cameras to be installed, allowing the applicant to arrive at the stables immediately to assist the animals. It is considered that whilst the applicant has provided further justification for the need of the dwelling, the protection of livestock (in this case horses) from theft, injury or disease is not in itself sufficient to justify a dwelling as stated within Appendix C of the DM DPD. Therefore the application is considered to fail criteria i of the policy.
- 7.3.6 As stated in 7.3.2, criteria ii and iii appear to be met.
- 7.3.6 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 applicant's current location (a recent purchase). The information provided still does not justify 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 range of dwelling styles, sizes and value and the availability of technology to overlook the enterprises (both inside and outside) it is considered that the submission fails criteria iv of the policy.
- 7.3.7 Turning to criteria v, the revised proposal is seeking to develop a large four bedroom dormer bungalow with 2 substantial projections – a conservatory on the west elevation and a double garage with accommodation in the roofspace on the east elevation. Whilst the revised plans are an improved design from the previous two storey dwelling (initial proposal under this application) and large bungalow (proposed under 15/01372/FUL) the scale and siting of the proposal remain unacceptable and contrary to policy. It is too large and does not adequately relate to either its environment or the stables to which it is due to serve. The property alone fails to meet this criteria, but the parking and garden paraphernalia associated with such a domestic use would further erode the character of the area in such a prominent location.
- 7.3.8 An amended site plan has also been submitted to show why other areas within the applicant's ownership are unacceptable to site the dwelling. However, Officers have noted a number of

discrepancies with this plan and amendments in this regard are awaited. Nevertheless, this does not alter Officers' opinion that the current siting of the dwelling is not seen to minimise the impact of the surrounding area and a more appropriate location for the dwelling is not be considered by the applicant, which would address the siting requirements of the relevant policies. The location would be to the south of the unauthorised agricultural building, within the applicant's ownership and is away from the easement of the water pipe. It would not be visible from Ashton Road and would be screened from the Lancaster Canal. Furthermore it would relate well to the existing operation of the enterprise. This site could potentially accommodate a well-designed 2 storey house and still preserve and maintain the openness and character of its environment.

7.3.9 Overall it is considered that whilst the design of the propose dwelling has improved, it still has not addressed the policy requirements. This includes Core Strategy policy SC5, DM35 of the DM DPD, and relevant paragraphs of Section 7 of the NPPF, all of which promote high quality design. In addition, due to the proposed siting of the dwelling, the scheme has failed to minimise its impact on the surrounding area, and given its isolation is not well related to either the operation of the enterprise or other dwellings. Therefore the application is considered to fail criteria v. of the policy, as well as saved policies E4 and E31 of the Local Plan and policy DM28 of the DPD.

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 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, and the applicant has submitted an arboricultural impact assessment and method statement that concludes that the proposed location of the dwelling will not affect or require the removal of any trees. Therefore the requirement of a tree survey and tree works schedule is no longer required.

7.4.2 Water main

The site is affected by the line of a 0.3m diameter cast iron water main which runs close to the southern boundary of the site in an east west direction before veering west north west. 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 saved Local Plan policies E4 (Countryside Area), E29 (Urban Green space), E31 (Key Urban Landscape) and DM28 of the DM DPD that seek to safeguard the character of 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 on balance is deemed to be an acceptable education use in this context (in line with E29), though the scale of development proposed could not be deemed to be a "limited expansion". Furthermore, the other 3 policies are more restrictive in order to preserve the openness and character of the area. The proposed siting of the dwelling on the brow of the land is deemed inappropriate as it is the most prominent location within the applicant's ownership and it neither relates to the enterprise nor nearby dwellings. The scale of the building is also deemed to be excessive. For this reason it also fails to meet some of the criteria within DM43 of the DPD.

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 applies, the principle of the proposed private single dwelling in this location is not supported as the harm which has been identified in respect of the openness and character of the landscape outweighs the presumption.

- 9.3 Officers have worked with the applicant throughout the determination period, and has advised the applicant again of the application's shortcomings in terms of scale, location and siting, and how these could be overcome. Any amendments received will be verbally reported to the Committee meeting.

Recommendation

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

1. The proposal seeks to develop a new dwelling within areas designated as 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. Whilst limited expansion of existing uses will be permitted for exceptional essential educational and community related facilities the submission has failed to propose a development, by reason of its scale, location and form, that safeguards and preserves the open nature and landscape value of the area to the detriment the character and appearance of the area. As such the proposal is considered to be contrary to saved policies E4, E29 and E31 of the Lancaster District local Plan, policy SC5 of the Core Strategy, and policies DM28 and DM35 of the Lancaster District Development Management DPD and Section 7 of the National Planning Policy Framework.
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 DM43 of the Development Management DPD and the provisions of the National Planning Policy Framework, in particular paragraph 55.

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.

Background Papers

None

<p align="center">Agenda Item</p> <p align="center">A15</p>	<p align="center">Committee Date</p> <p align="center">12 December 2016</p>	<p align="center">Application Number</p> <p align="center">16/0137/TCA</p>
<p align="center">Application Site</p> <p align="center">95 Main Street Warton LA5 9PJ</p>	<p align="center">Proposal</p> <p align="center">Tree works application to fell a single conifer</p>	
<p align="center">Name of Applicant</p> <p align="center">Mr Kevin Richards</p>	<p align="center">Name of Agent</p> <p align="center">-</p>	
<p align="center">Decision Target Date</p> <p align="center">21 November 2016</p>	<p align="center">Reason For Delay</p> <p align="center">N/A</p>	
<p>Case Officer</p>	<p>Miss Maxine Knagg</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Tree Works Notification – No objection to the intended work</p>	

(i) Procedural Matters

This is not a planning application but a notification for works to fell a single conifer from the rear garden of the above property. These types of notification are usually considered under delegated powers. However in this particular case, it is considered prudent to determine the application at Planning and Highways Regulatory Committee, because a City Council employee lives at the property.

1.0 The Site and its Surroundings

- 1.1 Main Street is a main thoroughfare through the village of Warton. The property is established within the local conservation area as such, all trees that have grown to attain a stem diameter of 75mm or greater when measured at 1.5m above ground level are protected in law.
- 1.2 The tree that is subject to this notification is a conifer, established within the rear garden.

2.0 The Proposal

- 2.1 The Tree Works Notification details an intention by the owner to fell a conifer established within the rear garden of the property.

3.0 Site History

- 3.1 None relevant to this application.

4.0 Tree Works Assessment

- 4.1 The tree has no significant visual impact upon the wider locality and conservation area.
- 4.2 The specimen does have some potential to provide habitat and foraging opportunities for wildlife,

including protected species such as nesting birds which are protected under the terms of the Wildlife & Countryside Act (as amended 2010) 1981.

- 4.3 Generally the tree (known as T1) is in good overall condition.
- 4.4 The loss of T1 is not regarded to have any adverse impact upon the character and appearance of the property, wider locality or the Conservation Area.
- 4.5 Lancaster City Council does not consider the tree to be worthy of protection with a tree preservation order, as such has no objection to the intended works.
- 4.6 All tree work must be carried out in compliance to current standards of best practice, set out within *BS 3998 (2010) Tree Work*, and to ensure the visual amenity, health, vitality and long term sustainability of the trees are not adversely impacted upon.

5.0 Conclusions

- 5.1 Based upon the above assessment, the removal of the tree in question is permissible.
- 5.2 Therefore Members are advised that subject to the advice notes below, the local authority has no objection to the intended work.

Recommendation

That there is **NO OBJECTION TO THE INTENDED TREE WORK** subject to the following advice:

- 1. That in respect of T1 – Conifer – Fell to ground level.

Background Papers

None.

<p align="center">Agenda Item</p> <p align="center">A16</p>	<p align="center">Committee Date</p> <p align="center">12 December 2016</p>	<p align="center">Application Number</p> <p align="center">16/0143/TCA</p>
<p align="center">Application Site</p> <p align="center">Denny Bank Main Street Arkholme Lancashire</p>	<p align="center">Proposal</p> <p align="center">Fell a single conifer</p>	
<p align="center">Name of Applicant</p> <p align="center">Peter Williamson</p>	<p align="center">Name of Agent</p> <p align="center">-</p>	
<p align="center">Decision Target Date</p> <p align="center">01 December 2016</p>	<p align="center">Reason For Delay</p> <p align="center">N/A</p>	
<p>Case Officer</p>	<p>Miss Maxine Knagg</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Tree Works Application – Grant Consent</p>	

(i) Procedural Matters

This is not a planning application but an application for works to a tree that is established within Arkholme Conservation Area. These types of applications are usually considered under delegated powers. However in this particular case, it is considered prudent to determine the application at the Planning and Highways Regulatory Committee, because the applicant is a City Councillor.

1.0 The Site and its Surroundings

1.1 Main Street lies within the heart of the village of Arkholme and within the local conservation area. The property is a detached dwelling with large garden areas to the front, side and a large paddock to the rear.

1.2 All trees that have attained a stem diameter of 75mm or greater when measured at 1.5m above ground level are protected in law, by virtue of being established within a conservation area. As such, the owner is required by law to notify the local authority in writing of an intention to undertake works to protected trees within a conservation area. A minimum period of 6 weeks' notice is duly required.

2.0 The Proposal

2.1 The Tree Works Notification advises the Council of an intention to fell a single, conifer tree established to the front/side of the property. The tree is to be removed because it is growing on top of a septic tank and the owner has concerns that roots from the tree may have an adverse impact upon the septic tank. Other adjacent vegetation are to be retained.

3.0 Site History

3.1 None relevant to this application.

4.0 Tree Works Assessment

4.1 The tree can be seen from the wider public domain and as such makes a positive contribution to the

character and appearance of the wider public domain.

- 4.2 The specimen is an important resource for wildlife with significant potential to provide habitat and foraging opportunities for a range of wildlife communities, including protected species, such as nesting birds and bats. Both are protected under the terms of the Wildlife & Countryside Act (as amended 2010) 1981.
- 4.3 Generally the tree (known as T1) is in good overall condition. Leaf coverage, leaf shape, size, colour and distribution across the canopy are all within normal parameters.
- 4.4 The property benefits from a range of mature trees and vegetation to the front and side gardens areas. As such, the loss of T1 is not considered to have an adverse impact upon the character and appearance of the property or that of the wider conservation area.

5.0 Conclusions

- 5.1 The work to fell a single tree is permissible.
- 5.2 Therefore Members are advised that subject to the recommendations below, there is no objection to the intended works.

Recommendation

That the **COUNCIL HAS NO FORMAL OBJECTION TO THE INTENDED WORKS** subject to the following advice notes:

1. That in respect of T1 – Conifer, Lancaster City Council has no objection to the removal of the tree.
2. That all work must be undertaken in accordance to British Standard (BS) 3998 (2010) – Tree Work.
3. Standard condition Nesting Birds and Bats

Background Papers

None.

PLANNING AND HIGHWAYS REGULATORY COMMITTEE**North West Coast Connections Project: Stage 3
(s42) Formal Consultation Response****12th December 2016****Report of the Chief Officer (Regeneration & Planning)****PURPOSE OF REPORT**

To enable the Committee to give formal views on behalf of the City Council to National Grid, on the route and siting proposals for this national infrastructure project, with particular reference to the tunnel-head proposals at Middleton (Heysham).

This report is public**RECOMMENDATIONS**

- (1) That the Committee agrees to submit this report and Appendix 1 as the Council's response to National Grid's formal consultation on the North West Coast Connections Project, and authority is delegated to the Chief Officer (Regeneration & Planning) to agree any amendments.**
- (2) That the Committee delegates authority to the Chief Officer (Regeneration & Planning) to approve the technical response prepared by the consultant team on behalf of the Council and the local authorities within the Planning Performance Agreement group.**

1.0 Summary

1.1 National Grid Electricity Transmission plc (National Grid) is undertaking a formal public consultation on the North West Coast Connections (NWCC) project. The project will connect proposed new nuclear generation at Moorside (near Sellafield, West Cumbria) by new electricity transmission lines to the existing national grid electricity transmission network at Harker, near Carlisle and Heysham. This project is a Nationally Significant Infrastructure Project (NSIP), which will be decided by the Secretary of State through the Development Consent Order (DCO) process.

1.2 The public consultation on the project runs between 28th October 2016 and 6th January 2017. This is a formal stage of consultation under Section 42 of the Planning Act 2008 with the public and local authorities, and is the main opportunity to comment on this project before a DCO application is submitted to the Planning Inspectorate, currently scheduled for April 2017.

1.3 Members received reports on National Grid's consultation on the Strategic Options at the meeting of this Committee on 25th June 2012, and Routeing Corridor Study on the 10th November 2014.

1.4 Lancaster City Council has been involved in the evolution of the project through a Planning Performance Agreement to help steer the project and identify any issues which need to be considered prior to an application being made. This involvement does not prejudice the way the Council should respond to any consultation nor does it prejudice the Council's involvement in later, formal stages of the project, when the council deals directly with the Planning Inspectorate

1.5 The City Council is a statutory consultee and this report sets out a proposed response for approval by the Planning & Highways Regulatory Committee on behalf of the Council. This important project will bring significant economic benefits to the district. The City Council's support should continue to be subject to the project:

- Utilising a rail based option to export tunnel spoil from, and to import construction materials to the tunnel head during the construction phase of the project;
- Maximising the employment of local labour, and expenditure on locally sourced goods and services;
- Achieving legacy impacts from the project, which should include investment in the local housing stock to provide workforce accommodation.

1.6 The representations summarised in Appendix 1 set out the Council's case for changes to be made to the project, including the need to deal with specific concerns about the adverse impacts of the temporary works at Middleton on residential properties at Mossgate.

2.0 Background

2.1 To meet future energy demand, to increase security of supply and to decarbonise electricity generation, the Government's National Policy Statement (NPS) EN-1 concludes that there is a significant need for new major energy infrastructure. NPS EN-1 includes information regarding the specific need for major new electricity networks infrastructure. National Grid is required to strengthen its electricity transmission network in Lancashire and Cumbria to connect proposed new nuclear generation at Moorside (near Sellafield, West Cumbria) by new electricity transmission lines to the existing electricity network. The need for the project has been demonstrated by virtue of NPS EN-1.

2.2 The process for bringing forward the NWCC Project is set out below:

- Stage 1 Strategic Options (informal consultation)
- Stage 2 Routeing Corridor/Siting (public consultation)
- Stage 3 Detailed Routeing/Siting – **Current Stage**
- Stage 4 The Application
- Stage 5 Consideration of the application by the Planning Inspectorate (PINS) and Secretary of State for Energy & Climate Change

2.3 Stage 1: National Grid undertook an informal consultation on six Strategic Options between 11 May 2012 and 19 July 2012. Their appraisal work concluded that Option 3 (Cumbria Ring onshore) achieved the best balance between the technical, socio-economic and environmental considerations.

2.4 Stage 2: Based on consultation feedback and further technical appraisal of the options, National Grid identified potential route corridors where new infrastructure could be located, and undertook consultation between 4 September 2014 and 28 November 2014. These route corridor options fell into three groups:

- Onshore North and Onshore South with Tunnel
- Onshore North and Onshore South
- Onshore North and Offshore South

2.5 Having reviewed all responses, National Grid decided in June 2015 to proceed with the Onshore North and Onshore South with Tunnel option, which they have worked up into the current Stage 3 consultation.

3.0 Proposals

3.1 National Grid plans to build a 400 kilovolt (kV) connection from the proposed Moorside Power Station to the national electricity grid at Harker, near Carlisle and Heysham. This project will only be implemented if the new nuclear power station at Moorside goes ahead.

3.2 The proposed project (the subject of consultation) includes the following principal elements:

- Construction of 400kV transmission connections totalling approximately 163km from Harker to Heysham. This connection comprises overhead lines, underground cables and the use of tunnelling technology;
- Construction of new 400kV substations at Stainburn and Roosecote and extensions to the existing 400kV substations at Harker and Middleton (Heysham);
- Relocation of existing 400kV overhead line west of Harker;
- Construction of a tunnel beneath Morecambe Bay between tunnel head houses at Roosecote and Middleton (Heysham);
- Modifications to existing 132kV distribution infrastructure and removal of certain existing 132kV overhead lines (including at Heysham);
- Works to modify the existing Electricity North West Limited (ENW) 132kV and lower voltage network where necessary to allow construction of the 400kV connections;
- Modifications to the railway network to provide access to temporary rail sidings in certain locations;
- Areas of mitigation, restoration and/or reinstatement; and
- Associated works, for example, temporary access roads, highways works, temporary compounds (rail, helicopter and general construction) two temporary shafts, work sites and ancillary works.

3.3 The area of the consultation is divided up into two parts in order to better help consultees understand the areas that affect them – North (Moorside to Harker near Carlisle) and South (Moorside to Heysham). National Grid has further divided these two parts into geographic sections for ease of reference; section H2 covers the route under Morecambe Bay and section H3 covers the route between the coast and the sub-station at Middleton (Heysham).

3.4 The documents comprising National Grid's consultation can be viewed on National Grid's web site www.northwestcoastconnections.com.

3.5 As an NSIP, the project needs approval from the Secretary of State through the DCO process. A DCO is a composite consent that avoids the requirement for several different consents for a single project. It can include planning permission, the compulsory acquisition of land and interests in land, the stopping up of highways and highways works. The DCO application is submitted to the Planning Inspectorate (PINS) for determination.

3.6 As part of the S.42 consultation, the applicants have provided what is known as a Preliminary Environmental Information (PEI) report, which sets out the likely environmental effects of the development at this stage. The PEI is the precursor to a full Environmental Statement (ES) that will be submitted with the DCO.

3.7 Lancaster City Council is a statutory consultee in the DCO process and is classified as a 'host authority'. The Council's role as part of the current consultation is to:

- ensure that the developer provides and responds to evidence on likely impacts;
- develop solutions for how the impacts can be avoided or mitigated;
- maximise benefits for the local community;
- consider the prospective detailed terms of any DCO, including requirements (planning conditions) and legal obligations.

3.8 The Council (jointly with the other local authorities affected by project) has entered into a Planning Performance Agreement (PPA) with National Grid to enable it to engage in a positive way and to reach an informed view on the impacts of the proposal. Consultants WYG are supporting the work of this PPA Group. WYG is preparing the technical consultation response to National Grid's formal consultation on behalf of the PPA Group.

3.9 Following submission of the DCO, PINS will have 28 days in which to confirm their acceptance of the application. Within this period, the Council will have 14 days to submit comments on the Adequacy of Consultation. Once the application has been accepted, the Council will be asked to submit relevant representations within the next 28 days. To inform the Examination, the Council will also be invited to submit a Local Impact Report (LIR) and Statement of Common Ground. The LIR sets out the Council's view on how the project will affect the local area and effectively forms the evidence base against which the case will be assessed by PINS for mitigation and or legacy measures sought by the Council. The Council will also submit written representations to the Examining Authority and participate in oral Examination hearings, when invited to do so. The LIR will be approved by Executive prior to submission to PINS.

3.10 The expected timetable for the project is as follows:

- | | |
|-------------------------------|------------------------|
| • DCO application submitted | April 2017 |
| • Prepare Local Impact Report | Summer/Autumn 2017 |
| • Examination | Nov 2017 to April 2018 |
| • Consent (if secured) | October 2018 |
| • Construction | 2019 onwards |
| • Operation begins | 2024 |

3.11 The Council has worked with the PPA Group authorities to prepare a joint response to the current S.42 consultation (including the PEI report) highlighting the key issues. Appendix 1 provides a summary response setting out the issues of key concern to the Group. The more detailed PPA Group response will be submitted jointly with the support of all the PPA authorities.

Key Issues arising from the S.42 Consultation/PEI report relevant to the City Council

3.12 The key concerns arising from the current S.42 consultation focus on the following topic areas:

- Landscape and Visual Impact;
- Ecology;
- Socio Economics;
- Construction and Operational Noise & Vibration;
- Air Quality;
- Hydrology and Flood Risk;
- Traffic and Transport;
- The Tunnel;
- Lack of Information and Timescales; and
- Community Benefits.

3.13 The following sections consider each of the key topic areas in turn together with appropriate recommendations relating to those areas.

Landscape & Visual Impact

3.14 There are general concerns about the significant impact of installing new overhead lines on the landscapes across Cumbria. The project proposal incorporates substantial mitigation measures, which are acknowledged including the deployment of 23.4km (14.5 miles) of new underground cable and removal of the ENW 132kV line through the western section of the Lake District National Park (LDNP); a tunnel beneath Morecambe Bay to avoid the southern section of the LDNP and a reduction in the extent of existing ENW 132kV lines in the area around the Hadrian's Wall World Heritage Site.

3.15 Within the district there are concerns about the lack of proper assessment of the impacts of the temporary works at the Middleton tunnel-head on nearby residential properties. These works include provision for slurry treatment tanks, a separation plant, muck bins, segment and pipe storage, a settlement lagoon, a retained topsoil storage area, offices, car parking, a fitters' yard, muckway conveyors and a batching plant. Leaving local residents to discover the potential impacts of the temporary works buried deep within the PEI documentation is a serious flaw in the approach to consultation.

3.16 The size, purpose and potential impacts of the temporary structures at the Middleton tunnel-head is not properly dealt with in the PEI. Save for the draft layout at Figure 4.14.1 (Tunnel Temporary Works Plan – Middleton), there is nothing specific to alert local residents of the scale or intensity of the proposals which will be no more than 40 metres away from the closest residential property.

Recommendations

3.17 National Grid must explain what processes are involved that require the construction of the temporary buildings at the Middleton tunnel-head, exactly how will these uses/operational processes relate to each other, and what will be the impacts on people who live in the neighbouring properties. The Council expect that the final proposals will include modifications which (a) avoid impacts on residential properties; (b) minimise impacts or (c) mitigate impacts,

Ecology

3.18 Many of the ecology assessments for the project are based on incomplete survey data. The completed information will now only be available at the ES stage, and so the Council will not be able to comment on any of the final ecology evaluations and assessments before the DCO submission. Survey methodologies appear to be satisfactory but it is difficult to identify all habitats and the degree to which these will be harmed or lost. The PEI contains no Habitats Regulation Assessment (HRA) of the impacts of the project on internationally important wildlife.

3.19 It appears that the existing incomplete information has been used to scope in or out various designated sites, habitats and species. This approach will not provide a robust assessment until all the information has been considered, and scoping out features prior to obtaining all the data may result in these features being ignored prior to the final ES.

3.20 There appears to be no information on undesignated priority habitats in the assessment for each section. Some assessments provide a conclusion of no significant effect despite the fact that surveys are still ongoing. Issues have then been scoped out (habitats and/or species) from certain sections prior to assessing completed survey material.

3.21 The tunnel-head development at Middleton appears to result in a large local loss of habitat from both permanent and temporary impacts, with significant adverse effects on the adjacent SSSI and BHS. The PEI does not demonstrate that impacts on designated sites would be avoided or (where unavoidable) that adequate mitigation or compensation would be delivered. Similarly, the loss of habitat (which should properly be considered cumulatively with the other developments in this area) under the temporary and permanent substation/ construction compound at Heysham appears to be dismissed as insignificant and no adequate (or indeed any) compensation appears to be proposed.

Recommendations

3.22 A key issue is the lack of information supplied with the PEI in order to assess the potential impacts on terrestrial and avian ecology. As a result there is no satisfactory mitigation or compensation proposed. National Grid must provide sufficient detailed ecology information to address this issue as part of the Environmental Statement submitted with the DCO.

Socio Economics

3.23 National Grid has underestimated the disruption to the visitor economy across the area, by relying on limited local survey and other national tourism studies. Little primary information regarding the visitor economy has been provided in the PEI, with full assessment of the impact on the visitor sector and visitor perceptions not available until the Environmental Statement.

3.24 It is in the interests of National Grid and the local economy for the skills required by this project to be locally available and for the businesses to be equipped to become part of the supply chain for the project. National Grid should show how they will invest in local skills development and supply chain capability development. Funding will need to be provided to support training providers in delivering additional training to meet National Grid's requirements, but also to support ancillary skills training to mitigate wider impacts on the labour market.

3.25 National Grid has developed an outline Employment and Skills Framework (ESF)

setting out key principles that will be used to provide opportunity to local businesses and workers. National Grid is proposing that 20% of the project workforce and supply chain would be derived from the local area, which is welcomed as a minimum at this stage. However, detailed analysis of the PEI material must be undertaken to understand the justification and appropriateness of this figure. Additionally, further investigation is required to understand how the appropriate local level of involvement on NWCC will be secured; for example at Hinckley Point C Connections (HPCC) project the equivalent figure was secured by a S.106 Agreement.

3.26 During the construction of the project there are likely to be 380 workers employed at the Middleton tunnel-head. The accommodation proposals for this workforce are incomplete. In particular, the PEI under-estimates the opportunity to work in partnership with accommodation providers to raise standards of investment and provide a legacy of improved quality accommodation (including the refurbishment of existing housing stock). Given the City Council's previous experience of working with major construction contracts, an accommodation plan for the area around Heysham is required. This need not include the direct investment in or provision of workforce accommodation, but must show engagement with suppliers to provide quality accommodation.

Recommendations

3.27 A key issue is the need for National Grid to guarantee that at least 20% of the project workforce and supply chain would be derived from the local area, and this must be supported through a legally binding agreement. Appropriate mitigation, such as support for marketing and promotional activities is required to counter the disruption caused during the construction period and the negative perception driven by the adverse impact of NWCC on the landscape which attracts visitors.

3.28 More investigation is required to understand the detail of National Grid's workforce accommodation proposals to ensure the impacts are considered and where possible legacy can be secured.

Construction and Operational Noise and Vibration

3.29 Insufficient attention and assessment has been given to construction and operational design at the Middleton tunnel head to ensure noise/vibration impacts can be sufficiently mitigated particularly given that construction work may last up to six years. The assessment should consider and respond to this unusual position. However no quantified assessment of the impact of mitigation options or of different design/layout/process choices or options has been provided for either the operational or construction phases to allow proper consideration of the likely impacts. The PEI submission does not provide the reassurance that the development with or without modification, can be constructed and operate without a significant impact on nearby receptors. Further information is required in the Environmental Statement to properly consider the impact of the proposed development and provide suitable opinion on the acceptability of the proposal.

3.30 Classifying residential receptors (such as the residents living in houses at Mossgate, close to the tunnel-head site) as being of 'medium' sensitivity is not acceptable. Recommendations have previously been provided by the PPA Group stating that residential/school receptors should be classed as 'high' sensitivity for noise impacts. This has not been accepted in the submitted assessments and impacts on all the predictions and outcomes. The outcome of the assessments therefore under-estimate the impacts and fail to apply mitigation which would otherwise be required, especially for properties at Mossgate.

Recommendations

3.31 A key issue is that National Grid must work with the Council to provide sufficient information to enable it to understand the noise and vibration impacts of the proposed temporary construction compound at Middleton infrastructure on local communities, especially at Mossgate, Heysham.

Air Quality

3.32 The PEI for Air Quality has considered the effects of the construction phase in accordance with the relevant guidance. However it does not include final confirmed information about the temporary works compound at the Middleton tunnel-head, or the way in which the various structures will be used during the construction phase. Given the proximity of receptors (such as the houses at Mossgate) it is unclear whether dust or odour impacts would arise from general construction activity or from the operation of the slurry treatment plant.

3.33 An assessment of emissions from construction traffic should be undertaken as the EPUK and IAQM document 'Land Use Planning and Development Control: Planning for Air Quality limit on HGVs is triggered particularly along the Bay Gateway (Heysham M6 Link-Road) between the Heysham tunnel-head and junction 34 of the M6.

Recommendations

3.34 A key issue is that National Grid must work with the Council to provide sufficient information to enable it to understand the air quality impacts of the proposed temporary works at Middleton infrastructure on local communities, especially at Mossgate, Heysham.

3.35 In addition, the Environmental Statement must provide evidence of an assessment of emissions from construction traffic from the proposed development.

Hydrology & Flood Risk

3.36 Clarification of the appropriate standard of protection from flooding and critical infrastructure needs to be clearly set out and established in the Environmental Statement.

3.37 Specific modelling may be required to assess flood risk to take account of the following:

- (i) Any re-assessment of Flood Zones following the December 2015 floods arising from the current EA modelling programme;
- (ii) Specific modelling of ordinary watercourses and overland flood routes where these are impacted either by the construction works or the permanent works;
- (iii) Modelling to assess impacts of any stockpiling of materials or re-shaping of land (either permanent or temporary) within Flood Zones 2 and 3 or in areas of identified surface water flood risk.

3.38 The design appears to be based on 'desk top' studies. At sensitive locations there is uncertainty over the deliverability of the proposed design due to the absence of supporting intrusive geotechnical data. The potential associated risk could result in forced changes and associated wider impacts on other discipline areas.

3.39 Careful consideration is therefore required to establish the nature of impacts on the hydrology of Heysham Moss, especially on the area around the tunnel-head at Middleton, which is drained by a network of ditches. The impacts of surface water flood

risk (including overland flows) needs to be considered for both the construction process and on the permanent works.

Recommendations

3.40 A key issue is that National Grid must work with the Council to provide sufficient information on the baseline, impacts and mitigation planned for to counter the risk of flooding at the Middleton tunnel-head.

Traffic and Transport

Transport Strategy

3.41 National Grid's conclusion there are no traffic reasons to favour a multi-modal option for moving materials and workers to the construction sites is not acceptable. The Council disagrees with the assessment of impacts relating to 'road based' and 'multi-modal' options, and consider that a multi-modal strategy can reduce traffic in certain locations, and a multi-modal approach could have a significant reduction in overall vehicle-distance travelled, especially for HGVs, which might reduce emissions and accidents. These benefits have not been considered in the PEI, which is a considerable shortcoming.

3.42 National Grid has suggested that an additional reason for not choosing the multi-modal option because of the limited capacity available on local railway lines. The Council does not agree with this conclusion as the approach should be to provide investment to mitigate rail capacity issues, in order to keep traffic off the highway and also provide a legacy benefit.

Transport Improvements

3.43 The NWCC project will generate extensive traffic resulting from the importing (and decommissioning) of material for access and haul roads, construction materials, cabling and waste. The Council is concerned about the cumulative impact of these movements on the transport network, especially if a single source is used and a road based approach is adopted. These measures need to be informed by modelling of traffic flows both for the individual development and for the cumulative impact, and is dependent upon the completion of survey data.

Recommendations

3.44 A key issue is that National Grid must take a multi-modal approach to the project, and they must provide investment to mitigate rail capacity issues, in order to avoid cumulative impacts, keep traffic off the highway and also provide a legacy benefit.

The Tunnel

3.45 Access to the tunnel will be created by constructing two vertical shafts at Roosecote (Barrow) and Middleton (Heysham). Tunnel Boring Machines (TBM) will be used to dig the tunnel at an average depth of 30-40 metres, meeting at a point mid-way across the Bay, where a new islet will be constructed. The islet will be the place where the TBMs will be recovered, and once built, its main purpose will be to provide an air intake to cool the cables in the tunnel.

3.46 The islet will have a small impact on views across the Bay. The tunnel construction route will pass below the gardens of 6 residential properties and 5 park

homes in south Heysham. National Grid has designed the route of the tunnel to have minimal impacts on properties and has already contacted all affected property owners (which include the City Council) to explain any potential impacts and agree mitigation or compensation measures.

Lack of Information and timescales

3.47 Insufficient information has been presented within the PEI for a full assessment of the potential effects of the development to be carried out by the PPA Group and its specialists. There are gaps as well as assumptions made across a number of topic study areas (landscape, ecology, noise, hydrology etc), which if carried through to the final Environmental Statement could lead to incorrect assessments and the wrong conclusions drawn on the likely effects. This is addressed in more detail in the topic by topic analysis and will be drawn out in the PPA's final response to the PEI. National Grid will need to address these matters in the final Environmental Statement to be submitted with the DCO application.

3.48 The delay by National Grid in presenting material in the PEI has meant that a full consideration of all the documentation presented has been a significant challenge within the timescales to enable the PPA Group to provide National Grid with a properly considered and approved consultation response.

Recommendations

3.49 A key issue cross-cutting the whole of the S.42 consultation is the general lack of sufficient environmental and other information to assess the potential impacts of the development on the local area. National Grid must address this issue in order for it to satisfy not only the Local Authorities and their communities but also the Planning Inspectorate and ultimately the Secretary of State.

Community benefits

3.50 National Grid are aware of the local desire to secure a community benefit package. Ofgem, National Grid's regulator, will decide whether a community benefit package is justified: it sees National Grid's role as a purely statutory one, in that the upgrade to the grid is only taking place because of NuGen's request to connect the Moorside power station. This has implications as to which organisation would be responsible for the negotiation and payment of any community benefit package. However, notwithstanding this the Council will expect National Grid and NuGen to work with local communities to deliver benefits to the local area where the proposal is located.

3.51 'Bringing Energy To Life' is National Grid's new community investment programme in the UK. It is designed to fund projects in communities affected by National Grid's operations, focusing on projects run by charities and community groups that meet local community needs by providing a range of social, economic and environmental benefits. These might include initiatives that:

- support hard-to-reach members of the community improving inclusion and diversity;
- support economic regeneration or prosperity (for example the development of a social enterprise);
- support a work placement or retraining scheme which increases employability of people disadvantaged in the workplace;
- have a direct and positive environmental impact such as renewable energy or

conservation projects.

3.52 Whilst 'Bringing Energy To Life' offers a general approach to community benefits, National Grid do not appear to have any community benefit/grant funding scheme specific to the localities affected by the project, and in these circumstances it is unlikely that local communities will derive any social or other benefits from the project development.

Recommendations

3.53 A key issue is the need to address adequate and specific community benefits in the district in association with National Grid's project proposals.

4.0 Consultation

4.1 The NWCC Project is being put forward by National Grid and Lancaster City Council is a statutory consultee, and therefore it has a direct role in the consultation procedure and the timescales. National Grid's Statement of Community Consultation (SoCC) has sought to achieve maximum public engagement with all stakeholders during the consultation process, but it has not allowed sufficient time to undertake the S.42 consultation, given the magnitude of the project, the quantity of material contained in the PEI and the timing of the consultation to include the Christmas Holiday period.

4.2 Given how little information has been provided by National Grid on the proposed temporary works at Middleton (Heysham) tunnel-head, the current exercise falls short of full consultation on this part of the project. Therefore, additional consultation will be required by National Grid to address this issue.

5.0 Conclusion

5.1 At this late stage in the development of the NWCC project, there are significant omissions and gaps in information, which have not been presented with the S.42 consultation and the supporting Preliminary Environmental Information.

5.2 There are also major concerns over potential impacts on the environment, especially landscape and visual impacts, and there is scope for further mitigation such as rationalisation of the ENW infrastructure, notwithstanding the level of undergrounding afforded elsewhere on the route of the line.

5.3 In 2014, Members supported the preferred route, now worked up to be the detailed routing and siting for the project, subject to the scheme:

- Utilising a rail based option to export tunnel spoil from, and to import construction materials to the tunnel head during the construction phase of the project;
- Maximising the employment of local labour, and expenditure on locally sourced goods and services;
- Achieving legacy impacts from the project, which should include investment in the local housing stock to provide workforce accommodation.

5.4 Currently, none of these conditions are properly addressed in the project. The representations summarised in Appendix 1 set out the Council's case for changes to be made to the project, including the need to deal with specific concerns about the adverse impacts of the temporary works at Middleton on residential properties at Mossgate.

6.0 Summary of Options Considered

(a) Do Nothing: the Council could choose not to respond to the National Grid's consultation, however, it would not be fulfilling its obligations under the Planning Performance Agreement and as a statutory consultee. In addition, the Council would miss the opportunity to influence the development of the project and secure the best outcome for the community.

(b) Respond to the consultation: the Council can respond to the consultation as set out in Appendix 1. This ensures the Council fulfils its responsibility as a statutory consultee and will maximise the opportunity to influence the project and achieve appropriate mitigation of impacts and legacy for the local community.

(c) Vary the consultation response: the Council could agree to amend Appendix 1 in advance of its submission for the consultation deadline of 6th January 2017. This still ensures that the Council fulfils its role as statutory consultee and allows the input of specialists.

RELATIONSHIP TO POLICY FRAMEWORK

The City Council supports the development and application of new power sources in the Heysham area in its Corporate Plan. It has also supported the nomination of sites at Heysham and Moorside for new nuclear power stations. The local Plan facilitates that growth alongside the existing power infrastructure at Heysham.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The Council should respond to the consultation as set out in Appendix 1. This ensures the Council fulfils its responsibility as a statutory consultee and will maximise the opportunity to influence the project and achieve appropriate mitigation of impacts and legacy for the local community.

LEGAL IMPLICATIONS

The Legal implications are as referred to in this report regarding the City Council's land and property.

FINANCIAL IMPLICATIONS

It is not expected that there will be any additional financial implications arising for the Council since previously reporting on this scheme on 10 November 2014 or as a result of this report's recommendations.

Members are again reminded that any time spent by the Council on this project up to application and examination stage is reimbursed by the National Grid under a Planning Performance Agreement. Due to the size and national importance of this project, there will be no decision making obligation falling upon the Council as this will be undertaken directly by the Planning Inspectorate, and that in this instance we are undertaking the role of 'consultee' only and may also be called upon as such during the examination period, which is normal for schemes such as this. It is expected that time spent during the examination stage can be absorbed within existing staff resources, however, with 95% of the workload expected to have been completed prior to the examination stage.

It is further re-iterated that it is during the current Stage 3 period, that the Council as 'consultee' may be able to influence the decisions made by the National Grid on the key issues arising for this District and its residents as set out in section 3.12 of the report, i.e. before Stage 4 - the application stage.

OTHER RESOURCE IMPLICATIONS

Property: Some land and property owned by the City Council lies above the proposed tunnel route. National Grid has engaged fully with the Council's Property Services team on the legal and financial implications of their proposals.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

Background Papers

- Planning & Highways Regulatory Committee:
- (1) National Grid North West Coast Connections
Project: Stage 1 Consultation on Strategic Route
Options: 25 June 2012.
 - (2) National Grid North West Coast Connections
Project: Stage 2 Consultation on Outline Route
Corridors and Substation Siting: 10 November 2014.

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NORTH WEST COAST CONNECTIONS CONSULTATION RESPONSE HEADLINES REPORT

Prepared on behalf of the PPA Group Authorities

DRAFT



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Consultation Response Headlines Report

1.0 Introduction

- 1.1.1 The PPA Group welcome National Grid's commitment to meaningful engagement on project design including technology choices and the significant mitigation that is required. The Group are pleased the informal engagement undertaken thus far has resulted in significant and much needed mitigation.
- 1.1.2 Based on the available information during the Route Corridors consultation (2014) the PPA Group provided positive feedback and support for the 'Onshore North' and 'Onshore South with Tunnel Option' including the Morecambe Bay tunnel.
- 1.1.3 The PPA Group have previously expressed support for the principle of rationalisation of existing overhead lines, therefore, the provision to take down lines is supported so long as the integrity of the electricity distribution network and connection opportunities is not weakened as a result. Additionally, the Group consider that there are a number of locations where additional lines need to be removed to provide appropriate mitigation.
- 1.1.4 Furthermore, the principle to develop a new 400kV underground cable through the western section of the Lake District National Park is strongly supported, given the alternatives. However, the implications of undergrounding on other topic areas, such as ecology and historic environment must still be addressed. Furthermore, the decision to remove the existing Electricity North West (ENW) 132kV overhead line (OHL) is also strongly supported, given the benefit this will have on the landscape and views in the area.
- 1.1.5 The PPA Group welcomes continued engagement with National Grid and considers that adequately addressing the impacts raised in this paper will minimise the risks to the project through the DCO process, protect our communities and increase delivery certainty for National Grid. The Group wants to continue to engage in positive dialogue to enable delivery of the NWCC project in a way that meets both national and local needs, and is consistent with legislation and government policy.



Consultation Response Headlines Report

1.2 Document purpose and structure

- 1.2.1 This report provides a summary of the PPA Group's emerging consultation response and an outline of the headlines from the evaluation of the North West Coast Connections (NWCC) Preliminary Environmental Impact (PEI) Report issued for consultation by National Grid on 28 October 2016. The PEI Report provides a preliminary environmental assessment of the Project and proposed mitigation measures drawing on currently available information
- 1.2.2 This Headlines Report has been drafted in advance of the PPA Group Joint Specialist Response to provide the PPA Group members with an indication of the key emerging issues at an early stage. It is intended that this Report will assist in the development of a joint PPA Group position on issues and help meet challenging committee schedules required for formal Council approval.
- 1.2.3 The Report has been informed largely by the views of topic specialists from WYG supplemented by comments from the PPA Group Authorities where available. It is based on a broad assessment of the extensive documentation and therefore, is subject to change as specialist assessments are undertaken.
- 1.2.4 The remainder of this Report is structured as follows:
- Section 2 provides an over view of the key headline issues; and
 - Section 3 provides additional detail on the headline issues.



Consultation Response Headlines Report

2.0 Key Headline Issues

Landscape and visual impact

Summary key points	
<p>Baseline</p> <ul style="list-style-type: none"> Baseline information is sufficient but further engagement is required as the project moves towards the development of the Environmental Statement and DCO submission to develop a more refined assessment that considers additional visual impacts especially from community user/receptor perspective. 	
<p>Methodology</p> <ul style="list-style-type: none"> The methodology for identifying areas where mitigation is required and options should be assessed is flawed; adopting 'particularly significant' as the bar for mitigation need is not consistent with the EIA Regulations There is a flawed interpretation of national policy and guidance that defines and protects the Lake District National Park and its setting. There has been a misrepresentation of the visual impact through use of photomontage tools. The recently updated Cumulative Impact of Vertical Infrastructure tool does not form part of the methodology for the assessment set out in the PEI Report. The PPA Group do not agree with that National Grid's rationalisation policy (one-up-one down) results in a benefit. 	
<p>Assessment</p> <ul style="list-style-type: none"> Cumulative and sequential impact is not adequately considered in the assessment along whole route. Specifically, the experience of visitors to the Lake District National Park protected landscape have not been adequately evidenced or addressed including the cumulative impacts of viewing this linear project. The application of the National Grid's methodology including the Options Appraisal of Alternative Technologies methodology has resulted in the establishment of inappropriate areas for mitigation of the NWCC project. This has led to a piecemeal approach to mitigation and the consideration of alternative technologies. 	
<p>Mitigation</p> <ul style="list-style-type: none"> Lack of appropriate mitigation of landscape and visual impacts arising from the use of over head lines; in particular within the landscape setting of the Lake District National Park, and related to cumulative impact to the east of Whitehaven, east of Workington following the existing 132kV line north and in the area of the Hadrian's Wall World Heritage Site. The PPA Group disagree with the assessment and rejection of alternative options for the Duddon Estuary, including a tunnel option, which are based on the flawed assessment of impacts within the landscape setting of the National Park. 	



Consultation Response Headlines Report

Visitor economy

Summary key points	
<p>Baseline</p> <ul style="list-style-type: none"> The baseline data set out within the PEI Report in relation to socio-economics, recreation and land use is generally derived from the appropriate sources. However, there is an overreliance on evidence from past projects, particularly in relation to the effects on the visitor economy. There is a failure to provide adequate information and evidence on the impact on the visitor economy of Cumbria, which is the largest sector in the County's economy and growing. In particular, there is a lack of evidence to support National Grid's position that Cumbria's visitor image/brand will not be significantly damaged. 	
<p>Methodology</p> <ul style="list-style-type: none"> Although the overall approach to the identification and assessment of socio-economic effects is considered to be appropriate, at this stage, there is limited analysis of the Project's alignment with key local and sub-regional policy, specifically in terms of the visitor economy; Importantly, National Grid have failed to acknowledge the unique character of the Lake District National Park. The methodology adopted to assess the deterrence effect on visitors draws upon the results of survey evidence from other previous projects which raises several important issues; the transferability to NWCC study area, robustness and validity of this original research is uncertain, and there is substantial methodological criticism of the focus on survey-based approaches to evaluating impacts. 	
<p>Assessment</p> <ul style="list-style-type: none"> Key risks and impacts to visitors' enjoyment of Cumbria's landscapes and environment through access and recreation have not been adequately assessed. In particular, the issues associated with negative effects on visitor perceptions, as demonstrated by the recent floods, should be recognised. In addition, as previously noted, the PEI Report does not adequately assess the significance of impact at the local level. The impact of disruption to public access and to road and rail transport networks has not been properly considered. The emerging assessment underestimates the project's impact on the visitor economy in Cumbria. 	
<p>Mitigation</p> <ul style="list-style-type: none"> There is a lack of appropriate mitigation of visitor economy impacts, including damage to Cumbria's visitor image/brand. There is a lack of appropriate mitigation for disruption to public access and to road and rail transport networks. It is considered that appropriate mitigation, such as support for support small and medium sized businesses in the visitor economy and marketing and promotional activities are required to counter the disruption caused during the construction period and the negative perception driven by the adverse impact 	



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of NWCC on the landscape which attracts visitors.	
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Tunnel head impacts at Barrow and Heysham

Summary key points	
<p>Baseline</p> <ul style="list-style-type: none"> • There is inadequate information provided on the storage, movement and final destination of tunnel spoil. • No clear information on the need, purpose or use of the temporary works at the tunnel-heads. • Noise, vibration, air quality, light, ecology and residential amenity impacts of development at the tunnel-head sites are not adequately stated. • Transport assessments have not been carried out. 	
<p>Methodology</p> <ul style="list-style-type: none"> • The PPA Group disagree with the determination of high sensitivity receptors assessment. • Standard noise criteria for assessment is inadequate for project of this scale and location. 	
<p>Assessment</p> <ul style="list-style-type: none"> • As the baseline data is largely absent the impacts have not been adequately measured and assessed. • National Grid have drawn conclusions on accommodation availability. However, there is a lack of clarity regarding the required collaboration with accommodation providers to overcome existing shortfalls and/or raise standards of suitable worker accommodation. 	
<p>Mitigation</p> <ul style="list-style-type: none"> • No meaningful mitigation is proposed to treat the noise, vibration, air quality, light, ecology or residential amenity impacts. • No mitigation is proposed to address the impacts caused by the storage, movement and final destination of tunnel spoil. • There is incomplete workforce planning and accommodation proposals at the tunnel-heads. 	

Transport and connectivity

Summary key points	
<p>Baseline</p> <ul style="list-style-type: none"> • The PPA group are significantly concerned that the baseline is insufficient to allow selection of road or multimodal strategy. • There is a lack of appropriate modelling of traffic flows to allow assessment and conclusions to be drawn. 	
<p>Methodology</p> <ul style="list-style-type: none"> • A method has not been proposed to enable the selection of the road or multi-modal strategy. 	
<p>Assessment</p> <ul style="list-style-type: none"> • The key risks and impacts of traffic movements have not yet been addressed. 	



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<ul style="list-style-type: none"> The PPA group strongly disagree with National Grid’s assessment that railway capacity issues should be a reason for not selecting the multi-modal option. The approach should be to mitigate the rail capacity issues, which would keep traffic off the highway and also provide a legacy benefit. Furthermore, the PPA Group disagree with the assessment of impacts relating to the ‘road based’ and ‘multi-modal’ options. The multi-modal option will reduce the scale of HGV movements in some areas, which could have safety and environmental benefits. Fundamentally, the cumulative impacts have not yet been assessed. Key risks and impacts on PRoW and cycle paths have not been adequately addressed. 	
<p>Mitigation</p> <ul style="list-style-type: none"> There is a lack of appropriate mitigation measures and improvements to address the traffic impacts on the highway network. These measures need to be informed by modelling of traffic flows both for the individual development and for the cumulative impact, and is dependent upon the completion of survey data. Mitigation should also address the following, for which no detail has yet been provided; the safe management of traffic on minor roads; the impact of worker accommodation locations – for example for the underground section within the National Park, and the implementation of Travel Plans. The PPA Group are concerned that the PRoW Management Plan has yet to be developed. Additionally, the economic impacts upon the visitor economy need to be assessed. Measures should seek to provide a high standard of mitigation to address direct and indirect effects. 	

Skills and supply chain

Summary key points	
<p>Baseline</p> <ul style="list-style-type: none"> The baseline data set out within the PEI Report in relation to skills and supply chain is derived from the appropriate sources, however, there is little detail available to assess the implications. 	
<p>Methodology</p> <ul style="list-style-type: none"> The methodology is as considered to be appropriate at this stage, and is consistent with that used for other major projects. 	
<p>Assessment</p> <ul style="list-style-type: none"> The PEI Report recognises that there are no published standards that define the sensitivity and magnitude of socio-economic effects. However, the overall conclusions are considered to be reasonable and consistent with that used for other major projects. 	
<p>Mitigation</p> <ul style="list-style-type: none"> Initial work towards an Employment and Skills Framework is welcomed, however, it is disappointing that the content of the consultation proposals on what measures will be put in place to achieve the targets and objectives is at this stage inadequate to provide support for the proposals. 	



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<ul style="list-style-type: none"> • The PPA Group support the commitment to secure 20% as a minimum of the workforce from the local labour market – however, National Grid must provide commitment to providing support to target those that are currently economically inactive to help ensure they can secure work. • It is in the interests of National Grid and the local economy for the skills to be locally available and for the businesses to be equipped to become part of the supply chain. There will be a need for a financial commitment from National Grid to invest in local skills development and supply chain capability development. • There will need to be appropriate training facilities provided not only to support the existing population but also to help attract new workers and their families to come and work in Cumbria. 	
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Ecology

Summary key points	
<p>Baseline</p> <ul style="list-style-type: none"> • The baseline fails to provide adequate information and evidence to enable assessment of risks and impacts on key habitats and protected species. • There is an inadequate approach and failure to progress with the statutory Habitats Regulation Assessment (HRA) of the impacts of the project on internationally important wildlife. 	
<p>Methodology</p> <ul style="list-style-type: none"> • The potential risk to biodiversity from the spread of invasive species from the construction of the project has been inadequately addressed in the methodology. 	
<p>Assessment</p> <ul style="list-style-type: none"> • The assessment of impacts on habitats and species have been made in the absence of completed surveys. 	
<p>Mitigation</p> <ul style="list-style-type: none"> • Lack of appropriate mitigation and compensation for impacts on habitats and species The PPA Group would expect these to be measures such as avoiding key hotspots, inadequate construction methods and lack of information regarding compensation for loss and disturbance. • Significant risk of wildlife impacts from the spread of invasive species is not adequately assessed and mitigated; this is a major risk from such a large-scale linear project. 	

Historic environment and cultural landscapes

Summary key points	
<p>Baseline</p> <ul style="list-style-type: none"> • Inadequate evidence of impacts to the historic environment and archeology; in particular from underground construction methods including cabling in the LDNP and Roman Empire (Hadrian’s Wall) World Heritage site. • The baseline focuses on providing information and evidence relating to 	



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archaeology, and is inadequate for listed buildings and Conservation Areas.	
<p>Methodology</p> <ul style="list-style-type: none"> • Key risks and impacts to World Heritage Sites are not adequately addressed. In particular, only one of the three key features of the English Lake District nominated World Heritage Site have been considered. • There is no evaluation of the setting of other elements of the historic environment for example listed buildings and Conservation Areas. 	
<p>Assessment</p> <ul style="list-style-type: none"> • Inadequate assessment of impacts to the historic environment and archeology. This includes; historic buildings and underground construction methods including cabling. • The PPA Group disagree with the conclusions of the assessment that there would be "a slight beneficial" significance of effect Roman Empire (Hadrian's Wall) World Heritage site and the candidate English Lake District. 	
<p>Mitigation</p> <ul style="list-style-type: none"> • Without an appropriate evidence base and assessment the PPA Group are unable to provide comment on mitigation measures. 	



3.0 Emerging Headlines

3.1 Landscape and visual impact

Mitigation Methodology

- 3.1.1 Fundamentally, National Grid's approach to landscape mitigation, including the Options Appraisal of Alternative Technologies methodology (OAAT) remains flawed. The PPA Group concerns appear not to have been addressed; therefore, the application has resulted in the establishment of inappropriate areas for mitigation of the NWCC project. This has led to a piecemeal approach to mitigation and the consideration of alternative technologies.

Undergrounding in the National Park

- 3.1.2 The principle to provide 23.4km (14.5 miles) of new 400kV underground cable through the western section of the Lake District National Park (LDNP) is welcomed. The decision to remove the existing Electricity North West 132kV overhead line is also welcomed, given the benefit this will have on the landscape.
- 3.1.3 However, the implications of undergrounding on other topic areas, such as ecology and historic environment must be addressed. Additionally, there is a need to consider the appropriate location for the Compound Sealing End (CSE) required as an interface between OHL and the section of underground cabling. The long-term reversible effects of the vegetation loss and disruption to landscape pattern and features due to the implementation of the undergrounding do not appear to have been fully considered. The undergrounding is a major engineering development, and needs to be addressed in far greater detail than is currently in order to understand the potential scale of the temporary disruption to the landscape.

Impacts of the Special Qualities and Setting of the National Park

- 3.1.4 The proposals for use of pylons and associated cabling within the setting of the Lake District National Park are a major concern. The LDNPA and the PPA Group has very clearly and over a long period of time raised strong concerns about impacts affecting landscape character and views in to and out of the National Park. The PPA Group disagree with the assessment of impacts on the landscape setting of the Lake District National Park; particularly the flawed assessment of national policy and guidance that defines and protects the setting. The Group are concerned that this has led to a inappropriate proposal and the a lack of the required mitigation.



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3.1.5 The PEI makes little reference to the 'setting' of the LDNP. The PPA Group's position stated within the Stakeholder Feedback Questionnaire issued in September 2016 was clear that consideration of the wider landscape setting of the Lake District National Park is also of equal importance. Therefore, it is considered that the approach to mitigation currently proposed by National Grid is particularly deficient in its assessment of the effects on the 'setting' of the Lake District National Park.

3.1.6 Three issues on setting arise –

- Definition of setting in policy - this is a flawed definition that can be strongly challenged. It fails to consider the long established definition of setting for Protected Landscapes of assessing impacts from within AND outside of the designated area;
- Definition of setting for the NWCC project - the application of National Grid's flawed definition of the setting set out above leads to a flawed assessment in the PEI in section 6A.3. The impact on receptors is framed entirely by those receptors within the National Park only;
- Landscape character types - the failure of the PEI assessment of landscape and visual impacts to recognise the continuity of landscape types and topography across the National Park boundary is a significant flaw that can be challenged.

3.1.7 The route to the north of the LDNP is to be carried on lattice pylons whilst the section through the LDNP is proposed to be undergrounded from the location of the CSE compound located to the north of Drigg. The baseline description of the area provides a description of the existing landscape and visual context; however, the presence of the Low Level Waste Repository at Drigg is a large repository site within the Subsection and is not referenced. The presence of this site is of particular importance in the consideration of the setting of the LDNP and the proposed 400kV route.



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- 3.1.8 It is noted that there is a short length of undergrounding extending south of the LDNP boundary to a CSE at Silecroft, which is welcomed. However, following a preliminary review of the part of the Subsection that runs from the head of Duddon Estuary over the mosses to Kirkby-in-Furness, we would question why this section of the route is above ground when it forms the setting of the LDNP. Although, the alignment of the route is outside the boundary line of the LDNP designation, the area of land is of similar/equal value and susceptibility as the LDNP in landscape terms in providing the setting to the LDNP. It is therefore considered that this section should be considered for undergrounding. This option would avoid the considerable problems raised by the proposed route across Foxfield Ridge and the Duddon Mosses SAC, as well as in the setting of the LDNP that have been identified in the Duddon Estuary. Whilst we acknowledge that designing a route crossing the Duddon Estuary is challenging, it is vital that the appropriate design and mitigation is provided.
- 3.1.9 National Policy EN-1, DCLG guidance, the Electricity Act 1995 as well as current planning practice make it clear that the 'setting' of National Parks should be considered in the same way as those areas within the National Park. However, the approach to mitigation currently proposed by National Grid is particularly deficient in its assessment of the effects on the 'setting' of the Lake District National Park. Consideration of the wider landscape setting of the Lake District National Park is also of equal importance along the whole route of the NWCC Project. Landscape planning guidance from DCLG, including that shown on its website, provides clarity that development by 'relevant authorities' impacting on the setting of National Parks should be considered in the same way as those within the National Park. There is a long-established recognition that the legislative and policy framework, including current planning guidance, provides protection of the setting of National Parks. Although these areas are not designated as National Park, developments within the setting can impact upon their statutory purposes and Special Qualities.

The Duddon Tunnel

- 3.1.10 The PPA Group had also recommended undergrounding beneath the Duddon Estuary to avoid major adverse impacts, particularly at the Foxfield Ridge and the Duddon Mosses SAC, plus the wider landscape setting of the LDNP (see points above about setting of the LDNP). This would also avoid significant visual, landscape and community impacts of the proposals in the vicinity of Kirkby in Furness and Beckside and further south.



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3.1.11 However, this recommendation has not been taken forward as part of the consultation proposals. The PPA Group disagree with the assessment and the rejection of alternative options for the Duddon Estuary, including a tunnel option, which are based on the flawed assessment of impacts within the landscape setting of the National Park.

Cumulative Impact

3.1.12 The cumulative impact of the vertical infrastructure, particularly in Allerdale, and Carlisle and north Copeland, and in parts of the Furness peninsula is already a concern and larger pylons will further worsen the position. Rationalisation of the Electricity North West (ENW) line has afforded some reduction in OHL clutter in a number of locations in the North Section and notably in the LDNP; however, this does not go provide sufficient mitigation (see below). The PPA Group do not consider that the PEI provides sufficient details to understand the cumulative impact of the project and further assessment is required to assess the impact of the new OHL cumulatively with the existing lines.

Electricity North West Rationalisation

3.1.13 National Grid has adopted a one-up-one-down principle in relation to the ENW 132kV OHL, with a number of other areas where additional lines are removed or transferred underground. These are largely focused on the North Section of the route, with additional rationalisation; in the area around the Hadrian's Wall World Heritage Site (WHS), a section at Broughton Moor and in the area north of Westlakes Science Park. However, The PPA Group do not consider that the appropriate level of mitigation of landscape and visual impacts arising from the use of pylon and overhead cables has been proposed. In particular, to the north of the Moorside site, east of Whitehaven, east of Workington following the existing 132kV line north, and Hadrian's Wall World Heritage Sites.

3.1.14 Although the additional rationalisation is largely welcomed where the 132kV cable is undergrounded there are concerns regarding the appropriate positioning of Cable Sealing End Platform Pylons (CSEPP), particularly where these are close to the highway or existing properties. This infrastructure is also required where 132kV and below OHL is placed underground to facilitate the cross of the new 400kV OHL.



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Electricity North West 132kV Trident over head line

- 3.1.15 A new 132kV trident route on timber poles extends from Millom and converges with the proposed 400kV route near The Green, extending north beyond the 400kV route round the head of the Duddon Estuary. This line has just been revealed and is required to provide a 132kV connection to the Millom area and specifically the Haverigg wind farm extension. The line connects to a 132kV substation (not proposed within NWCC) and is considered to provide an ungraded local electricity distribution network, as well as connection opportunities in the areas of Millom.
- 3.1.16 The principle of upgrading the network in the Millom area is welcomed, however, it is considered that this route, albeit on timber poles, will result in a notable increase in visual clutter within the bottom of the valley. There is also concern about the additional visual clutter from the 132KV trident line and associated sealing end pylons around the wider Duddon estuary including at Foxfield, Kirkby in Furness and south to Lindal in Furness.

Methodology

- 3.1.17 The PPA group are very concerned by the lack of wireframe diagrams to support the photomontages. These make assessment of the impacts, particularly on skylining of the pylons and other infrastructure, difficult to assess. These have been requested by the PPA Group over a long period. While National Grid has very recently agreed to provide some basic wireframes for some viewpoints, this does not fully address the lack of vital information as a key tool for Landscape and Visual Impact Assessment.
- 3.1.18 The selection of viewpoints for photomontages included in the PEI fails to address some of the concerns posed by the proposals. For example, the PEI viewpoints within the Whicham Valley fail to help assessment of the impact to receptors at lower elevation and from the coastal plain around Silecroft. These locations are within the setting of the National Park, and the PPA Group has been clear that this is a sensitive location. It is a flaw in the PEI to fail to adequately cover them in the viewpoint and photomontage assessments.

3.2 Socio-economics, recreation and land use

Visitor Economy



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- 3.2.1 The NWCC project alone and in combination with other major projects has the potential to disrupt tourist trade through displacement and negative image. The PPA Group is concerned that National Grid underestimates the impact on the visitor economy across the area, by relying on limited local survey and other national tourism studies. Limited primary information regarding the visitor economy has been provided in the PEI, with full assessment of the impact on the visitor sector and visitor perceptions not available until the ES. The PPA Group consider that National Grid have failed to provide adequate information and the level of assessment required to understand the key risks and impacts on the visitor economy.
- 3.2.2 The impact of the project on Public Rights of Way (PRoWs), paths and cycleway could have significant implication for the visitor economy. This issue is set out below under paragraph 3.4.11 and 3.4.11.
- 3.2.3 The PPA Group consider that there is a lack of appropriate mitigation of visitor economy impacts, including damage to Cumbria's visitor image, and the disruption to public access, road and rail transport networks. Appropriate mitigation, such as support for small businesses and marketing and promotional activities are required to counter the disruption caused during the construction period and the negative perception driven by the adverse impact of NWCC. In addition to specific mitigation measures for key tourism and visitor economy assets affected.

Skills and Supply Chain

- 3.2.4 The PPA Group consider that there is inadequate detail in the PEI to understand the impacts and assess the extent to which these are addressed. Initial work on an Outline Employment and Skills Framework (ESF) is encouraging, however, it is disappointing that measures, targets and objectives are not available at this stage to support the proposals.
- 3.2.5 Review of the PEI reveals that National Grid is proposing that 20% of the project workforce and supply chain would be derived from the local area, however, detailed analysis of the PEI material must be undertaken to understand the justification and appropriateness of this figure. While the commitment to secure 20% as a minimum is welcomed, further investigation is required to understand how this level of involvement on NWCC will be secured; the Hinkley Point C Connections project secured a similar undertaking by a S.106 Agreement.



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- 3.2.6 Furthermore, the PPA Group consider that it is in the interests of National Grid and the local economy for the skills to be locally available and for the businesses to be equipped to become part of the supply chain. However, this needs commitment from National Grid to invest in local skills development and supply chain capability development. Additionally, as part of the package of measures National Grid and their contractors should commit to target economically inactive people in the area and the recruitment of apprentices to support local skills training and development. These measures will help mitigate displacement impacts, however, they will require a funded programme of intervention and support and a commitment from Grid (and their contractors) to recruit from the pool of people that are supported.
- 3.2.7 The PPA Group are concerned that there is very limited detail on mitigation measures that will be required to address the impacts of the NWCC Project, and therefore, few details of how the mitigation will be secured and monitored. It is important that National Grid;
- makes clear and early commitments to providing funding to support the development of local business capability and capacity, working with the LEP and other local partners, through the development and implementation of a supply chain strategy..
 - progresses the development of a detailed skills action plan to ensure that there is investment in skills development in advance of construction in order to facilitate employment and training of local people.
 - makes early commitments to capital investment in training facilities.
 - provides a clear procurement strategy and to develop specific interventions with measurable and enforceable targets that capture the local benefit for Cumbrian businesses.
- 3.2.8 Additionally, the PEI suggests that the need for investment in education and training facilities will be explored further, and if there is a need, any proposed support and investment measures will be reported in the Employment and Skill Framework and submitted with the DCO. The PPA group consider that such investment is required for appropriate training facilities provided not only to support the existing population but also to help attract new workers and their families to come and work in Cumbria. However, an understanding of the delivery mechanism is required to evaluate the appropriateness of this undertaking. It is also suggested that



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Employment sites and land allocations

- 3.2.9 The PPA Group previously suggested a number of sites that should be considered for investment and use within the NWCC Project. A number of these have been proposed for use as construction, rail and helicopter compounds, notably sites at; Port of Workington and Kingmoor Park Lillyhall, Wigton, Aspatria, Flimby, and Heysham. There are also potential effects on land allocations at Barrow Port and Marina, as well as employment and current planning applications proposed for Roosecote Power Station, and land at Heysham, Heysham Port and Heysham Moss. The PEI considers that the likely effects of the NWCC Project would not be significant during both the construction and operational phases. Permanent land take effects would occur in relation to the proposed Tunnel Head and substation areas at Roosecote and Middleton. As both of these areas of ground are currently vacant at present, the PEI states that their use is expected to lead to longer-term beneficial effects. Similarly, their use is considered in the PEI to be consistent with policy objectives as set out in the respective Development Plans.
- 3.2.10 The assessment for the North Route identifies a number of planning site allocations in Local Plans, where there could potentially be conflicts during the construction phase. These include: the Ehen/Keekle Valleys Tourism Opportunity Site and the Whitehaven Eastern Relief Road; a possible Opportunity Site at Hensingham Common comprising 16ha of employment land of which 1.8ha would be used as a site compound; Whitehaven Commercial Park, Lillyhall Industrial Estate and Derwent Forest Site; Kingmoor Park Industrial Estate, Kingmoor Park Rockcliffe, Kingmoor Park Heathlands Estate, and land at Station Road Wigton. In terms of the operational phase, only the Ehen/Keekle Valleys Tourism site would seem to have any long-term effects, as all the others would be used for temporary site compounds.
- 3.2.11 In terms of the South Route, further investigation is required to assess the impacts on allocations described above especially in Barrow and Heysham. In addition the above new permanent lattice trident terminal pylons (with laydown), are shown to be located within the site boundary of a housing site next to Burlington School in Kirkby-in-Furness, which is allocated in the SLDC Land Allocations DPD. This will cut across the allocated site and could have a negative effect on the allocation.
- 3.2.12 Further investigation will be undertaken within the detailed response to understand the detail of National Grid's proposals to ensure the impacts are considered and where possible legacy secured.



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Ability to connect to the ENW network

- 3.2.13 The PPA Group has previously provided comment regarding maintaining the integrity of the ENW infrastructure in a number of areas across the route, while also ensuring the opportunity for new connections for both users and producers. National Grid's proposed route makes provision for a number of additional 400kV substations, the extension to a number of 132kV substation and substantial re-configuration of the ENW infrastructure. Initial review of the PEI suggests that reconfiguration of the infrastructure could be better designed to meet future needs of users and producer, for example ensuring connection opportunities at the Stainburn substation. Additionally, previously expressed concern regarding the resilience of the ENW infrastructure to flooding does not appear to be addressed, indeed the Carlisle 33kV substation is not included in the project.
- 3.2.14 Furthermore, initial review of the PEI suggests that the integrity of the ENW network in the Millom area appears to have been addressed by the addition of a 132kV trident line that connects from a 132kV substation (not part of this project) near Millom, round the Duddon Estuary to the network at Lindal. However, it is understood that the new substation is contingent on the development of the Haverigg Wind Farm. The impact of the trident line is considered above.

3.3 Tunnel head impacts at Barrow and Heysham

Lack of details

- 3.3.1 Significant issues have been raised regarding the impact of the tunnel construction on the local community, transportation links and social infrastructure in Roosecote and Heysham. Initial review of the PEI suggests that there is limited information regarding the tunnel heads and the impact on the surrounding community. For example, information on the construction processes (such as the slurry treatment plant) will not be available until the ES. Proposed construction working hours are included in the Code of Construction Practice that accompanies the PEI Report. In the absence of vital information, the PPA Group considers that the impacts related to noise, vibration, air quality, light, ecology and residential amenity at the tunnel-head sites are not adequately measured, addressed, or mitigated. This issue is a significant concern.



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Impact of Tunnel Head construction

- 3.3.2 Following on from the section above the PPA Group has significant concerns about both proposed layouts given their proximity to existing and proposed residential and commercial development, and adverse impacts on PRow. Little information is available regarding the onsite processes, such as those relating to the 20m high slurry treatment plant or off site movements. Therefore, at this stage it is not clear whether the local areas will be subject to an unacceptable adverse impact on amenity and health for a prolonged period of construction.
- 3.3.3 As stated above, National Grid does not intend to provide more information on the project infrastructure, or an assessment of the impacts on the amenity of the local community until the Environmental Statement (ES) to be submitted alongside the DCO.
- 3.3.4 It should be noted that the indicative layout for the Roosecote tunnel head now reflects the submitted planning application by Centrica for a gas fired power station and energy storage plant. National Grid is confident that there remains sufficient space to accommodate the manufacture of all the concrete segments required for the tunnel. Additionally, after concerns were expressed regarding the location of the segment factory in Heysham, proposals do not include a factory on the Lancashire side.

Worker accommodation

- 3.3.5 During the construction of the project there is likely to be a concentration of over 380 workers at each of the tunnel heads at Barrow and Heysham. Given the number of directly employed workers required for the construction of the tunnel, and the other major projects in local areas, accommodation for workers is a key concern. The PEI concludes that there is limited effect in the Heysham area given access to transport links and the wider catchment of workers. However, the PPA Group consider that a workforce strategy is nevertheless required that will include commitments from Grid to support delivery of worker accommodation (including refurbishment of existing housing stock) so as to avoid adverse impacts on the existing housing market and visitor accommodation
- 3.3.6 The impact in the Barrow area is acknowledged and National Grid commit to working with stakeholders to produce an Accommodation Plan to be submitted with the ES. There are currently no details on the content of the Plan. This accommodation will also cover the area of undergrounding in the LDNP.



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- 3.3.7 The PPA Group is concerned that currently there is incomplete workforce planning and accommodation proposals at the tunnel-heads. The PEI Report does not indicate any collaboration with accommodation providers to overcome existing shortfalls and/or raise standards of suitable worker accommodation.

Material, waste and tunnel spoil

- 3.3.8 The Key Issues Report suggested that the level of construction materials and tunnel spoil generated will place extensive pressure on the transport infrastructure if a road based strategy is followed. Currently National Grid is consulting on both a road based, and multimodal transport strategy (see transport section below). Until a decision has been made it is difficult to appreciate the implications for the materials and waste resulting from the tunnel construction. This is a significant issue that needs addressed before the impacts can be appreciated. National Grid state they are happy to continue to discuss opportunities for the positive use of the tunnel spoil with the PPA Group. However, plans do not appear to have been progressed. A proposed use at Cavendish Dock has been rejected, as the site is part of a SSSI, a SPA and Ramsar, primarily for its bird interest, and National Grid consider that initial investigations suggest there is no reason for its de-notification.
- 3.3.9 National Grid has proposed a materials movement corridor on the causeway forming the southern edge of Cavendish dock. Movement options being considered include conveyors, narrow gauge rail or use of HGVs with traffic control. This route allows direct access to the Port of Barrow as means of importing and exporting materials and waste. However, some of these options may result in closure to the causeway, including a PRoW for the period of use, in addition to possible noise and amenity issues. The PPA Group suggest that there is inadequate information on the storage, movement and final destination of tunnel spoil.

3.4 Transport and connectivity

Transport Strategy

- 3.4.1 National Grid have yet to select the Transport Strategy, however, review of the PEI suggests that the key risks and impacts of traffic movements have not yet been addressed.



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- 3.4.2 The PPA Group are significantly concerned that National Grid are not consulting on a single and coherent transport strategy. This is a major issue that has widespread impact across other topic areas, such as visitor economy and waste and material. Additionally, the PPA Group and affected communities need to understand how the project will be delivered and what the mitigation and transport improvements are. This approach is inadequate and therefore the PPA Group cannot support National Grid's transport strategy at this point. Given these fundamental issues it is suggested that a subsequent consultation may be required when National Grid have sufficient information and a single strategy to appropriately address these issues.
- 3.4.3 National Grid conclude that there are no traffic reasons to favour the multi-modal option because of increased flows on more sensitive routes, the road option having a greater impact on the strategic routes which are generally less sensitive. The PPA Group do not accept this conclusion, as it is not clear that this is this appropriate and whether it should apply in all cases. For example, the multi modal strategy would reduce the number of traffic movements though Barrow.
- 3.4.4 Overall, the PPA Group strongly disagree with the assessment of impacts relating to the 'road based' and 'multi-modal' options. The multi-modal option will reduce the scale of HGV movements in some areas, while also having safety and environmental benefits. Additionally the Group are concerned that the cumulative impacts have not yet been assessed.
- 3.4.5 The multi-modal options will have a significant reduction in overall vehicle usage, especially for HGVs. This will reduce emissions and accidents, however, these benefits have not been considered.
- 3.4.6 Furthermore, the PPA Group do not accept National Grid's assertions that railway capacity issues should be a reason for not selecting the multi-modal option. The approach should be to mitigate the rail capacity issues, which would keep traffic off the highway and also provide a legacy benefit.
- 3.4.7 For the central strategic route area National Grid suggest an additional reason for not choosing the multi-modal option is given as the impacts on capacity of the Cumbrian Coast Line, Workington Port and Workington Port rail depot, although it is understood that there is sufficient capacity at Workington Port to accommodate the additional tonnage.



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Transport improvements

- 3.4.8 The construction of the NWCC project will require extensive traffic related to the importing (and decommissioning) of material for access and haul roads, construction materials, cabling and waste. There is concern about the cumulative impact of these movements on the transport network especially if a single source is used and a road based approach is adopted. Additionally, a number of rail and road construction sites are proposed to store and deploy materials; these are all along the route and are more concentrated in the areas where underground technology will be used, such as Drigg, Silecroft and Foxfield. The transport infrastructure along the route and in these areas in particular is constrained, therefore, the impact of the movements is likely to require mitigation measures to address pinch points on the network and improve the local highway network, and minimise impact on nearby residents and businesses including at Foxfield Business Park.
- 3.4.9 Fundamentally, there is a lack of appropriate mitigation of traffic impacts on the highway network, which needs to be informed by modelling of traffic flows both for the individual development and for the cumulative impact, and is dependent upon the completion of survey data. It is suggested that mitigation should also address the following, for which no detail has yet been provided; the safe management of traffic on minor roads, the impact of worker accommodation locations – for example for the underground section within the National Park, implementation of Travel Plans
- 3.4.10 Lack of information on mitigation is a serious issue that needs to be addressed to enable a full assessment to be made.

Public Rights of Way (PRoW), cycle ways and paths

- 3.4.11 The NWCC project will have temporary (during construction) and permanent effect on the PRoW across Cumbria and those related to the tunnel head at Heysham. This will include closures, diversions and a reduction in the amenity and ability of users to enjoy the routes.



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- 3.4.12 Review of the PEI reveals that the project will have an adverse impact on a number of PRoW, paths and cycleways. Key risks and impacts on PRoW and cycle paths have not been adequately addressed. More in depth assessment is required to understand the extent of these impacts across the area, however, at this stage National Grid are proposing a package of measures to mitigate the closures and disruption to the routes. These will be set out in a PRoW Management Plan (PMP) that will form part of the application for DCO. In addition, a number of specific mitigation measures are proposed in certain locations, these relate to proposed plans for the mitigation of key features such as a proposed Hadrian's Wall Mitigation Plan. These specific plans will also be secured in the DCO. The PPA Group are concerned that at this time there is a lack of clarity on appropriate mitigation measures that are required.
- 3.4.13 While the undergrounding through the Park be supported, in terms of setting, the A5092 transport corridor approach to the Western Lakes, along with the 'view out' of the National Park from Open Access and specific PRoW are undeniably affected by the proposed stretch of pylons that hug the National Park Boundary through Whicham and the Duddon.

Construction Access Points

- 3.4.14 WYG have been provided additional information outside the PEI showing the routes from the main roads, such as the A596, to construction access points. There are a significant number of access points to service the 1000 individual construction sites across the area. Some of the routes are on narrow lanes with tight bends, sharp crests, narrow bridges, NCN cycle routes or past schools, e.g. Beacon Hill School in Aspatria. Access to the Barrow tunnel head is off the A5087 which has residential frontage, on-street parking and a low bridge. No details of how these routes will be safely managed with the additional HGV flows have been provided. This should be part of the public consultation.

Highway Assessment

- 3.4.15 The impact of construction traffic has been assessed based on the average daily flow in the busiest peak four week period – based on engineering judgement. Whilst the principle that the impact should be reasonably prolonged (not just for a day or two) is accepted it is not clear why four weeks is appropriate.



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3.5 Terrestrial and avian ecology

Habitats Regulation Assessment

- 3.5.1 The PPA Group are significantly concerned that there has been a failure to progress with the statutory Habitats Regulation Assessment (HRA) of the impacts of the project on internationally important wildlife. This has resulted in a failure to identify risks, such as those associated with the Ravenglass Estuary SAC of undergrounding/HDD operation, and of tunnel option on Morecambe Bay SAC/SPA. Furthermore, the PPA Group are concerned that a number of sites or sections which are hydrologically linked to European or International sites have been scoped out (e.g. South Solway Mosses SAC); Additionally, it is considered that the lack of any assessment of cumulative impacts on ecology, including EU protected sites and species, will affect the timescale for the HRA.
- 3.5.2 This could lead to significant delays to the acceptance of the DCO by PINS if not addressed.

Ecology Surveys

- 3.5.3 Many of the ecology -assessments have been based on incomplete survey data, which will need updating when surveys have been completed. This information will now only be available for incorporation into reports at the ES stage so we will not be able to comment on any of the final ecology evaluations and assessments.
- 3.5.4 Additionally, some assessments provide a conclusion of no significant effect despite the fact that surveys are still ongoing.

Topics Scoped out

- 3.5.5 It appears that the existing incomplete information has been used to scope in or out various designated sites, habitats and species. This approach will not provide a robust assessment until all the information has been considered, and scoping out features prior to obtaining all the data may result in these features being ignored prior to the final ES. Provision of habitat areas in table format should be sought for the development order limits sections.
- 3.5.6 Issues have then been scoped out (habitats and/or species) from certain sections prior to assessing completed survey material. The PPA Group suggest this results in unreliable conclusions on significance of potential impacts.



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Non-designated priority habitats

- 3.5.7 The PPA Group are concerned that non-designated priority habitats are not effectively assessed and therefore are not appropriately protected. This is of particular significance in the southern section where undergrounding is proposed which has potential to result in more significant damage to habitats. Additionally, parts of the assessment rely on Aerial Photo Interpretation and therefore it has not been possible to possible to accurately assess the value of most habitats using this approach.

Invasive Non Native Species

- 3.5.8 Although invasive species have been recorded as present or absent within entire route sections there is no detail on location of Japanese knotweed where it may provide a constraint to the works. The PPA Group consider that in view of the large geographic extent of the linear project it is vital that non-native invasive species are dealt with extreme care due to the risk of spread over a wide area posing potential significant risks to biodiversity. In particular – Japanese knotweed can take many years to eradicate, therefore it will be important to deal with this problem well in advance of the proposed construction schedule.

Effective Mitigation

- 3.5.9 The PPA Group are concerned that the mitigation measures outlined are not considered adequate. There is a lack of appropriate mitigation and compensation for impacts on habitats and species; in particular not avoiding key hotspots, inadequate construction methods and compensation for loss and disturbance.
- 3.5.10 Design mitigation will be important to avoid impacts on several County Wildlife Sites and woodland areas. For example, the present route results in woodland areas, including parts of ancient woodland, being lost or the canopy removed. Compensation is proposed by National Grid to comprise planting of a similar area of woodland to that lost. However, loss of mature woodland and in particular ancient woodland cannot be mitigated or compensated for. The first consideration should be the avoidance of woodland through micro-siting but the information provided does not make it clear in most cases whether micro-siting has been considered and why this cannot be achieved.



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3.5.11 The PPA Group consider that in all cases avoidance should be adopted, and if this is impossible then the reasons for this need to be highlighted and explained in detail. Additional compensation will be expected where loss of mature/ancient woodland is still being considered. It is also considered that a clear Code of Practice for any development work in the vicinity of ancient or mature woodland.

Protected Species Impacts

3.5.12 Clear rationale behind the selection of specific study areas for additional protected species survey and more detailed habitat/NVC survey is not provided other than an overview of methodology used. It is not always apparent how disturbance to protected species will be assessed and addressed during construction and maintenance phases.

3.6 Historic environment and cultural landscapes

World Heritage Sites

- 3.6.1 The PPA Group are concerned that the key risks and impacts to World Heritage Sites are not adequately addressed. In particular, only one of the three key features of the English Lake District nominated World Heritage Site have been considered. Although the assessment terminology used in the PEI is the same as in the ICOMOS HIA Guidance (2011), it exclusively focuses on the physical historic environment as an attribute of Outstanding Universal Value (OUV). There is a tendency within the suite of PEI documents to treat World Heritage as solely a historic environment issue. However, this approach covers only part of the first of the three themes of OUV which have been identified for the English Lake District. There is a need to ensure that the HIA takes into account the full range of OUV attributes from the three main themes. There is also a need to make sure that the wider EIA also takes into account the full range of National Park Special Qualities. Currently it is not clear that the PEI has done this.
- 3.6.2 Furthermore, the PPA Group consider that there is a failure to provide adequate information and evidence to enable assessment of impacts on the Frontiers of the Roman Empire (Hadrian's Wall) World Heritage site (FRE WHS).



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- 3.6.3 The PEI concludes that for both the FRE WHS and the candidate English Lake District WHS, the net effect of NWCC would be "*a slight beneficial significance of effect on this asset as a whole*". This appears to be based primarily on the removal of ENW infrastructure and improvement of the ability to appreciate the physical historic landscape. In terms of the Lake District National Park, this relates only to part of the first theme of Outstanding Universal Value (OUV).
- 3.6.4 The HIA should also assess the potential impact on OUV of the surface treatment of the undergrounded section within the National Park.
- 3.6.5 Without a demonstrably comprehensive HIA it is difficult at this stage to accept the conclusion that NWCC would have "*slight beneficial significance*" for the OUV of the candidate English Lake District WHS.

Historic Environment and Archaeology

- 3.6.6 The PPA Group consider that there is inadequate evidence and assessment of impacts to the historic environment and archaeology across the route, and in particular from underground construction methods including cabling in the Lake District National Park. Undergrounding will have a major impact on any archaeological remains within the corridor and although mitigation can be provided, in terms of evaluation and recording, there is a risk that any archaeological remains could be destroyed on the route and they are a finite and unrenewable resource.
- 3.6.7 A major concern is, however, that the desk based assessment and walkover survey of the route corridor has not, as far as we are aware, been complete; and no viewpoint analysis is provided in connection with potential impacts on the setting of designated heritage assets. It is understood that the results from this piece of work and other projects that have been recently completed (i.e. aerial mapping project/Romans in Ravenglass), have not been used in the PEI. We therefore do not feel at this stage that we have all the information available to be able to ascertain the overall impact on the historic environment.

3.7 Project wide comments

Cumulative impact assessment



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- 3.7.1 As stated in the PPA Group comments on the PEI Cumulative Effects Briefing Paper, the adopted four-stage approach which reflects the approach within the PINS Advice Note 17 is welcomed. It is understood that the PEI will only contain stages 1 and 2 as set out in the advice note, and that the EIA procedure will enable decision making as to the actual final cumulative impacts to be assessed, their extent and residual outcomes.
- 3.7.2 As this is such a critical element for decision makers, whilst paragraph 22.1.6 states that *“Consultee comments have been considered during the compilation of this chapter, with the ZoI and assessment methodology amended where appropriate”*, it would be more helpful and clearer to the Planning Inspectorate in the future for a table be provided in the ES setting out whether or not the changes sought by the PPA Group have been accepted, and if they have not then there should be clear justification for doing so.
- 3.7.3 There are a number of specific areas that require clarification, which relate to the assumptions for the distances used for the Zones of Influence identified for each of the topic areas covering: landscape (10km), Socio economics (20km), terrestrial and avian ecology (20km), historic environment (10km), and waste (10km).
- 3.7.4 With regard to marine matters, we note and welcome that Table 22.1 now confirms that the Islet associated with the Morecombe Bay tunnel, consultation with relevant bodies and Government levels and that works in the Duddon and Ravenglass estuaries are to be included.

PEI consultation

- 3.7.5 In a letter dated 21 October 2016, the PPA Group had expressed concern to National Grid that despite a 10-week consultation period running from 28 October 2016 to 6 January 2016, this was a compromise position and had been based on assurances by National Grid that technical information would be released to the Authorities well in advance of the formal consultation date. This length of time was needed to allow all the PEI material to be properly considered and for that consideration to inform the Local Authorities’ consultation response.



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3.7.6 However, notwithstanding that assurance, several deadlines offered by National Grid were passed without the technical information being released on time. Consultation responses have to be approved by the various Local Authority Executives prior to issue to National Grid, and there is a significant lead-in time for all Committee reports to be prepared by the Local Authorities. The delay by National Grid in presenting material in the PEI has therefore meant that a full consideration of all the documentation is a significant challenge within the timescales. As a consequence the original request that the S.42 consultation be extended to the 3 February 2017 still stands to enable the PPA group to provide National Grid with a properly considered and approved consultation response, and enable National Grid to have full information on local sensitivities and impacts when it finalises the application ready for the DCO submission.

Lack of information

3.7.7 There has been a general lack of sufficient information presented within the PEI for a full assessment of the potential effects of the development to be carried out by the PPA Group and its specialists at this formal stage of consultation.

3.7.8 There are gaps as well as assumptions that have been made across almost all topic areas (including landscape, ecology, transport, historic environment, socio-economics, noise, hydrology etc). If this is carried through to the final Environmental Statement could lead to incorrect assessments and the wrong conclusions drawn on the likely effects. Additionally, the approach would be inadequate in terms of ongoing engagement with the PPA Group and other organisations. This is addressed in more detail in the topic-by-topic analysis and will be drawn out in the final PEI response.

3.7.9 The PPA Group are concerned that these matters need to be addressed and consulted on prior to the development of an Environmental Statement and the submission of the DCO.

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
16/00139/CU	Stanley Farm, Quernmore Road, Quernmore Change of use and conversion of part of redundant agricultural building to create one dwelling house (C3) for Natfarm Ltd. (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/00168/DIS	Coach And Travel Centre, Scotland Road, Carnforth Discharge of conditions 3, 4 and 5 on approved application 15/00848/CU for Mr John Shaw (Carnforth And Millhead Ward 2015 Ward)	Request Completed
16/00169/DIS	Lancaster Leisure Park Ltd, Wyresdale Road, Lancaster Discharge of conditions 11, 12, 13, 14, 24, and 26 on approved application 12/01109/FUL for Mr James Carman (John O'Gaunt Ward 2015 Ward)	Closed
16/00170/DIS	Heysham Nature Reserve, Moneyclose Lane, Heysham Discharge of condition 4 on approved application 15/01213/FUL for EDF Energy (Overton Ward 2015 Ward)	Request Completed
16/00174/DIS	Chorley Community Housing, Westgate, Morecambe Discharge of condition 22 on approved application 14/01289/FUL for Mrs Karen Lee (Westgate Ward 2015 Ward)	Request Completed
16/00178/DIS	Land To The Rear Of Burr Tree Cottage, Long Level, Cowan Bridge Discharge of conditions 3, 4, 5, 7, 8, 10, 11 and 15 on approved application 15/00537/FUL for Applethwaite Limited (Upper Lune Valley Ward 2015 Ward)	Initial Response Sent
16/00181/DIS	Red Court Caravan Park, Lancaster Road, Carnforth Discharge of conditions 1, 2, 3, 4, 5, 8, 11, 13, 15 and 16 on previously approved application 16/00569/FUL for Mr rufus (Carnforth And Millhead Ward 2015 Ward)	Initial Response Sent
16/00296/FUL	Land Adjacent To 20 Emesgate Lane, Silverdale, Carnforth Erection of a 3-bed dwelling with associated landscaping and creation of a new access point for Mr Paul Scholey (Silverdale Ward 2015 Ward)	Application Refused
16/00423/CU	Wyreside Lakes Fishery, Gleaves Hill Lane, Ellel Change of use of land to allow the siting and use of holiday caravans for 12 months of the year for Mrs S Hughes (Ellel Ward 2015 Ward)	Application Permitted
16/00444/LB	1 Hay Carr Cottages, Main Road, Galgate Listed Building application for the installation of replacement windows for Mr Kevin Philbin (Ellel Ward 2015 Ward)	Application Permitted
16/00543/FUL	Bowerham Hotel, Bowerham Road, Lancaster Demolition of outbuilding and erection of two 2-bed dwellings for AG (Lancaster 2015) Ltd (Scotforth West Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

16/00693/ADV	12 Victoria Street, Morecambe, Lancashire Advertisement application for the display of two projecting banners for Mr S Clayton (Poulton Ward 2015 Ward)	Application Withdrawn
16/00790/ADV	12 Spring Garden Street, Lancaster, Lancashire Advertisement application for the display of non-illuminated signage comprising of external vinyl graphics for Mr Skinner (Castle Ward 2015 Ward)	Application Permitted
16/00867/FUL	75 Silverdale Road, Yealand Redmayne, Carnforth Demolition of existing bungalow and erection of a two storey dwelling for Mr & Mrs Darlington (Silverdale Ward 2015 Ward)	Application Permitted
16/00895/CU	St Michaels House, Parkgate Drive, Lancaster Change of use of former offices (use class B1) and workspace to two 3 bedroom dwellings (C3) and creation of associated car parking area for Mr Zubeir Mister (John O'Gaunt Ward 2015 Ward)	Application Refused
16/00937/LB	St Michaels House, Parkgate Drive, Lancaster Listed Building application for internal and external alterations to facilitate the change of use of former offices and workspace to 2 dwellings, including the installation of replacement windows to all elevations and 10 rooflights. for Mr Zubeir Mister (John O'Gaunt Ward 2015 Ward)	Application Refused
16/00947/CU	Higher Barn, Aughton Road, Aughton Change of use of offices (B1) to two dwellings (C3) for Jeffrey Metcalfe (Halton-with-Aughton Ward 2015 Ward)	Application Refused
16/00951/FUL	Mayfield, Schoolhouse Lane, Halton Demolition of single storey side extension and erection of a two storey side extension, construction of two dormer extensions to the front elevation and two dormer extensions to the rear elevation for Mr & Mrs D. Hayton (Halton-with-Aughton Ward 2015 Ward)	Application Refused
16/00963/FUL	Brunt Hill, Main Street, Arkholme Erection of a detached summerhouse at the rear for Mr T Manton (Kellet Ward 2015 Ward)	Application Permitted
16/00964/FUL	50 Barley Cop Lane, Lancaster, Lancashire Demolition of existing garage and erection of a two storey side extension and a single storey rear extension for Mrs Amanda Woodhouse (Skerton East Ward 2015 Ward)	Application Permitted
16/00987/FUL	49 China Street, Lancaster, Lancashire Erection of a four storey building with ground floor office and one 7-bed student cluster flat for Mr Ashby (Castle Ward 2015 Ward)	Application Permitted
16/00988/LB	49 China Street, Lancaster, Lancashire Listed building application for erection of a four storey building with ground floor office and one 7-bed student cluster flat for Mr Ashby (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

16/01002/VCN	Land Adjacent To, Caton Road, Lancaster Erection of a two storey restaurant with associated drive-thru, canopy, car parking, landscaping, retaining wall and raised land levels (pursuant to the variation of condition 9 on planning permission 16/00551/FUL to substitute the remediation report) for McDonald's Restaurants Ltd . (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/01029/LB	6 First Terrace, Sunderland Point, Morecambe Listed building consent for the installation of 3 replacement white painted softwood double glazed windows to the front elevation for Mr & Mrs P Brennan (Overton Ward 2015 Ward)	Application Permitted
16/01037/FUL	Land Adjacent Aikengill, Scotforth Road, Lancaster Erection of 13 dwellings with associated new access and regrading of land, construction of internal roads and cycle paths for Fellside Land Developments Ltd (Scotforth East Ward 2015 Ward)	Application Withdrawn
16/01047/LB	Flat 3, The Smokehouse, St Georges Quay Listed building application for works associated with the installation of a damp proof membrane to existing double door opening for Mr Kitchen (Castle Ward 2015 Ward)	Application Permitted
16/01049/OUT	Bay View Cars, Grosvenor Road, Heysham Outline application for the demolition of existing car show room and erection of 7 dwellings for Bay View Cars (Heysham North Ward 2015 Ward)	Application Withdrawn
16/01054/FUL	Owen House, 6 Thurnham Street, Lancaster Change of use of 1st and 2nd floors from storage (B8) to student accommodation comprising one 4 bed cluster (C4) and one 5 bed cluster (C4) for Mr John Kirkpatrick (Castle Ward 2015 Ward)	Application Permitted
16/01055/LB	Owen House, 6 Thurnham Street, Lancaster Listed Building application for internal and external alterations comprising removal of partition walls, installation of new partition walls and new door in the south elevation and new painted timber door to cycle and bin stores for Mr John Kirkpatrick (Castle Ward 2015 Ward)	Application Permitted
16/01063/LB	Lancaster Railway Station, Westbourne Road, Lancaster Listed Building application for works to facilitate the installation of display screens, CCTV and public announcement systems and repairs to the structure of the building for Network Rail Infrastructure Ltd (Castle Ward 2015 Ward)	Application Permitted
16/01065/ADV	Lidl, 98 Westgate, Morecambe Advertisement application for the display of an internally illuminated 6 metre high totem sign for Mr Ed Whalley (Westgate Ward 2015 Ward)	Application Permitted
16/01069/FUL	14 - 16 Tithebarn Hill, Glasson Dock, Lancaster Change of use of former retail premises (A1) to residential dwelling (C3) and alterations to fenestration on front and rear elevations for Mr Mark Holden (Ellel Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

16/01071/VCN	Lidl, 98 Westgate, Morecambe Demolition of existing garage and erection of a food store with associated parking, access, servicing and landscape arrangements (pursuant to the variation of condition 18 on planning permission 06/00717/FUL to extend the opening hours) for Mr E Whalley (Westgate Ward 2015 Ward)	Application Permitted
16/01079/REM	20 Emesgate Lane, Silverdale, Carnforth Reserved matters application for the erection of a detached dwelling for Mr John Baldwin (Silverdale Ward 2015 Ward)	Application Permitted
16/01080/FUL	Burtonwell Cottage, 8 Bottoms Lane, Silverdale Conversion of one dwelling into two dwellings for Mr Christopher Ashurst (Silverdale Ward 2015 Ward)	Application Refused
16/01082/FUL	Hawthorn Bank, Cove Road, Silverdale Demolition of existing stable block and erection of a 2-storey dwelling and a detached double garage with associated landscaping and creation of a new vehicular access point in association with Hawthorn Bank for Mr & Mrs R Whittaker (Silverdale Ward 2015 Ward)	Application Permitted
16/01083/LB	Cathedral School, Balmoral Road, Lancaster Listed building application for the installation of two replacement gas boilers with associated pipework and installation of a replacement flue for Mr Paul Simpson (John O'Gaunt Ward 2015 Ward)	Application Permitted
16/01088/FUL	5 Ardengate, Lancaster, Lancashire Erection of a single storey rear extension for Mr H. Kidd & K. Froggatt (Scotforth West Ward 2015 Ward)	Application Permitted
16/01099/VCN	70 Slyne Road, Bolton Le Sands, Carnforth Erection of a new building for caravan sales and repairs (pursuant to the variation of condition 14 on planning permission 15/00039/FUL which restricts retail sales) for Mr Stephen Hall (Bolton And Slyne Ward 2015 Ward)	Application Permitted
16/01106/LB	Lancaster Royal Grammar School, East Road, Lancaster Listed building application for the installation and relocation of ground floor partition walls to create two classrooms and installation of a W.C. for Mr Richard Gittins (Bulk Ward 2015 Ward)	Application Permitted
16/01114/FUL	3 - 5 Marine Drive, Hest Bank, Lancaster Erection of a detached single storey staff room to the rear for Mr Michael Jones (Bolton And Slyne Ward 2015 Ward)	Application Permitted
16/01115/FUL	70 Slyne Road, Bolton Le Sands, Carnforth Retrospective application for the retention of concrete base and 2.4 metre high fence for Mr Stephen Hall (Bolton And Slyne Ward 2015 Ward)	Application Permitted
16/01116/FUL	23 Haws Avenue, Carnforth, Lancashire Erection of a rear conservatory for Miss Lindsey Crowther (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
16/01118/FUL	23 Morecambe Road, Morecambe, Lancashire Erection of a two storey rear and single storey side extension for Mr Denver Peal (Torrisholme Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

16/01122/FUL	Booth Hall, Bay Horse Road, Quernmore Erection of an agricultural livestock building for Mr Neil Kidd (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/01127/FUL	134 West End Road, Morecambe, Lancashire Erection of boundary wall and gates to replace existing for Mr T Barczynski (Harbour Ward 2015 Ward)	Application Permitted
16/01131/FUL	Morecambe RNLI Lifeboat Station, Marine Road Central, Morecambe Installation of a replacement door to the boat room for RNLI Lifeboats (Poulton Ward 2015 Ward)	Application Permitted
16/01134/FUL	33 Croftlands, Warton, Carnforth Erection of a single storey rear extension for Mr & Mrs R Looker (Warton Ward 2015 Ward)	Application Permitted
16/01142/CU	1 Chatsworth Road, Morecambe, Lancashire Change of use of former hotel (C1) to one 4 bed dwelling and one 5 bed dwelling (C3) for Mrs Jane Dutton (Harbour Ward 2015 Ward)	Application Permitted
16/01143/FUL	83 Main Road, Bolton Le Sands, Carnforth Part retrospective application for change of use and conversion of Coach House to 3 bed dwelling (C3), demolition of side extension and erection of a two storey side extension, single storey rear extension and a new boundary wall for Mr J. Chadwick (Bolton And Slyne Ward 2015 Ward)	Application Permitted
16/01147/FUL	1 Capernwray Court, Borwick Road, Capernwray Erection of a two storey rear extension and balcony and construction of raised decking to the rear for Ms Janet Tomkinson (Kellet Ward 2015 Ward)	Application Permitted
16/01151/FUL	88 Broadway, Morecambe, Lancashire Erection of a two storey rear extension, single storey side/rear extension, demolition of garage and erection of an outbuilding for Mr & Mrs Mark Hepworth (Bare Ward 2015 Ward)	Application Permitted
16/01157/FUL	4 Lonsdale Grove, Morecambe, Lancashire Demolition of existing single storey rear extension, erection of a part single part two storey side and rear extension, extension to existing garage and erection of a detached outbuilding for Mr & Mrs Paul Hilton (Bare Ward 2015 Ward)	Application Permitted
16/01165/ADV	35 - 41 Market Street, Lancaster, Lancashire Advertisement application for the display of an externally illuminated individually lettered sign, a non-illuminated projecting sign, 2 non-illuminated information panels and 2 sets of reverse applied window signage for Mr Ben French (Castle Ward 2015 Ward)	Application Permitted
16/01166/LB	35 - 41 Market Street, Lancaster, Lancashire Listed Building application for the fixing of an externally illuminated individually lettered sign, a non-illuminated projecting sign, 2 non-illuminated information panels and 2 sets of reverse applied window signage for Mr Ben French (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

16/01169/FUL	Field Number 6950, Lancaster Road, Overton Change of use of former football field to paddock for grazing horses, creation of a hardstanding and siting of 2 stables and a storage shed for 3 years for Mrs K. Knowles (Overton Ward 2015 Ward)	Application Permitted
16/01170/LB	Red Door, Church Brow, Halton Listed building application for works to facilitate the conversion of storage room into ancillary living accommodation including alteration of door to the rear elevation and replacement rooflight and windows for Robert and Lynn Bauld and Malkin (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
16/01171/FUL	4 Shelley Close, Bolton Le Sands, Carnforth Demolition of existing single storey rear extension and erection of a replacement single storey rear and side extension. for Mr & Mrs Sibbett (Bolton And Slyne Ward 2015 Ward)	Application Permitted
16/01174/FUL	Lancaster Volkswagen, Vickers Way, Heaton With Oxcliffe Creation of a new vehicular access point and access road for Mr Cox (Westgate Ward 2015 Ward)	Application Permitted
16/01179/FUL	Holy Family Presbytery, Westgate, Morecambe Alteration to existing access, installation of gates and erection of boundary walls for Mr Tom Hanley (Westgate Ward 2015 Ward)	Application Permitted
16/01181/LB	Lancaster Girls Grammar School, Regent Street, Lancaster Listed building application for the re-roofing of existing flat roof with insulated felt covering, boarding over of windows with uPVC panels and replacement of 1 timber framed window and 1 uPVC framed window with 2 uPVC framed windows for Lancaster Girls Grammar School (Castle Ward 2015 Ward)	Application Permitted
16/01185/CU	Goss Park, Main Street, Arkholme Change of use of agricultural land to domestic garden for Mr & Mrs Martin and Susan Ellam (Kellet Ward 2015 Ward)	Application Withdrawn
16/01188/FUL	2 Elmslack Lane, Silverdale, Carnforth Erection of a first floor side and rear extension over existing detached garage and side passageway, incorporating a balcony to the rear for Mr & Mrs J. Patching (Silverdale Ward 2015 Ward)	Application Permitted
16/01189/FUL	Land Between 14 And 15, Betony, Morecambe Erection of 3 detached two-storey dwellings with associated landscaping and creation of a new access point for Mr S Livesey (Torrisholme Ward 2015 Ward)	Application Withdrawn
16/01190/ELDC	26 Grasmere Road, Morecambe, Lancashire Existing lawful development certificate for garage and summer house to the rear for Mr R. MaCalonan (Bare Ward 2015 Ward)	Lawful Development Certificate Granted
16/01191/FUL	10 Warwick Avenue, Lancaster, Lancashire Demolition of existing attached garage and erection of a two storey side extension for Mr & Mrs M Robinson (Scotforth East Ward 2015 Ward)	Application Permitted
16/01192/FUL	10 Leach House Lane, Galgate, Lancashire Erection of a 2m high double sided close boarded acoustic fence for Mr E. Bradshaw (Ellel Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

16/01194/LB	35 - 41 Market Street, Lancaster, Lancashire Listed Building application for the removal of 2 internal freestanding self service machines for HSBC Group Plc (Castle Ward 2015 Ward)	Application Permitted
16/01195/CU	13 Morecambe Street West, Morecambe, Lancashire Change of use of ground floor shop (A1) to 1-bed flat (C3) and alterations to ground floor front elevation for Mr P Bevon (Poulton Ward 2015 Ward)	Application Permitted
16/01198/FUL	1 The Headlands, Heysham, Morecambe Construction of a balcony over existing single storey rear extension and retention of existing first floor bi-fold doors for Mr Mike Wolff (Heysham South Ward 2015 Ward)	Application Refused
16/01200/FUL	32A Silverdale Road, Yealand Redmayne, Carnforth Erection of a first floor rear extension over the existing terrace and construction of a first floor rear balcony for Mr And Mrs Walker (Silverdale Ward 2015 Ward)	Application Refused
16/01210/FUL	63 Silverdale Road, Yealand Redmayne, Carnforth Installation of a replacement raised roof to create first floor living accommodation, demolition of detached garage, erection of single storey side extension, a part two part single storey rear extension and construction of two dormer extensions to the front elevation. for Mr Ralph Simpson (Silverdale Ward 2015 Ward)	Application Permitted
16/01211/LB	Manor House, 4 Main Street, Heysham Listed building application for the removal and replacement of pitched and flat roof, chimney pots, external render to all elevations, removal of paint from front porch, window and door, repainting of doors and windows to all elevations, removal and replacement of guttering, installation of an external flue to the side elevation, installation of a replacement front and side elevation doors and window, repointing to the front porch and recladding of the rear dormer extension for Mr And Miss John And Adele Ellison (Heysham Central Ward 2015 Ward)	Application Permitted
16/01213/LB	Pennys Hospital, King Street, Lancaster Listed building application for the demolition of partially collapsed outbuilding for Lancaster Charity (Castle Ward 2015 Ward)	Application Permitted
16/01218/VCN	282 Oxcliffe Road, Heaton With Oxcliffe, Morecambe Provision of three extra pitches (pursuant to the variation of conditions 3 and 4 on planning permission 98/00804/FUL to allow the site to be used for unrestricted residential use) for Mr S Lee (Westgate Ward 2015 Ward)	Application Withdrawn
16/01219/PLDC	13 Clifton Drive, Morecambe, Lancashire Proposed Lawful Development Certificate for the erection of a rear single storey extension for Mr & Mrs N. Moorby (Bare Ward 2015 Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

16/01220/FUL	Borwick Lake, Borwick Lane, Borwick Installation of a replacement raised roof to create first floor living accommodation, demolition of existing garage and erection of replacement detached outbuilding, and extension of raised decking area to rear and side elevations for Mr S Cream (Kellet Ward 2015 Ward)	Application Permitted
16/01221/FUL	11 Rays Drive, Lancaster, Lancashire Demolition of existing single storey rear extension and erection of a single storey rear and side extension for Mr & Mrs I Anderson (Scotforth West Ward 2015 Ward)	Application Permitted
16/01224/FUL	9 New Quay Road, Lancaster, Lancashire Erection of a rear conservatory and partial conversion of garage to office for Mr Paul Todd (Marsh Ward 2015 Ward)	Application Withdrawn
16/01233/FUL	1 Anderson Close, Lancaster, Lancashire Demolition of two detached outbuildings and erection of single storey front and rear extensions and a two storey side extension for Mr King (John O'Gaunt Ward 2015 Ward)	Application Permitted
16/01236/FUL	22 Oxcliffe Road, Heysham, Morecambe Erection of a single storey rear extension for Mr Terrance Kipps (Heysham Central Ward 2015 Ward)	Application Permitted
16/01238/LB	The Stables, Back Lane, Wennington Listed Building Application for the installation of an enlarged window and replacement of double doors with a single door on south elevation for Mr Matt Brazier (Upper Lune Valley Ward 2015 Ward)	Application Permitted
16/01241/FUL	Woodside Cottage, Starbank, Bay Horse Change of use of agricultural field to domestic curtilage, erection of a 2-storey side and rear extension, single storey rear extension and construction of a raised decking area to the side for Mr Gavin Torr (Ellel Ward 2015 Ward)	Application Permitted
16/01242/FUL	8 Well Lane, Yealand Redmayne, Carnforth Retrospective application for the retention of dormer extension to the rear elevation for Blackburn With Darwen Council (Silverdale Ward 2015 Ward)	Application Permitted
16/01245/FUL	Coach And Travel Centre, Scotland Road, Carnforth Erection of a two storey side extension to accommodate maintenance and MOT facilities for Mr John Shaw (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
16/01251/PAH	59 Primrose Street, Lancaster, Lancashire Erection of a 4.05 metre deep, single storey rear extension with a maximum roof height of 3.65 metres and a maximum eaves height of 2.7 metres for Mr And Mrs Graves (John O'Gaunt Ward 2015 Ward)	Prior Approval Not Required
16/01254/FUL	44 Market Street, Carnforth, Lancashire Alterations to existing ATM aperture to facilitate new ATM for RBS Planning Team (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
16/01255/PAD	Unit 1, Unit 2 And Unit 12X, Thetis Road, Lune Business Park Prior approval for the demolition of redundant industrial buildings for Hurstwood Holdings (Marsh Ward 2015 Ward)	Prior Approval Not Required

LIST OF DELEGATED PLANNING DECISIONS

16/01259/FUL	84 Bare Lane, Morecambe, Lancashire Erection of a 2-storey dwelling for Mr And Mrs Faraday (Torrisholme Ward 2015 Ward)	Application Permitted
16/01264/FUL	4 Roberts Court, Warton, Carnforth Erection of a two storey rear extension. for Mr Terry Boxford (Warton Ward 2015 Ward)	Application Permitted
16/01267/FUL	1 St Johns Grove, Silverdale, Carnforth Erection of a side conservatory for Mrs Head (Silverdale Ward 2015 Ward)	Application Permitted
16/01277/FUL	4 Sulby Grove, Morecambe, Lancashire Erection of a single storey rear and side extension for Mrs Marianne Simpson (Bare Ward 2015 Ward)	Application Permitted
16/01279/FUL	23 Yealand Drive, Lancaster, Lancashire Retrospective application for the retention of a rear external staircase and construction of an enclosed roof and wall for Andrew Wood (Scotforth East Ward 2015 Ward)	Application Refused
16/01287/LB	1& 2 Old Hall Cottages, Kellet Road, Over Kellet Listed Building application for re-roofing of existing slate roof for Mr A Skirrow (Kellet Ward 2015 Ward)	Application Permitted
16/01297/FUL	5 Hillmount Avenue, Heysham, Morecambe Construction of a single storey side and rear extension and dormer extension to front elevation for Mr A Lamb (Heysham South Ward 2015 Ward)	Application Permitted
16/01304/FUL	19 Levens Close, Lancaster, Lancashire Erection of a single storey side and rear extension for Mrs Geirda McMurtrie (Marsh Ward 2015 Ward)	Application Permitted
16/01311/FUL	1 Old Station Buildings, Red Bridge Lane, Silverdale Installation of a first floor window to the side elevation for Mr & Mrs Kenevin (Silverdale Ward 2015 Ward)	Application Permitted
16/01312/FUL	10 Hazelwood, Silverdale, Carnforth Construction of a replacement dual pitched roof and erection of single storey front, side and rear extensions. for Mr & Mrs Hooley (Silverdale Ward 2015 Ward)	Application Permitted
16/01320/FUL	63 Brookhouse Road, Caton, Lancaster Erection of a single storey rear extension, construction of a raised patio and alterations to roof of attached outbuilding for Mr And Mrs Renyard (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/01328/FUL	17 Peacock Crescent, Hest Bank, Lancaster Erection of a single storey side extension for Mr & Mrs A. Ley (Bolton And Slyne Ward 2015 Ward)	Application Permitted
16/01348/EIR	Former Frontierland Site, Marine Road West, Morecambe Screening opinion for redevelopment of Frontierland to form retail units, restaurants, family pub/restaurant, hotel, associated car parking for Opus Land North (Morecambe) Ltd & Wm Morrison (Harbour Ward 2015 Ward)	Closed

LIST OF DELEGATED PLANNING DECISIONS

16/01369/NMA	5A Market Street, Carnforth, Lancashire Non material amendment to planning application 14/01081/CU for the addition of a new external door for Mr G Blakeley (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
16/01378/FUL	The Stables, Back Lane, Wennington Installation of an enlarged window and replacement of double doors with a single door on south elevation for Mr Matt Brazier (Upper Lune Valley Ward 2015 Ward)	Application Permitted
16/0140/TCA	Outside 39/41 Woodville Street, Lancaster, Lancashire Crown reduce x3 cherry trees for Mr Richard Banden (Bulk Ward 2015 Ward)	Application Permitted
16/0141/TCA	Glen Anne, Halton Road, Nether Kellet Fell x4 Leyland cypress; fell a cypress hedge for Mr David Towers (Kellet Ward 2015 Ward)	Application Permitted
16/01439/CCC	Hillam Lane Farm, Hillam Lane, Cockerham Retrospective application for shipping container for heat and power unit, associated exhaust stack, provision of gas blower as part of an anaerobic digestion plant for Mr Chris Parry (Ellel Ward 2015 Ward)	No Objections