



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 9 JANUARY 2017

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 12th December, 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.

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|----------|------------------------|---|------------------|------------------------|
| 5 | A5 16/01155/FUL | St Leonards House, St Leonards Gate, Lancaster | Bulk Ward | (Pages 1 - 20) |
| | | Change of use of offices (B1) to student accommodation comprising of 80 studios, four 4-bed, seven 5-bed and eight 6-bed cluster flats (C3), student gym (D2) and ancillary communal facilities with associated internal demolition and alterations, installation of a replacement roof to create additional living accommodation and recladding of existing rear stairwells for Mr Dan White | | |
| 6 | A6 16/01156/LB | St Leonards House, St Leonards Gate, Lancaster | Bulk Ward | (Pages 21 - 26) |
| | | Listed building application for the removal and reinstallation of the internal structure of the building, installation of a replacement roof to create additional living accommodation, recladding of existing rear stairwells, installation of replacement windows and doors to all elevations, insertion of partition walls to all floors, reinstate windows, removal of ground floor canopy and windows and installation of louvers to the rear elevation, installation of a | | |

window to the side elevation, rendering of walls to concrete framed building to facilitate the change of use of offices to student accommodation for Mr Dan White

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|----|------------------|---|-------------------------------|------------------------|
| 7 | A7 16/01084/FUL | Land Adjacent To Bulk Road, Lancaster | Bulk Ward | (Pages 27 - 45) |
| | | Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping for Mr Alex Knapp | | |
| 8 | A8 16/01271/OUT | Land To The South West Of Thorneycroft, Kirkby Lonsdale Road, Arkholme | Kellet Ward | (Pages 46 - 58) |
| | | Outline application for the erection of 12 dwellings with associated vehicular access, field access road and new pedestrian links for Mr T Jenkinson | | |
| 9 | A9 16/01373/FUL | Land To The Rear Of Dragons Head Hotel, Main Street, Whittington | Upper Lune Valley Ward | (Pages 59 - 68) |
| | | Demolition of outbuildings, conversion of barn to dwelling, erection of 3 dwellings with associated landscaping, parking and alterations to the existing access for Mr Simon Nutter | | |
| 10 | A10 16/01226/OUT | Land South Of Aldcliffe Hall Lane, Lancaster, Lancashire | Scotforth West Ward | (Pages 69 - 79) |
| | | Outline application for erection of up to 11 dwellings with associated access for Mr M Mister | | |

11 Enforcement Review - Moorlands Hotel, Lancaster (Pages 80 - 88)

12 Delegated Planning Decisions (Pages 89 - 96)

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 (Substitute), Susie Charles (Substitute), Sheila Denwood (Substitute), Mel Guilding (Substitute), Tim Hamilton-Cox (Substitute), Janice Hanson (Substitute) and Geoff Knight (Substitute)

(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 Thursday 22nd December, 2016.

| Agenda Item A5 | Committee Date 9 January 2016 | Application Number 16/01155/FUL |
|---|---|------------------------------------|
| Application Site St Leonards House St Leonards Gate Lancaster Lancashire | Proposal Change of use of offices (B1) to student accommodation comprising of 80 studios, four 4-bed, seven 5-bed and eight 6-bed cluster flats (C3), student gym (D2) and ancillary communal facilities with associated internal demolition and alterations, installation of a replacement roof to create additional living accommodation and recladding of existing rear stairwells | |
| Name of Applicant Mr Dan White | Name of Agent Mr Sean Hedley | |
| Decision Target Date 15 December 2016 | Reason For Delay Addressing noise concerns and independent viability review | |
| Case Officer | Mr Mark Potts | |
| Departure | No | |
| Summary of Recommendation | Approval | |

(i) Procedural Note

St Leonards House falls within the ownership of the City Council and a site visit was arranged for Elected Members, and was undertaken on 7th November 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 heritage concerns.

1.0 The Site and its Surroundings

1.1 The application proposes the change of use of St Leonards House (which is within the ownership of the City Council and is Grade II listed), and was initially a furniture factory (in connection with the Waring and Gillows showroom on North Road), then used by Lancaster University, the Adult College and more recently was utilised as City Council Offices until 2009, and it has been fully vacant since 2014. Whilst one building it does have two distinct elements to it, consisting of the original building constructed in the 1880s, and a second element which is of a concrete frame built in around the 1920s. The 1880s element is of 4 storeys on the St Leonards Gate elevation, of square coursed sandstone with a slate roof plus a clerestory attic storey of timber casement windows with glazing bars under the slate roof. The 1920's element is also of 4 storey on the St Leonards Gate elevation plus the clerestory attic and is of concrete construction with timber windows.

1.2 To the north of the proposal lies the Sugarhouse Nightclub with the Gillow's building beyond this on North Road (which members resolved to approve for student accommodation (ref 16/00274/FUL) on 12th December 2016), and also a former factory building which is locally listed. St Leonards House is physically connected to built form to the north east and south west, and to the east lies St Leonards Gate and beyond this are Council owned car parks. The Grand Theatre is located opposite the southern-most element of St Leonards house (circa 9 metres away) which is Grade II listed.

1.3 The development is located approximately 225 metres to the north-east of Lancaster City Centre and falls within the Lancaster Conservation Area, and parts of the rear façade of the building lie within Flood Zone 2. The development is approximately 230 metres to the south of the River Lune Biological Heritage Site and located 2.75km to the west of the Morecambe Bay Special Area of Conservation (SAC), RAMSAR, Special Protection Area (SPA), and Site of Special Scientific Interest (SSSI).

2.0 The Proposal

2.1 The application seeks the conversion of St Leonards House to student accommodation. The scheme seeks planning permission for 80 studio apartments, four 4-bedroom, seven 5 bedroom and eight 6-bed cluster flats. Communal uses are found to the basement level to include a gymnasium, bin stores, plant stores, laundry facilities and bicycle storage. The upper ground floor would consist of a total of 33 bedrooms being a mixture of cluster and studios. On the first floor, second and third floors there would be 37 bedrooms on each floor with there being 11 studios and the remainder bedrooms associated with cluster flats. On the fourth floor (within the new curtainwall structure) 36 studios are proposed.

2.2 The scheme seeks to remove the internal structure of the 1880s building, which has been found to be insufficient to support a new use in its current condition and the insertion of a new internal structure (the existing walls will be retained). The scheme looks to remove the clerestory roof to both elements of the building and replace this with a wider curtainwall structure. There are two existing stair towers to the rear of the St Leonards House which are proposed to be re-cladded. The existing timber windows are to be replaced with double glazed and secondary glazed windows within a wooden frame and partitions will be created internally to allow for the formation of the student bedrooms.

3.0 Site History

3.1 The site has been the subject of numerous uses as outlined in Section 1.1, however the most relevant planning applications relate to the below.

| Application Number | Proposal | Decision |
|--------------------|---|------------------|
| 16/01156/LB | Listed building application for the removal and reinstallation of the internal structure of the building, installation of a replacement roof to create additional living accommodation, re-cladding of existing rear stairwells, installation of replacement windows and doors to all elevations, insertion of partition walls to all floors, reinstate windows, removal of ground floor canopy and windows and installation of louvers to the rear elevation, installation of a window to the side elevation, rendering of walls to concrete framed building to facilitate the change of use of offices to student accommodation | Pending Decision |
| 16/00684/PRETWO | Part-demolition of internal levels and conversion to form 178 student apartments | Advice Provided |

4.0 Consultation Responses

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

| Consultee | Response |
|------------------|--|
| Historic England | Raise concerns regarding the level of intervention to the building. Assuming the viability statement is sound, then whilst considering that the level of harm caused would be regrettable, they would reluctantly accept this as justification. |

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| Victorian Society | Objection to the development, as the implementation of the scheme would cause substantial and unjustified harm to a nationally important building, undermining its special interest to such an extent will jeopardise its Grade II listed designation. |
| Twentieth Century Society | Objection to the amendments to the 1920's element of the building as the new partition walls will break up the wide window bays and consider that the walls are altered to accommodate this change. |
| Lancaster Civic Society | Objection to the scheme although welcomes the re-use of the building however concerned regarding the loss of the clerestory level and would wish to see this rebuilt and reinstated. |
| Conservation Officer | Whilst not raising an objection does have concerns regarding the extent of the curtainwall structure being the full width of the building and the alterations do detract from the historic merit of the listed building. Consider that the recladding of the stair towers have the opportunity to minimise negative visual impacts of the towers. Conditions are suggested concerning details of windows, doors, cladding, roofing materials, rainwater goods and the location and re-use of the cast iron columns. |
| Society for the Protection of Ancient Buildings | No observations received within the statutory timescales. |
| Lancashire Archaeological Advisory Service | No Objection however a condition should be imposed regarding a Level 3 building survey. |
| Ancient Monuments Society | No observations received within the statutory timescales. |
| Council for British Archaeology | No observations received within the statutory timescales. |
| Georgian Society | No observations received within the statutory timescales. |
| County Highways | No objection (18 October 2016) - recommends that site servicing requires consideration, together with a public bus service provision on St Leonards Gate. Recommended conditions include: Construction traffic management plan; Covered and secure cycle storage (60 spaces); Ability to leave and enter in forward gear; Off-site highway works (priority vehicle feature on St Leonards Gate in vicinity of Phoenix Street and one in the vicinity of the Grand Theatre; and a Travel Plan. (6 December 2016) - Following the receipt of amended information the County still maintain there is a requirement for traffic calming pedestrian improvements needed to be made on St Leonards Gate and without it would have to Object to the development. |
| Environmental Health Officer (Noise) | Whilst initially had concerns with the scheme, raises No objection subject to conditions controlling 47dB at 63Hz and 41dB at 125Hz within habitable spaces with windows shut and other means of ventilation and a pre-occupation condition to ensure the above is met. |
| Environmental Health Officer (Contaminated Land) | No objection , however recommends conditions associated with Contaminated Land. |
| Environmental Health Officer (Air Quality) | No objection , recommends that if parking is being provided that electric vehicle charging points are provided and recommends a scheme of ventilation. |
| County Strategic Planning | No observations received within the statutory timescales. |
| University of Cumbria | No observations received within the statutory timescales. |
| Lancaster University | Raise Concerns - Is there sufficient and appropriate student demand for the development; The loss of this site to potentially benefit much wider city regeneration and economy; The development could trigger the loss of the Sugarhouse; Noise mitigation is not tested; The alterations to the building could threaten its value as a Grade II listed building. |
| Lancaster University Students Union | Objection to the development and raise concerns with the applicants noise assessment (have commissioned their own critique of the noise assessment) and lack of regard for the assessment of the 1/3 octave band. Request that fully sealable |

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|-------------------------------------|---|
| | windows, a further noise assessment, and Section 106 obligations restricting the ability to vary the nature and scope of noise attenuation. LUSU consider that the applicant should enter into a deed of easement of noise with LUSU such that any future occupier of the development would be fettered from pursuing actionable nuisance complaints. |
| Engineering Team | No observations received within the statutory timescales. |
| Environment Agency | No objection , however recommend there should be no sleeping accommodation on the upper ground floor. |
| Fire Safety Officer | No observations received within the statutory timescales. |
| Lead Local Flood Authority | No objection |
| Lancashire Constabulary | No objection , standard advice regarding secured by design standards |
| Forward Planning Team | No observations received within the statutory timescales. |
| RSPB | No observations received within the statutory timescales. |
| Car Parking Manager | No objection , however resident parking permits will not be available |
| City Council Estates Manager | No objection and supports the scheme |

5.0 Neighbour Representations

5.1 The application has been advertised in the press, by site notice and adjoining properties/businesses consulted by letter.

To date there has been **534** letters of objection received in relation to the scheme;

- Noise complaints will come from the students who will reside in the St Leonards House;
- Too close to the Sugarhouse Nightclub and will create unacceptable noise levels for occupiers;
- Threaten the viability of the Sugarhouse and jeopardising Lancaster’s night-time economy;
- People will no longer wish to study at Lancaster if the nightclub closes;
- Is further student accommodation actually needed;
- More needs to be done to protect the Sugarhouse from any complaints;
- Further assessments needs to occur.

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 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its’ Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This will enable progress to be made on the preparation of a Local Plan for the Lancaster District. It is envisaged that the public consultation will commence on 27 January 2017 and conclude on 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

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

6.4 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

6.5 Strategic Policies and Land Allocations DPD (Consultation 2017)

Policy EN3 – Lancaster Heritage Action Zone

6.6 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;
- English Heritage – Conservation Principles, Policies and Guidance (April 2008).

7.0 Comment and Analysis

7.0.1 The application generates consideration of the issues as noted below;

- Principle of student accommodation
- Noise considerations;
- Lancaster University Students Union – Noise Concerns;
- Heritage Considerations;
- Design and Amenity Considerations;
- Highways;
- Ecology;
- Flooding;
- Air Quality and contaminated land;
- Public Realm

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 in close proximity 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, the University raised the same concerns with the Gillows application (Ref 16/00274/FUL) and on this application, officers wrote to the University to ask for their future projections as to whether additional student accommodation is indeed required, unfortunately no response was received. 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 bedrooms, 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 adjacent 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, although it abuts it. Therefore, in planning terms this cannot be sustained as a reason for refusal.

7.2. Noise Considerations

7.2.1 A fundamental issue arising from this application relates to noise, and as such this report considers the noise issues in considerable 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 3 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 (to the north west of the site being located approximately circa 70 metres to the nearest façade of the St Leonards House 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. Given Officers' experiences on the Gillow's application, at the pre-application stage for this application the applicants were advised to undertake their noise assessment with the *Manchester City Council's Planning and Noise Technical Guidance* in mind 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 raise to 'actionable' complaints. The applicant has been amenable to undertaking their assessment with full regard to this methodology. There are other authorities who have less onerous requirements, such as Kirklees Council and Sheffield City Council. 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 12

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.

Applicant's Noise Report

- 7.2.4 The applicants engaged in the Local Authority's pre-application advice service earlier in 2016, and this was followed with two pre-application meetings between officers and the applicant's project team. Given the noise concerns which were raised with respect to the change of use of the Gillow's building into student accommodation (Ref: 16/00274/FUL) it was resolved (in advance of the planning application being submitted) that it would be prudent to have the applicant's noise report independently reviewed. The critique of the report was received by the Local Authority on 8th September 2016 and raised a number of concerns; as the initial report was based on a single calibration position, and the report demonstrated non-compliance with the noise limits within the ground floors and there was a lack of assessment of other transmission paths such as via the roof. In the same manner as the Gillow's application the Local Authority opted to utilise the services of 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.
- 7.2.5 The applicant undertook noise surveys between 25th-31st May 2016 and then between 12th-18th July 2016 (to measure impact from the re-opened Yorkshire House Pub). The applicants considered that assuming the glazing and the ventilation they proposed was implemented, then the internal noise levels within bedrooms would achieve the relevant limits. Following the initial review of the noise assessment in September 2016, further information was submitted by the applicants acoustician to attempt to address the concerns raised by Martec, however following review on 8th October 2016 it was deemed that there was still insufficient information to enable a decision to be reached and it was requested that all the measurement data (as originally requested) were presented together with the predictions of the uppermost floors, which had been omitted. A meeting on 14th October 2016 was convened between Council Officers, Martec, and the applicant's project team including their acousticians, to discuss the shortfalls in the report and to establish what further information was required to enable a decision to be made on the application. Following the meeting the applicants provided an additional response on 21st October 2016 which went to address the following issues;
- Uncertainty in the CadnaA modelling (Noise prediction software);
 - Reverberation Time in Rooms;
 - Breakin calculations for varying room types;
 - Façade corrections and the uncertainties in Insul;
 - Roof Construction Type;
 - Room ventilation.
- 7.2.6 There was a further suite of breakin calculations provided on 31st October to validate the findings of the report and this was supplemented by a further technical note dated 27th October. This was reviewed by Martec and it was concluded that there appeared to be outstanding issues with the applicant's prediction model. It was determined that either further measurements should be undertaken, or a new prediction model created to fit the measurement data at the four zones. The applicants updated their noise model, based on further assessments of the nightclub building and associated noise egress. Further survey data has been produced to assess the impact on the proposed top floor spaces of the rear façade of the building (which faces the nightclub). The surveys were undertaken on 23rd & 24th November 2016 (Wednesday and Thursday) at the top floor locations and worse case noise levels as measures were used to assess ingress into the proposed top floor spaces.
- 7.2.7 Rather than using the CadnaA predictions for the rear façade, the applicant's acoustician was now using measurements made at various times and for various periods and given this amended information and approach it was considered that noise levels in the critical 63 Hz band would be met in both the lower and upper floors of the rear façade. In the 1880s part of the building the noise limits are proposed on the limit at 47 Db, and Zone B (the concrete frame) at 46Db. Whilst on the limit, the applicants have addressed the concerns regarding modelling by ceasing to use it. In order to ensure compliance, however there has been changes proposed to the window arrangements as several of the bedrooms were proposed to have two windows which would have increased the internal levels

and they have now recommended that these windows will be encapsulated and amended plans were received in this regard. There is a need to ensure compliance with the limits to have a significant void space between the layers of acoustic glazing (up to 500mm void space between sets of windows), the proposed curtain walling structure also would need to be constructed in accordance with the submitted details. The applicant has confirmed that none of the windows would be capable of being opened (apart from three on the gable elevation) and that a mechanical ventilation would be utilised throughout the development. With that arrangement, no objection is raised by Martec.

7.2.8 Environmental Health have fully reviewed all of the information received in connection with this application from both the applicants acoustician and Martec, and they are satisfied that the applicant has demonstrated that a robust noise assessment has been undertaken in connection with the proposed development. In their opinion the assessment concludes that with appropriate sound insulating materials being implemented within the design that the guideline criteria will be met and that is unlikely to be unreasonable noise impacts. Unlike on the Gillow's where a relaxed limit within living spaces was agreed, there is no need for such a relaxation on this scheme this is due to the configuration of this scheme. They have recommended the same conditions as what was suggested on the Gillow's application. Urban Vision have provided a response, and support the stance of the Environmental Health however a condition on ventilation and plant and machinery noise. Condition 17 concerns ventilation, and the views of Environmental Health will be sought on the control of plant and machinery noise and members updated verbally.

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. Whilst not received in relation to this application, 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, and with this brings significant social and economic benefits to the City. 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 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 LUSUs' 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 and considers that possible restrictions could be imposed on the nightclub if further assessment and mitigation calculations are not undertaken prior to a decision being taken on the planning application. LUSU say that Leeds City Council advice on noise surveys does advocate that the 1/3 Octave band should be considered. The same issues

were raised in the consideration of application 16/00274/FUL (Gillow's) which Members resolved to approve at the 12th December 2016 Planning Committee meeting.

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 maybe 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 used 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 considered this suggestion from LUSU on application 16/00274/FUL 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 and that Leeds City Council includes the assessment of the 1/3 octave). Martec's response on this matter in relation to the Gillows application 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. On application 16/00274/FUL 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 Whilst LUSU have concerns it is clear from their written representations (and indeed their verbal representation at the December planning Committee in respect of the similar Gillow's application) that they are not entirely opposed to the proposal, but are concerned about the future of the nightclub. This is understandable and is why they have sought to seek expert advice. Their consultants recommend that fully-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 St Leonards House 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 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, and the local authority adopted the same position on the Gillow's application.

7.3.7 With respect to measures to control noise emanating from inside the Sugarhouse, in October 2016, the applicant 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, LUSU, Lancaster University and Cityblock, 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). 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, but are open to further dialogue on this point (as well as understanding how and when these works would occur). This is a stance that was echoed also during the determination of the Gillow's application. 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 Unlike on the Gillow's application, the applicant is proposing that none of the windows are capable of being able to be opened (apart from three on the gable end to allow for cleaning) and that mechanical ventilation will be the only form of ventilation. 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 In respect of the two questions posed at paragraph 7.3.2, 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. However it would be fair to suggest that the applicant has benefited from learning as to how Gillow's application progressed from a noise perspective and understood the need to adhere to the limits from pre-application stage, and unlike on the Gillow's, whereby there was a number of iterations to the scheme to ensure compliance, the scheme before Members has developed with the limits in mind from day one. 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. As with the Council's resolution on the Gillow's, a condition controlling noise within St Leonards House and also a pre-occupation condition is also needed. 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.

Noise Conclusions

7.2.11 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, who advised the local authority on the merits of the Gillows application. 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 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's proposals (subject to conditions) are not likely to lead to 'actionable' noise complaints and the two land uses can co-exist.

7.4 Heritage

7.4.1 In accordance with the Listed Building and Conservation Areas Act 1990, 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 Development Management 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 detailed and considered heritage appraisal (evidenced by viability work and structural surveys) 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 asset affected.

- 7.4.2 The scheme proposes the removal of the internal structure of the 1880s building together with the insertion of a new internal structure within the existing walls. The clerestory attic roof to both elements of St Leonards House is proposed to be removed and this will be replaced by a new curtainwall structure of similar height but an increased footprint (almost the full extent of the building) and with a slight pitch to the roof. The two existing stair towers to the rear elevation are proposed to be re-cladded in Marley Equitone or similar.
- 7.4.3 The existing timber windows are proposed to be removed and replaced with new double glazed and secondary glazed windows (within a timber frame), and new partitions will be installed to create the new rooms. There will also be the opening up of a previously bricked up window opening to the north elevation to create new windows, together with a new window to the western elevation. Aluminium doors will replace the existing modern doors and windows, with the removal of windows to be replaced with louvres to the North elevation. The concrete framed building will also be re-rendered externally together with the removal of a dilapidated canopy on the rear elevation.
- 7.4.4 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out how the Local Authority should deal with applications to Listed Buildings and within Conservation Areas. It 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 of any features of special architectural or historic interest which it possesses'.*
- Given the level of intervention it is important to understand the significance of St Leonards House by understanding its history of development, and the NPPF notes that significance derives not only from the physical presence of the heritage asset but also from its setting. Historic England in its Conservation Principles (2008) guidance states that the significance of a place embraces all the diverse cultural and natural heritage values that people associate with it, and range from evidential to historical, aesthetic through to communal values.
- 7.4.5 The applicant has concluded that the evidential value of the building is of medium significance, namely because of the modern interventions to the building (internally this is very apparent). There are cast iron columns that do remain, as does the clerestory roof, and the applicant considers whilst contributing to the evidential significance, in isolation these are not unique or so unusual in design. With respect to the historic value of the building this is considered to be high-significance given the use of the building by the Gillow Factory associated with furniture making. The aesthetic value is considered overall to be medium-to-high value (owing in part to the clerestory roof) and also the aesthetic significance of the early design of reinforced concrete, however there is less intervention to the 1920s building as opposed to the 1880s structure. On balance it is considered that the building is of medium significance when assessed against the criteria as set out in the Conservation Principles by Historic England. The applicants consider that the 1880s element has historic interest but consider that the 1920's building to be considered of greater architectural and historic interest due to the early use of reinforced concrete.
- 7.4.6 The NPPF at Para 132 discusses the need for clear and convincing justification, should harm or loss arise as a result of development. Much of the harm proposed by this proposal is internal; however the building has been the subject of extensive modern internal alterations. The loss of the clerestory roof – a feature that does contribute to what makes the building special – is especially regrettable as it is considered by many to be particularly attractive and of architectural merit on the 1880s element of the building (less so on the 1920s concrete framed building).
- 7.4.7 The application does raise a number of concerns from a heritage perspective, however on balance officers consider that the development amounts to less than substantial harm and therefore Paragraph 134 of the NPPF is engaged. There are many public benefits associated with the scheme which includes bringing the vacant building back into use, and the wider regeneration this would help support in this part of Lancaster. The applicants do acknowledge that harm will be caused by the proposal, and following advice at the pre-application stage they supplied a structural report and viability appraisal to demonstrate that the harm is necessary, and that a repair option is not viable in

this instance. The applicants structural report states that the existing fabric is not capable of repair in a manner that would allow the building to be commercially viable for reuse and for this reason the LPA have sought an independent review of the structural report (Para 7.4.10–7.4.11).

- 7.4.8 The Conservation Officer considers that the scheme appears to overlook the conservation principles associated with minimal intervention and the need for preservation as there is extensive remodelling of the building, and does raise concerns with the introduction of the new curtain walling structure and considers that the proposed new addition does create a somewhat distracting feature. Officers have always been keen to ensure that the curtain walling structure remained in a similar footprint to the current position as this is a very distinctive feature of the building, and provides a link to the industrial heritage of this aspect of the Conservation Area and this has been conveyed during the pre-application route. Officers did consider that a lightweight structure was the preferred option for any alterations to the attic storey as this would relate to its current construction/appearance and could assist to mitigate the negative impacts of any alterations to the Listed Building. Regrettably the amended detail (presented at pre-application stage) which looked to increase the transparency of the structure and to align glazing with the window pattern below has not been achieved. The existing building and clerestory is uniform and rhythmic in its appearance, and the window pattern of the clerestory should have matched this. The Conservation Officer whilst not objecting does have concerns and these are shared by Officers, however on balance Officers do consider that it would be possible to secure curtain wall glazing here and that it will not emphasise the disconnection in styles and patterns. The rationale for more curtain walling as opposed to glazing is because of the need for sound attenuation which has developed since officers saw sight of the more lightweight structure and therefore there is some justification for why these changes have occurred, nevertheless in an attempt to mitigate noise issues arising from the Sugarhouse, this has in the opinion of officers been detrimental to the design of the curtainwall structure. It is worthy of note however that Historic England have not commented on the design of the curtain-walled roof and therefore it is concluded that they do not oppose this element of the development.
- 7.4.9 Historic England were engaged at pre-application stage given that there is substantial demolition of a Grade II listed building. Historic England agree with the applicant's stance that there is a high level of harm (but this is not substantial harm) on the basis that the loss of the internal structure would remove a section that was designed as a direct result of the needs of the original function of the building (given space and light was needed for the construction of furniture). Historic England recommended that the Local Planning Authority undertook an independent appraisal of the applicant's viability assessment to ensure that the decision maker is satisfied that the demolition and reconstruction works are the only way to secure a future for the building and other options for the repair and reuse of the building have been found to be untenable. Historic England are prepared to accept the level of harm assuming the viability assessment was found to be sound.
- 7.4.10 The Local Authority appointed Gleeds Building Surveying to review the applicant's viability appraisal. They are a company have been operating for over 100 years and have 59 offices world-wide. The Authority also appointed AECOM, a worldwide multi-disciplinary consultancy to review the applicant's structural survey to allow for the decision maker to take a view as to whether the level of intervention is necessary to secure the long term future of this building, or whether a less harmful approach could be adopted. The option to replace the structure amounts to 179 bedrooms as opposed to the repair option which would provide for 162 bedrooms, fundamental to this is increasing the footprint of the clerestory roof to allow for additional bedrooms, given utilising the existing footprint was not seen as viable.
- 7.4.11 The AECOM review of the structural report has incorporated visiting the site. The conclusion is that a repair solution is considered not to be structurally viable on the basis that there is deep creep deformation and the inadequate future use strength within the timber floors could not facilitate development. They consider that the replacement solution is considered to be structurally viable and the designed structural solution mitigates what is considered to be an extremely high risk of adopting an existing structural element for a building required to provide a 50 year design life. The applicant's viability statement has been reviewed by Gleeds who confirm that to repair the structure would be unviable and that the structural replacement option is the only viable option of the two. With this in mind there is confidence that to facilitate development here that harm will need to occur.

- 7.4.12 The Victorian Society understand the need for the building to find a new use, however they consider that there may be other possible uses for the building and that they consider that the scheme would amount to substantial harm which could lead to its listing being removed and that the application should be refused planning consent. The National Planning Practice Guide discusses that substantial harm is a high test and has to be based on the degree of harm to the asset's significance rather than the scale of development that is to be assessed. It is important to note that neither Historic England nor the Conservation Officer consider that the development amounts to substantial harm. The building has been vacant for a number of years and has been marketed, however given the size and nature of the building there has been little appetite from willing developers. The scheme before Members seeks to secure a long term future for the building, bringing it back into re-use and therefore Officers are satisfied that even though there is high level of harm this is necessary to ensure that the building is brought back into use.
- 7.4.13 The 20th Century Society consider that the wide window bays will be broken up as a result of this application due to the layout of the development which will mean that where there is clear glazing this will be replaced by some form of reflective glass to screen the partition wall arrangements. This is particularly evident on the 1920s building of which the 20th Century Society have greater interest in. The concerns are noted, and officers do consider that this is a weakness of the scheme, but the existing fenestration of the windows does still remain and assuming that an appropriate glazing finish is chosen this could mitigate some of the impact as the windows will still remain, and many people have blinds shut or curtains drawn, but crucially the wide bay windows will still remain here.
- 7.4.14 Whilst a number of concerns have been expressed by many of the heritage professionals, it appears from the viability and structural reviews that opportunities to bring this building back into commercial use are limited and without the level of intervention proposed it would not be deemed viable. It is regrettable a scheme utilising a similar arrangement to the existing lantern cannot be delivered, however it is clear that to enable this building to be brought back into use a high level of intervention (and high level of harm) is needed and that it is considered that the scheme would assist in preserving the Conservation Area and the wider regeneration benefits including bringing a significant listed building back into use is considered to outweigh the harm that has been identified and therefore the scheme accords with Paragraph 132, 134 and 135 of the NPPF and Policies DM30-34 of the DM DPD.
- 7.5 Design and amenity considerations
- 7.5.1 The scheme proposes a mixture of studios and cluster flats. The Council's adopted position in terms of cluster flats is that there should not be more than six bedrooms per the unit of accommodation and bedrooms should be at least 11sqm (with an en-suite). The scheme has benefitted from pre-application assessment, as now all the cluster flats conform to standards and it is considered that outlook for future occupiers would be acceptable. Where outlook is compromised, larger units of accommodation have been provided to offset this loss. With respect to the studio accommodation, the Council's adopted position is for these units of accommodation be a minimum of 19sqm, the majority of the units of accommodation are in excess of the minimum standards with the remaining units measuring 18sqm. On balance this is acceptable as there are some larger studios of 22sqm together with communal space, meaning that the scheme provides appropriate levels of living accommodation. Unlike many schemes where there studio accommodation is separate from cluster flats the scheme proposes to mix these on the same floor assisting in occupier integration.
- 7.5.2 There is little alteration to the St Leonards Gate elevation apart from the new glazing, new curtain walling, provision of new replacement doors and the creation of a new entrance. On the concrete framed building it is proposed to clad in insulated render. The fundamental change in appearance relates to the provision of the new replacement roof system and to facilitate this the existing stone gable (on the 1880s element of the building) is proposed to be reduced in height and unlike the existing clerestory extension this is increased in width and is now only slightly recessed, however the roof would slightly overhang. In design terms the loss of the existing structure to be replaced by something more functional and less distinctive is a significant weakness of this scheme (particularly given the prominence of the building when seen from within the Conservation Area, and further afield such as at St Georges Quay); as is the applicant's ability not to have this as a more lightweight structure which Officers supported at pre-application stage (despite reservations over the width of the structure). However this now contains far more curtain walling with a low reflectivity glass. The applicant has tried to address concerns by increasing the width of windows to mirror the lower ground floors (where they can on the St Leonards Gate frontage), but because of the need for noise

mitigation this has resulted in the design that has suffered from this mitigation, which is unfortunate. However on balance neither the Conservation Officer or Historic England object to the development in terms of the amendment to the roof space. The Civic Society raise an objection on the loss of the clerestory, this is fully noted and as previously expressed within this report Officers have always sought for a structure which looked to emulate the proportions of the existing clerestory. Following meetings with the applicant it is considered that on balance curtain walling could be found acceptable, however this relies on agreement of the choice of glazing to be used, which is a matter that can be secured by means of planning condition.

- 7.5.3 In order to configure the internal layout there are a number of dummy windows included, predominately on the concrete framed building but also to a lesser extent on the 1880s building. This is noticeable on both the St Leonards Gate and also the North Road façade with the applicant recommending that low reflective glass would be utilised here. As noted previously in the heritage assessment of the scheme there has been concerns raised regarding the positioning of the new partition walls which will break up the wide window bays which does contribute to the merit of the listed building. This is rather unfortunate and something that would unlikely occur on a new purpose built building but it is a problem when attempting to propose a change of use application. Conditions can be imposed which address this to ensure that the glazing is as natural as possible to allow for the change to be least visible. The case officer considered more lightweight glazed elements could be added to the stair towers to break the mass here (given there are existing windows proposed), however because of noise attenuation issues the applicant has confirmed this is not possible, however there would be a benefit in having the stairwells re-cladded in any event, it's just unfortunate something more beneficial could not be sought, or them removed altogether.
- 7.5.4 On balance it is considered that the design of the scheme has suffered from the need to mitigate noise, but overall from a design perspective the scheme is considered acceptable and would comply with Policy DM35 of the Development Management DPD.

7.6 Highways

- 7.6.1 The application is supported by a Transport Assessment (TA), however it would be an essentially car free development, albeit there is reference to 6 staff spaces and 2 disabled spaces parking within the applicants TA however this has not been translated on the plans and no parking is therefore proposed. No objection was initially raised by County Highways, however they have concerns with the scheme and would object to the application if St Leonards Gate was not the subject to some traffic calming measures to allow students to be able to safely walk into and out of the city centre. The proposed works consist of priority give way which will have the effect of reducing vehicle speeds along St Leonards Gate (which is currently used as a rat run). The County considers that these improvements should be located near to the junction of Phoenix Street and also close to the junction of Lodge Street (near Grand Theatre). This is in part due to inadequate footways and the speed that vehicles travel down St Leonards Gate. The applicant considered these works were unnecessary and commissioned their traffic survey on St Leonards Gate to demonstrate to the highway authority that St Leonards Gate was safe and that it would be unreasonable to ask for improvements. Following the receipt of the traffic counts in November 2016 the County have maintained their position with respect to these works needing to be undertaken, and without them they would object to the scheme. In the opinion of Officers the works are small scale, however would assist in facilitating the ease of movement and ensuring pedestrian safety along St Leonards Gate are considered necessary in this instance given the intensification of use of the building. Whilst the applicant considered they were not necessary and undertook their own measured speed analysis along St Leonards Gate they have not sought to challenge the stance of the County following their further response and the works should be addressed by means of planning condition.
- 7.6.2 The County have recommended it would be prudent to have bus service provision which would run along St Leonards Gate as there is no current bus route which uses this road, and whilst not far to either North Road (nearest bus stop) or the bus station consider that the number of students who would be travelling across town could be at the detriment of vehicle movements through the cities one-way system, (as students would be utilising the crossings). The call for a bus service is desirable; however it is not considered that it is essential to allow for the scheme to be approved and is therefore considered it would not meet the statutory tests (unreasonable). A condition could be placed on any planning permission requiring the applicant to provide a bus stop on either side of the road, however in reality this is unlikely to be unreasonable given there is no intended commercial bus route that is going to run past the development.

7.7 Ecology

7.7.1 The applicant's ecologist undertook an external and internal inspection of the building on 2nd June 2016. The results of the survey revealed a roof in relatively good state of repair and had no points with bat access potential. A full search of the building was undertaken and no evidence of bat activity could be evidenced. It has been concluded that the building does not have the potential to support bats. The building does however show extensive evidence of use by pigeons which poses a significant health risk. Officers are satisfied that the development does not pose a risk to protected species and therefore complies with Policy DM27 of the Development Management DPD.

7.8 Flood Risk and Drainage

7.8.1 The rear elevation of the building lies within Flood Zone 2, and the applicant has submitted a Flood Risk Assessment (FRA) in support of the planning application. Ordinarily for new developments within Flood Zone 2 (which this application partly is) it is recommended that ground floor levels are raised by a minimum of 300mm above existing ground levels. However given this is change of use this is not entirely possible to raise the ground floor accommodation higher than the existing floor level. The Environment Agency (EA) raise no objection to the development however have highlighted that flood waters extended across St Leonards Gate during Storm Desmond and that there is a lack of consideration of this within the applicants FRA. The recommendation is that there should be no sleeping accommodation on the upper ground floor if there is any likelihood of it being affected by flood waters. It should be noted that the development proposed to defend floor waters up to 8.1 metre Above Ordnance Datum (1 in 1000 year flood event).

7.8.2 The applicant has responded to the EA comments that St Leonards Gate did not flood during Storm Desmond and that the Upper Ground Floor where student accommodation is sited is above the flood level of Storm Desmond. It is considered likely that flooding on St Leonards Gate was more than likely through surface water as opposed to tidal, and the EA have since confirmed that this was the case. Officers are satisfied that the scheme poses little threat to providing student accommodation at the upper ground floor level and whilst concerns have been raised by EA no objection has been received and no objection has been received from the Lead Local Flood Authority. No conditions have been recommended by either of the statutory consultees however it is considered reasonable to ensure that the development is carried out in accordance with the submitted Floor Risk Assessment and that the drainage details for surface water are submitted for written approval to the LPA.

7.9 Air Quality & Contaminated Land

7.9.1 Whilst St Leonards House is not within an Air Quality Management Area the application has been supported by an Air Quality Assessment as there are concerns that the proposals will introduce future site users to poorer air quality. The overall conclusions of the report is that air quality issues are not considered a constraint to planning consent for the proposed development. The Council's Air Quality Officer has no objection to the development on the provision that ventilation is provided for, given mechanical ventilation is being provided for in any event (given the majority of windows are sealed) this is reasonable. The application is supported by a contaminated land assessment. The contaminated land officer raises a number of concerns with the applicant's contaminated land assessment, however critically does not object to the development and it is considered that the concerns raised can be appropriately controlled by the use of planning conditions.

7.10 Public Realm

7.10.1 Little in the way of public realm is proposed as part of this planning application, however there is an opportunity to undertake some small scale improvements to the rear of the building in terms of resurfacing. The applicants have proposed that the rear courtyard to its junction to Bulk Road will be resurfaced in tarmac, the area immediately to the north of the building will be replaced with blockworks in the form of Marshalls Tesclia or the like. Given the location within the Conservation Area it is considered that something more aesthetically pleasing could be achieved here and therefore a condition is recommended to control this.

8.0 Planning Obligations

8.1 Not applicable.

9.0 Conclusions

9.1 This report is far more technical in nature than many committee reports for development proposals, albeit the issues raised are similar to those recently debated during consideration of the Gillow's planning application (16/00274/FUL). On the issue of noise, 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. However there are concerns from a heritage perspective, particularly from some of the National Amenity Societies and at a local level from the Civic Society. There is harm created by the scheme both internally and externally, however this would not amount to substantial harm and the applicant has demonstrated to the satisfaction of the local planning authority that the harm is needed to bring this building back into viable use. It is considered that the development would preserve the character and appearance of the Conservation Area.

9.3 The applicant has demonstrated to the satisfaction of the City Council, Lead Local Flood Authority and Environment Agency that the development is flood resilient. 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 **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
12. Refuse and Cycle storage (Pre-occupation)
13. Section 278 works on St Leonards Gate to reduce vehicle speeds (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*). *Scheme to be implemented in accordance with the specification as described within the recommendations as noted by Red Acoustics.*
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. 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 that it has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been 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 A6 | Committee Date 9 January 2017 | Application Number 16/01156/LB |
|---|--|-----------------------------------|
| <p align="center">Application Site</p> <p align="center">St Leonards House St Leonards Gate Lancaster Lancashire</p> | <p align="center">Proposal</p> <p align="center">Listed building application for the removal and reinstallation of the internal structure of the building, installation of a replacement roof to create additional living accommodation, recladding of existing rear stairwells, installation of replacement windows and doors to all elevations, insertion of partition walls to all floors, reinstate windows, removal of ground floor canopy and windows and installation of louvers to the rear elevation, installation of a window to the side elevation, rendering of walls to concrete framed building to facilitate the change of use of offices to student accommodation</p> | |
| <p align="center">Name of Applicant</p> <p align="center">Mr Dan White</p> | <p align="center">Name of Agent</p> <p align="center">Mr Sean Hedley</p> | |
| <p align="center">Decision Target Date</p> <p align="center">10 November 2016</p> | <p align="center">Reason For Delay</p> <p align="center">Addressing issues on 16/01155/FUL</p> | |
| <p>Case Officer</p> | <p align="center">Mr Mark Potts</p> | |
| <p>Departure</p> | <p align="center">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 application proposes the change of use of St Leonards House (which is within the ownership of the City Council and is Grade II listed), and was initially a furniture factory (in connection with the Waring and Gillows showroom on North Road), then used by Lancaster University, the Adult College and more recently was utilised as City Council Offices. Whilst one building, it does have two distinct elements to it, consisting of the original building constructed in the 1880s, and a second element which is of a concrete frame built in around the 1920s. The 1880s element is of 4 storeys (on the St Leonards Gate elevation), of square coursed sandstone with a slate roof plus a clerestory attic storey of timber casement windows with glazing bars under the slate roof. The 1920's element is also of 4 storey construction (St Leonards Gate elevation) plus the clerestory attic and is of concrete construction with timber windows. Further detail is provided within 16/01155/FUL as to the sites immediate surroundings but the application site does fall within the Conservation Area.

2.0 The Proposal

- 2.1 The application seeks the conversion of St Leonards House to student accommodation. The scheme seeks to remove the internal structure of the 1880s building, which has been found to be insufficient to support a new use in its current condition and the insertion of a new internal structure (the existing outer walls will be retained). The scheme looks to remove the clerestory roof to both elements of the building and replace this with a wider curtainwall structure. There are two existing stair towers to the rear of the St Leonards House which are proposed to be re-cladded. The existing timber windows

are to be replaced with double glazed and secondary glazed windows within a wooden frame and partitions will be created internally to allow for the formation of the student bedrooms.

3.0 Site History

3.1 The relevant application is the planning application as noted below.

| Application Number | Proposal | Decision |
|--------------------|--|------------------|
| 16/01155/FUL | Change of use of offices (B1) to student accommodation comprising of 80 studios, four 4-bed, seven 5-bed and eight 6-bed cluster flats (C3), student gym (D2) and ancillary communal facilities with associated internal demolition and alterations, installation of a replacement roof to create additional living accommodation and recladding of existing rear stairwells | Pending Decision |

4.0 Consultation Responses

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

| Consultee | Response |
|---|--|
| Historic England | Raise concerns regarding the level of intervention to the building. Assuming the viability statement is sound, whilst they consider that the level of harm caused would be regrettable, they would raise no objection. |
| Victorian Society | Objection to the development, as the implementation of the scheme would cause substantial and unjustified harm to a nationally important building, undermining its special interest to such an extent will jeopardise its Grade II listed designation. |
| Twentieth Century Society | Objection to the amendments to the 1920's element of the building with the as the new walls will break up the wide window bays and consider that the walls are altered to accommodate this change. |
| Lancaster Civic Society | Objection to the scheme although welcomes the re-use of the building however concerned regarding the loss of the clerestory level and would wish to see this rebuilt and reinstated. |
| Conservation Officer | Whilst not raising an objection does have concerns regarding the extent of the clerestory extension being the full width of the building and the alterations do district from the historic merit of the listed building. Consider that the recladding of the stair towers have the opportunity to minimise negative visual impacts of the towers. Conditions are suggested concerning details of windows, door cladding, roofing materials, rainwater goods and the location and re-use of the cast iron columns. |
| Society for the Protection of Ancient Buildings | No observations received within the statutory timescales. |
| Ancient Monuments Society | No observations received within the statutory timescales. |
| Council for British Archaeology | No observations received within the statutory timescales. |
| Georgian Society | No observations received within the statutory timescales. |
| Lancashire Archaeological Advisory Service | No objection however a condition should be imposed regarding a Level 3 building survey. |

5.0 Neighbour Representations

5.1 The application has been advertised in the press, by site notice and adjoining properties/businesses consulted by letter. No objections have been received directly in relation to this application however in relation to application 16/01155/FUL there has been **534** letters of objection;

- Noise complaints will come from the students who will reside in the St Leonards House;
- Too close to the Sugarhouse Nightclub and will create unacceptable noise levels for occupiers;
- Threaten the viability of the Sugarhouse and jeopardizing Lancaster's night-time economy;
- People will no longer wish to study at Lancaster if the nightclub closes;
- Is further student accommodation actually needed;
- More needs to be done to protect the Sugarhouse from any complaints;
- Further assessments needs to occur.

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 12 (paragraphs 128, 131 – 134) – Conserving and enhancing the historic environment

Paragraphs 196-198 – Determining planning applications

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This will enable progress to be made on the preparation of a Local Plan for the Lancaster District. It is envisaged that the public consultation will commence on 27 January 2017 and conclude on 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC5 – Quality in Design

6.4 Development Management DPD

DM30 – Development affecting Listed Buildings
DM31 – Development affecting Conservation Areas
DM32 – Setting of Designated Heritage Assets
DM34 – Archaeology
DM35 – Key Design Principles

6.5 Strategic Policies and Land Allocations DPD (Consultation 2017)

Policy EN3 – Lancaster Heritage Action Zone

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 principle facades facing St Leonards Gate and also the Sugarhouse nightclub include the replacement windows within a timber frame and secondary glazing is proposed between the window and the cavity which could be up to 500mm. This is considered to be appropriate, however conditions should be imposed requiring details of these to be submitted for approval, as a variety of different windows and styles are incorporated into the existing development, and this should include sectional detail given the need to mitigate noise from the Sugarhouse. The removal of the existing clerestory attic roof to both buildings is discussed in detail within the report to Committee for 16/01155/FUL and this is considered a weakness of the development however assuming glazing is controlled through the use of planning condition it is considered that this element of the scheme can be found acceptable. The existing stone gable on the 1880s element of the building is proposed to be lowered to facilitate the new curtainwall structure, and ensuring this is made good following the removal should be conditioned. The two existing stair towers to the rear of the building are proposed to be re-cladded, and with this brings some benefits, however it is unfortunate some glazing could not be added here. New windows via the opening up of the previously bricked up window openings to the north elevation to form new windows including a new window to the west elevation are considered acceptable and the removal of the modern doors to be replaced with aluminium doors is a contemporary approach that it is considered to work well. There will be some removal of windows, to be replaced with louvers to the north elevation, and as long as the details of these are agreed this is considered acceptable. On the 1920s element of the building it is proposed that this will be re-rendered in insulated render, and a former canopy to the rear elevation is proposed to be removed.

7.2 Internal Alterations

7.2.1 The largest change internally is the removal of the internal structure to the 1880s building, which has fallen into a state of disrepair and is considered to be insufficient to accommodate a new use, and in its place a new internal structure within the existing masonry is proposed. New partition walls to create the new rooms are proposed throughout the two sections of the building and this does include a glazed spandrel panel with a ceramic film applied to the inner sheet, this backing ensures that any parts of the building behind – such as the partition junctions cannot be viewed from the outside. The windows will still read as a single element, however the success of this will be down to the glazing proposed by the applicant, but critically the fenestration of the window would remain. Internally there are some existing cast iron columns which will be retained as part of the development, admittedly in a different location.

7.3 Overall Considerations

- 7.3.1 Historic England have raised concerns that they consider that the level of harm is high but not substantial harm and recommend that the Local Authority should review the applicant's viability statement this is reviewed further in the report to committee for 16/01155/FUL with the conclusion that a repair of the building is not viable and the structural replacement option which the applicant proposes is necessary to bring the building back into use.
- 7.3.2 The Victorian Society raises a strong objection but understands the need for the building to find a new use, however considers that they may be other possible uses for the building and that they consider that the scheme would amount to substantial harm which could lead to its listing being removed and that the application should be refused planning consent. The National Planning Practice Guide discusses that substantial harm is a high test and has to be based on the degree of harm to the assets significance rather than the scale of development that is to be assessed. It is important to note that neither Historic England, nor the Conservation Officer feels that the development amounts to substantial harm. The building has been vacant for a number of years and has been marketed however given the size and nature of the building there has been little appetite from developers. The scheme before members seeks to secure a long term future for the building, and bringing it back into re-use and therefore Officers are satisfied that even though there is high level of harm this is necessary to ensure that the building is brought back into use.
- 7.3.3 The 20th Century Society consider that the wide window bays will be broken up as a result of this application due to the layout of the development which will mean that where there is clear glazing this will be replaced by some form of reflective glass to screen the partition wall arrangements. This is particularly evident on the 1920s building of which the 20th Century Society have greater interest in. The concerns are noted, and Officers do consider that this is a weakness of the scheme, but the existing fenestration of the windows does still remain and assuming the correct finish of the glazing is chosen this could mitigate some of the impact as the windows will still remain, and many people have blinds shut or curtains drawn, but crucially the wide bay windows will still remain here.
- 7.3.4 The Civic Society express concern with the loss of the clerestory attic structure and this loss is echoed by the officers however it is considered that the proposal can work on the assumption that the correct glazing and use of roof, and fascia materials are controlled by means of planning condition.
- 7.3.5 Given the objection from the Victorian Society and 20th Century Society (as they are two 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 for consideration.
- 7.3.6 On balance it is considered that there will be a high level of harm caused to St Leonards House, however this would amount to less than substantial harm, and the applicant has evidenced through structural and viability evidence as to why the level of intervention is required. Should members resolve to approve this application it has been found that due to the state of the building it would be unviable to repair and therefore a structural replacement has to occur to allow the building to have a viable and sustainable use. Whilst concern has been raised by the Victorian Society in terms of the development potentially jeopardizing the buildings listed status, Officers are confident that the proposals have been designed as to be as sympathetic as possible given the need to mitigate against noise and that without this proposal it is highly likely that the building would deteriorate further and therefore this in itself has the potential to mean that the buildings listed status could be compromised. It is considered that the development would amount to less than substantial harm but this is outweighed by the public benefits associated with the scheme and it is considered that the development complies with Policy DM30, DM31, DM32 and DM34 of the Development Management DPD.

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 high degree of intervention proposed this would not lead to substantial harm (when viewed as a whole).

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The Council's Conservation Officer has concerns over the proposal however critically does not object and this proposal will bring a significant listed building back into use, restoring and conserving its historic fabric which will help preserve the Conservation Area. However, due to two of the National Amenity Societies (Victorian Society and 20th Century Society) objecting to the proposal and because this is substantial demolition of a local authority-owned property, the application will need to be referred to the Secretary of State.

Recommendation

That subject to referral to the Secretary of State, Listed Building Consent **BE GRANTED** subject to the following conditions:

1. Three-year time limits
2. Development in accordance with plans
3. Window Detail (material, colour and finish), details of the cladding to the stair towers (including a sample), detail of the replacement roofing material and materials for the attic glazing structure (including sample), rainwater goods, stonework to be made good were needed,
4. Location and re-use of cast iron columns
5. Building recording condition

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

In accordance with the above legislation, the City Council can confirm that it has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been 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 9 January 2017 | Application Number 16/01084/FUL |
|---|---|------------------------------------|
| <p align="center">Application Site</p> <p align="center">Land adjacent to Bulk Road Lancaster Lancashire</p> | <p align="center">Proposal</p> <p align="center">Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping</p> | |
| <p align="center">Name of Applicant</p> <p align="center">Mr Alex Knapp</p> | <p align="center">Name of Agent</p> <p align="center">Mr Mike Harris</p> | |
| <p align="center">Decision Target Date</p> <p align="center">6 December 2016 (Time Extension Agreed until 12 January 2017)</p> | <p align="center">Reason For Delay</p> <p align="center">Amended plans and resolving air quality, design and highway issues</p> | |
| <p>Case Officer</p> | <p align="center">Mr Mark Potts</p> | |
| <p>Departure</p> | <p align="center">No</p> | |
| <p>Summary of Recommendation</p> | <p>Approval (Subject to the resolution with respect to Air Quality)</p> | |

(i) Procedural Note

A site visit was arranged for Elected Members, and was undertaken on 7th November 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 air quality, design and highways.

1.0 The Site and its Surroundings

1.1 The development site is located to the north of Lancaster City Centre located between Back Caton Road and Bulk Road, and the site area is in the region of 0.89 hectares. The site is currently scrubland, and has formally accommodated the K-Shoes factory and a vehicle dismantler, however has been derelict for the last 20 years. To the west of the site lies Back Caton Road with industrial development beyond this in the form of a car wash, carpet shop and laundry cleaning business, together with Kingsway Retail Park. To the far north of the site lies residential properties and beyond this is the former bus depot apartment block (8 storeys in height), and properties on Bulk Road and Gladstone Terrace are located to the west of the proposal. To the south lies Bulk Road beyond which is the former Crown Inn on St Leonards Gate, adjacent to this is St Leonards Court (retirement apartments) and Britten Hall, and a computer shop. Parliament Street Retail Park is located to the south.

1.2 The site is somewhat of an island positioned between two highways. The southern half of the site is a 60 metre urban block width being around 120 metres in length, and the northern part of the site is a narrow strip of around 22 metres in width and 90 metres in length. It is bound by an alleyway to the rear of the existing two storey terraced properties on Bulk Road. The site has challenging topography, and rises steeply from east to west with the highest part of the site being approximately 13.5m Above Ordnance Datum (AOD) and the low point (running adjacent to Caton Road) is 7m

AOD. The existing boundary is characterised by a tall, stone-built retaining structure predominately of grit-stone.

- 1.3 The sites south eastern corner and a small sliver of the western boundary falls within Flood Zone 2 and 3, and the development falls within the Lancaster Air Quality Management Area. There are a group of trees subject to a Tree Preservation Order on the far northern aspect of the site under Order 387 (2006), which relates to the trees within the embankment. There is a scattering of self-seeded trees and vegetation which has regenerated naturally.
- 1.4 There are no Listed Buildings or Scheduled Ancient Monuments located within the development site and the development does not fall within the Conservation Area, 38-42 Parliament Street are located 60 metres to the west of the proposal and are Grade II* listed, and Skerton Bridge which is Grade II* and a Scheduled Ancient Monument located 100 metres to the west of the proposal. The nearest Grade II listed building is the Crown Inn on St Leonards Gate (10m to the south of the site). The Lancaster Conservation Area is located 60m to the south of the proposal and Gladstone Terrace, Ridge Street, Green Street, Hinde Street and Albion Street are all locally designated heritage assets.
- 1.5 There is a Public Right of Way in terms of Footpath 25 which enters the site from the west, and this is likely to have been associated with the previous use as a shoe factory as it does not lead to the other side of Bulk Road. The River Lune Biological Heritage Site is located to the west of the proposed development being located 170 metres away and the Morecambe Bay RAMSAR, Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) is located 2.5km away.

2.0 The Proposal

- 2.1 The development is significant in terms of scale, seeking to provide 630 student bed spaces across eight new purpose-built structures which are arranged around a series of linked external courtyard spaces. If approved, the applicant has a desire for the accommodation to be provided by September 2018, with a start of site in the Spring 2017. The below sets out the scheme as proposed.

2.2 Block A (The Entrance Block)

- 2.2.1 This consists of an eleven-storey tower sited on the southern edge of the site to a maximum height of 44.150m AOD, 30m in length and 23m deep under a flat roof. The building is proposed to have a curved totem to the south side, and the west and east sides will meet the northern façade at right angles with a glazed slightly recessed predominately glazed lantern sited on the top of the block which is proposed to be a communal lounge with a bookable kitchen and dining facilities. The lower ground floor would consist of a plant room and bin store, with the upper ground floor accommodating a study library, storage and staff office, and student accommodation. Above this contains eight floors of student accommodation predominately accommodating studios consisting of standard studios (102), city view studios (36) and also premium en-suite cluster flats together with 10 premium duplex penthouse studios. The loft will feature on the uppermost floor being a communal lounge for residents within Block A and also feature pre-bookable dining areas.
- 2.2.2 The tower block would be constructed in smooth, dressed local stone framing with a coarse textured rubble-wall infill, with horizontal banding to break the vertical emphasis of the façade. The windows and doors would be PPC aluminium windows and doors in grey. Block A connects to the hub which is used as a reception point in the development and allow safe passage through to the courtyard and also a gym, visual media room and terrace and would be constructed predominately in brickwork.

2.3 Block B

- 2.3.1 This consists of a more regular rectangular block that is up to seven storeys in height and would be sited adjacent to Back Caton Road, 50m in length and 21m in depth. Accommodation would be provided on all floors (but with plant and laundry room on the lower ground floor) and would consist of what the applicants refer to as 5 + 5 en-suite cluster bedrooms (which offer a combined dining and living area but their own kitchen), together with up to 8 bedroom cluster flats, this block provides a total of 167 bedrooms. This block would be constructed in predominately brickwork with an element of rubble-stone with window openings to be dark grey aluminium framed windows and a vertical side panel detail in cladding or metal louvres.

2.4 Block C

2.4.1 Block C1 and C2 is three storeys to the Bulk Road elevation and 4 storeys when viewed from the central courtyard and from the south on the junction of St Leonards Gate and Bulk Road (58m in length and up to 20m in depth), providing 113 bedrooms. The elevation treatment of the southern view would be a combination of brickwork, dress stone cladding and rubble stone, when viewed from Bulk Road predominately brickwork with some elements of recessed cladding around the windows and this is the same when this block would be viewed internally from within the courtyard.

2.4.2 Block C3 is made up of predominately brickwork but will include recessed cladding panels namely around the windows, three storeys in height adjacent to Bulk Road and 4 storeys when viewed from the courtyard (21m in length and 14m in depth) and provide for 40 bedrooms. Mansards are proposed to the end of this block and is proposed to be constricted in standing seam metal panels. The ground floor would be living, dining and kitchens with the first- third floors consisting of bedrooms above.

2.5 Block D

2.5.1 Block D1 is four storeys in height (31m long and 15m wide) and would provide 41 bedrooms; D2 (the end block to D1) is 5 storeys in height (45 metres in length and 15 metres deep) and proposes 42 bedrooms, materials are proposed to be brickwork with recessed cladding around the windows, however the studio lofts on the on the top floor would be constructed in standing seam panels. D1 includes a top floor of studios formed in metal cladding. Block D3 is three storeys in height (31m in length and 8m in depth) and would provide 24 bedrooms and would contain a series of pitches roofs. Materials are the same as what has been proposed on the other blocks in Block D and includes stone staircase gables facing Back Caton Road, D4 is a maximum of 5 storeys consisting of a mixture of brickwork and course rubble stone being 14m in length and 21m in depth providing 40 bedrooms.

2.5.2 In addition to the above the scheme proposes to a link public route that would look to cross the site and run between Blocks C2 and C3 and would leave the site between Blocks D1 and Block B with a small internal bridge proposed which the public access route would run under, together a new vehicular access off Bulk Road, a service pull in area off Bulk Road, one off Caton Road and to the south of Block A, together with a new entrance plaza. The scheme proposes three courtyards in the form of the Courtyard (the largest and in between Blocks A, B, C1 and C2). The Sidings between Block C3 and D1 and lastly the Goods Yard which is to the east of Block D3.

2.5.3 A new footway adjacent to Caton Road is proposed together with cycle storage for 390 cycles with a total of 9 car parking spaces (for employees), retaining walls are proposed which would be wrap around the site (apart from around Block A and C1), and beyond the retaining walls is proposed a new footway for residents of the development.

3.0 Site History

3.1 The application site has been the subject of a number of planning application submissions as can be noted below.

| Application Number | Proposal | Decision |
|--------------------|---|--|
| 15/01622/PRETWO | Erection of a student village | Advice Provided |
| 15/00797/FUL | The erection of a student village to cater for 474 bedrooms over four building units, external public realm space and undercroft car park with 47 spaces. | Application never validated |
| 08/00874/OUT | Erection of a mixed use development comprising offices, hotel, retail and ancillary facilities with associated access, parking, servicing and landscaping | Withdrawn (applicant failed to sign Section 106 Agreement) |
| 07/01615/FUL | Reduction of ground levels in association with redevelopment of the site approved under application no. 06/01134/FUL | Approved |

| | | |
|--------------|---|----------|
| 06/01134/FUL | Mixed use development comprising of a hotel, residential apartments, associated car parking, landscaping and engineering operations | Approved |
| 97/00893/OUT | Outline application to demolish vacant factory unit and erect 18 two/three bedroom houses | Approved |

4.0 Consultation Responses

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

| Consultee | Response |
|---|--|
| County Highways | <p>Initial concerns were raised with respect to footway improvements; further details required regarding the pedestrian link across the site and the delivery/service apron; the sightlines were compromised due to the location of the access; a request for the bus stop to be upgraded; pedestrian crossings to be subject of a Stage 1 Safety Audit; and pedestrian access was a concern along St Leonards Gate to the city centre due to restrictive width of footway and speed of vehicles.</p> <p>A meeting between the County Council and the developers took place in November 2016 to discuss these matters. Amended plans have been provided by the applicant on 15th December 2016 following the meeting.</p> <p>County have since responded and have raise no objection subject to the developer entering into a Section 106 agreement for Travel Planning and securing £24,000. Conditions are suggested concerning; Wheel cleaning; Scheme for the construction of off-site highway works; Construction Traffic Management Plan; and Interim Travel Plan.</p> |
| Historic England | No observations to make on the proposed development and recommend that local guidance applies. |
| Twentieth Century Society | No observations received within the statutory timescales |
| Ancient Monuments Society | No observations received within the statutory timescales |
| Georgian Society | No comments to make on the application. |
| The Council for British Archeology | No observations received within the statutory timescales. |
| Conservation Section | No objection , however raises concerns with respect to the height and scale of the tower and the impact that this will have on the setting of the Grade II* Toll House and Skerton Bridge, and the wider historic townscape of the city. Supports the other aspects of the development and the use of the materials that are proposed but recommends conditions on building materials. |
| Lancaster Civic Society | No objection , welcomes the proposals on the basis high quality materials are used. Do raise concerns however with the density of the scheme, the drop-off arrangements at the beginning and end of term time and also concerns about the number of applications for student accommodation within the City Centre. |
| Places Matter (Design Review) | Remain supportive of the concept of development and consider that the scale, mass and height of the proposals is acceptable. Have, however raised concerns with respect to the height of the Tower Block and consider a pure form building may be more appropriate; together with ensuring that pedestrian movement is adequately planned for; together with issues over the sustainability of the scheme and ensuring high quality landscaping is delivered. |
| Lancashire Archaeological Advisory Service | No objection recommend a condition associated with an archaeological investigation. |
| Lead Local Flood Authority | No objection , recommend conditions associated with the provision of a surface water drainage scheme, maintenance and management plans. |
| Environment Agency | No comments to make. |

| | |
|---|--|
| Planning Policy (Lancaster City Council) | Recommend that consideration is given towards air quality, landscape and heritage, accessibility and design. |
| Ramblers Association | No observations received within the required timescales |
| RSPB | No observations received within the required timescales |
| Tree Protection Officer | No Objection assuming the development is carried out in accordance with the AIA and a scheme for landscaping to be agreed in writing. |
| Canal and River Trust | No comments to make on the application |
| Contaminated Land Officer | No objection , but given the brief nature of the report requires conditions covering contaminated land. |
| Natural England | No objection. |
| Greater Manchester Ecology Unit | No objection , however consider that Japanese knotweed shall be controlled on the site, no vegetation clearance during bird nesting period and promotion of a high quality landscaping scheme. |
| Environmental Health (Air Quality) | Objected to the proposal on the basis of inadequate information to fully assess the implications. An amended Air Quality Assessment was received in December 2016 and there are still concerns - there are discussions ongoing between the applicant's air quality specialist and the Councils EHO. |
| Environmental Health (Noise) | No objection and proposes conditions associated with hours of construction, dust control noise control method should pile driving be undertaken and requests a condition for glazing is agreed. |
| County Strategic Planning | No observations received within the required timescales |
| Lancashire Constabulary | Comment that secured by design should be included as part of the development proposals as well as physical security, access control and CCTV. |
| Lancashire Fire and Rescue | No objection however alerts the applicant's attention towards the need to comply with building regulations. |
| Lancaster University | No objection and considers the scale of this development is a sensible way to deliver the strategic approach of the delivery of student accommodation, the scheme offers high quality design and will improve the immediate and wider area and this site has the capacity to act as a catalyst to the regeneration of the area. |
| University of Cumbria | No observations received within the required timescales |
| Tree Protection Officer | No objection subject to a landscaping scheme and the development to be carried out in accordance with the submitted |
| United Utilities | No objection , development to be undertaken in accordance with the FRA and a surface water management scheme to be agreed. |
| Victorian Society | No observations received within the required timescales |
| County Archaeologist | No objection , recommends a condition associated with archaeological investigation. |
| Public Realm Officer | No observations received within the required timescales |
| Strategic Housing Officer | Overall supportive of the proposal however has some reservations regarding sizes of the studio accommodation, the ratio of unit to kitchens, natural light concerns on Block D3 and separation distances. |
| City Council Engineer | Recommendations to include increasing the opportunities for cycling and provision of crossing facilities |
| City Council (Parking) | No objection however the occupiers will not be eligible for residents parking permits. |

5.0 Neighbour Representations

5.1 The application was advertised in the press, by site notices and adjoining residents notified by letter.

At the time of writing there has been **five** letters of objection received; The reasons for objecting include;

- The Tower Block is too high and out of keeping with Lancaster which would be overbearing to adjacent residential properties and also block light to surrounding homes;
- Block A should be reduced in height to match Block C;

- Loss of privacy and light associated with Block C;
- Noise Pollution and amenity concerns;
- Concerns regarding the internal standard and size of the accommodation.

Two pieces of correspondence (from the same person) have been received neither objecting or supporting the scheme for the reasons contained below;

- Sympathetic to the surrounding and the historic architecture of the city but the development should be limited to eight storey to ensure it blends in with the surroundings and should also include affordable housing.

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 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This will enable progress to be made on the preparation of a Local Plan for the Lancaster District. It is envisaged that the public consultation will commence on 27 January 2017 and conclude on 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster Local Plan 2008

H3 – Housing Opportunity Site

6.4 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC2- Urban Concentration
SC5 – Design Quality
SC6- Crime and Community Safety
ER2 – Regeneration Priority Areas
E1 – Environmental Capital
E2 – Transport

6.5 Development Management Development Plan Document (DM DPD)

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

6.6 Strategic Policies and Land Allocations DPD (Consultation January 2017)

DOS1 – Land at Bulk Road and Lawsons Quay

6.7 Other Material Considerations

- Historic England – Tall Buildings Advice Note 4

7.0 Comment and Analysis

7.0.1 The main considerations with the application are as follows;

- Principle of Development;
- Design;
- Heritage and Townscape;
- Highways;
- Flood Risk and Drainage;
- Noise;
- Air Quality;
- Ecology;
- Landscaping;
- Public Consultation

7.1 Principle of Development

7.1.1 The site remains derelict and on the key gateway into the city centre. The use of the application site for student accommodation is acceptable in principle. Whilst sited on the northern periphery of the city centre it is deemed a sustainable location and is close to local services and facilities, and a number of the existing properties on Bulk Road and Gladstone Terrace are occupied by students. Whilst not on a direct bus route it is only a short walk to Lancaster Bus Station and other bus stops

within the immediate locale such as on Parliament Street and North Road. 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. The local 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. Furthermore it is considered that the development of purpose-built student accommodation provides an opportunity to seek to return some of the traditional housing stock (including areas of Primrose, Bowerham and Greaves) back to the residential open market, hopefully providing much-needed affordable accommodation for first time buyers.

- 7.1.2 The Emerging Strategic Policies & Land Allocations DPD confirms (via Policy DOS1) that the Council would support a commercial-led regeneration scheme for the site where proposals seek to complement the ongoing regeneration of the Canal Corridor North Site and proposals for residential apartments (including student accommodation) will be supported where the scheme is in accordance with the relevant policies in the Development Plan. Planning permissions have been granted for such uses; however development has never materialised.
- 7.1.3 Policy DOS1, whilst having limited weight, caveats the support for regeneration of the site to ensure that any proposals; (i) do not have an adverse impact upon traffic movements; (ii) employment or commercial uses do not lead to loss of amenity to amenity on Bulk Road (iii) protect residential amenity; and (iii) generate appropriate linkages from the site to the city centre to promote cycling and walking and (v) be acceptable in terms of heritage.
- 7.1.4 Members will be aware that concerns have been raised by Lancaster University with respect to other student accommodation schemes within the city centre, notably application 16/00274/FUL at the Gillows, and 16/01155/FUL at St Leonards House. However the University have assessed the Bulk Road proposal and advocate that large scale development such as this is an appropriate way to deliver desirable student accommodation, and that the success of the University depends not only on its educational and research offer, but also on the attractiveness of the city to staff and students. They consider that the scheme could have long term positive impacts for the city beyond that of providing more accommodation. This is a welcomed, and the applicant has engaged with Lancaster University throughout the design and application process.
- 7.2 Design
- 7.2.1 This is a complex development proposal, comprising eight blocks of bespoke student accommodation. Whilst on the fringes of the city centre it is still a very prominent position surrounded by a mix of semi-industrial and commercial uses, and residential terraced properties. The site is in close proximity to the Lancaster Conservation Area and inevitably given the scale of the proposal will be visible from within it (especially the northern parts of it). The complex topography has presented significant design challenges and this has been the subject of considerable debate at the pre-application and application stage. The scheme before Members is considered to represent an acceptable design overall and will enhance this part of Lancaster (notwithstanding the other issues discussed in the report).
- 7.2.2 It is fair to suggest that the design of the proposed scheme has both positive and negative aspects, and this is not unusual for a large-scale development. The broad design concept for the site, including trying to establish its own identity and the use of distinctive buildings, is welcomed by officers, as some of the previous iterations of the scheme were considered to be quite homogenous. A major positive is that the scheme has the potential to embody high quality public realm. The applicant has sought hard to try and make the proposal more akin to existing development in Lancaster, however this is inevitably going to be a difficult task given the height of the proposals are far in excess what would be considered the norm in the city.
- 7.2.3 The site has been derelict for a number of years, and there has been many planning applications (over the last twenty years) which have never materialised, including a housing scheme in 1997 for

18 houses where outline consent was granted but never implemented. The most relevant permission relates to a permission from 2006 (Ref: 06/01134/FUL) which was for a mixed use scheme consisting of a hotel and residential apartments, again which never materialised. In 2008 (Ref: 08/00874/OUT) an application was submitted consisting of a similar scheme of a hotel, retail unit, a seven-story tower building and other office buildings, but the scheme was eventually withdrawn (it was recommended for approval but the Section 106 Agreement was never signed). During that application, it was clear that the principle of a tall landmark building at the southern end of this site could be found acceptable.

- 7.2.4 Block A is the tallest element of the scheme measuring 37m in height (to put that in context, the adjacent slim, chimney stack at Sunlight Laundry it is understood to be 30.5m in height). The tower is the centrepiece of the proposed development and the applicant has strived to design something that creates a sense of elegance and act as a landmark feature. The semi-circular façade anchors the development at the southern portion of the site, and the applicant has sought to respond to officer concerns by ensuring that there are active frontages are on all four facades. The lantern element has been taken from the clerestory roof on St Leonards House and it is considered that this element has the capacity to work well here (despite the reservations raised by Places Matter), whilst the recess and roof overhang add interest. The scheme initially proposed a façade motif on the northern elevation but it was considered that this added unnecessary bulk and weight to the scheme and amended plans/visualisations were received on 15th December to reflect these changes. Officers do have concerns with the height (and to a lesser extent the bulk when viewed from the east and west) and this has been a common theme during pre-application discussions. Places Matter state that from a scale, mass and height perspective the proposals can be found acceptable. Places Matter do consider a structure with a more pure form (i.e. circular) is needed, and the applicant has examined this suggestion but concluded that the proposed design offers the best solution for this end of the site. Design is always going to engender different reactions; some may see the tower as a positive contemporary addition to the Lancaster skyline whereas others will consider a tall structure to be an incongruous addition. Officers consider that the tower is not entirely “elegant” as advocated by the applicant, and perhaps a more pure, circular form could have achieved this. But it does represent high quality design, and that perhaps explains why this very prominent proposal has elicited so few objections (including none from the statutory consultees). The horizontal banding, which breaks the vertical emphasis of the façade assists in creating something quite distinctive for the two storey window opening, and on balance it is recommended that the tower’s height, scale and mass is acceptable.
- 7.2.5 Block B is quite uniform and is a sizeable mass of a building although the block end characterised by the centrepiece adds some interest and is considered to work, its height has been informed by the continuous rising of the development southwards. Block C1-C3 are considered to work well, their scale and design, whilst quite simplistic, is appropriate to the adjacent properties on Gladstone Terrace and also whilst does not replicate the street scene it does work well in terms of heights. The mansards within Block C3 use standing seam metal panels and is an appropriate contemporary response to redeveloping this residentially-sensitive part of the site.
- 7.2.6 Block D1 and D2 steps down in height from the adjacent Block B and the studio lofts to the top of Block D1 will create a series of pitched roofs. Block D3 and D4 finish off the elevation on Back Caton Road and the use of the stone gable staircases work well on Block D3 in terms of breaking the mass. Additionally the staggered windows add some interest here which was lacking in the pre-application submissions. Overall when the built form is taken as a whole, there are elements which work very well, and some less so, however overall officers are supportive of the scheme, and keen to encourage the design option that has been chosen. It is considered that the site has the capacity to accommodate this level of development (accepting this is not characteristic of the current scale of development in Lancaster), and whilst some may consider that the scale and massing is overly-dominant, this is considered to be preferable to a more squat development. In Officers’ opinions it would be difficult to substantiate a reason for refusal based on design, especially given the significant design review and pre-consultation process that the applicant has participated in, and the subsequent comments from Places Matter.

Materials

- 7.2.7 The tower block will be predominately faced in dressed stone and rubble, and also on some of the smaller blocks (the centrepieces at the ends of Block B and C). Rubble stone that is roughly coursed will be used as the main walling element of the taller end of Block B and the staircase gables in

Block D3. The vast majority of the materials to be used however will be a buff-coloured brick (and the applicant has provided illustrations from other schemes whereby this has been used). Given the quantum of development, a scheme using one material could appear too dominant and heavy, and there is definitely merit in the more prominent parts of the development being in stone and rubble. Internally within the courtyard it is considered that the buff brick has the potential to work well although there are some concerns that on the principal elevations (such as Blocks C2 and C3 fronting Bulk Road) these do not necessarily relate very well to the adjacent terraced properties on Gladstone Terrace or those on Bulk Road. It is considered that there is also more potential for the use of dressed and rubble stone along the Back Caton and Bulk Road frontage. The use of buff-brick is not a material used within the centre of Lancaster, and the Civic Society have made this point in their comments. Officers consider that with a high quality brick, it has the capacity to work effectively here providing that further stone is incorporated into some of the principal elevations (to be addressed by means of condition).

7.2.8 There is an existing retaining wall at Bulk Road and this will support Block C2 and at its highest point will be 3m (towards the southern end of the rising reducing in scale towards the north). As part of the development it is highly likely that the existing retaining walls will be removed to facilitate the development. The applicants would look to re-use the stone as part of the rebuild of the walls. Along Back Caton Road there would be a mix of rubble stone and brickwork used to face the new retaining structures. There is also the unsightly piled retaining structure which can be viewed from Back Caton Road. The exposed face of the structure is discoloured concrete and this structure retains the alleyway to the rear of a number of the terraced properties on Bulk Road. This structure needs to remain, but does need to visually softened, and should be faced in wire climbing frame to create a living wall which will be of benefit to this element of the scheme (controlled via planning condition).

7.3 Outlook and Amenity Considerations

7.3.1 The outlook for many of the existing nearby properties will change, as they overlook a vacant site, with residents in Gladstone Terrace experiencing views across to Lancaster Castle and the Priory. A change in outlook however is not in itself harmful in planning terms, and with an increase in activity with students coming and going this may assist in the perception of security in the immediate area, especially after dark. The changes to the public realm could lead to improvements for the amenity of local residents (notably the proposed public access route through the site). Policy DM35 states that when habitable windows face one-another there should be 21m between them and when habitable windows face onto a blank gable this should be 12m. Block C2 is at its lowest point in the region of 16.9m from window to window to Gladstone Terrace. The development does however follow the building line of the former structure here (the former K Shoes factory). Whilst not in accordance with adopted policy, given the city centre location, the former use of the site and the intervening highway, it is considered that circumstances do exist for a relaxation of the requirements. Block D4 is made up of a blank gable which faces the rear gardens of properties on Bulk Road, and whilst under the 12m guidance (10m as proposed) given the similar heights would be quite similar it is not considered that the proposed development would be so dominating as to warrant a refusal in terms of impact upon the existing dwellings. Outlook for residents on Gladstone Terrace and those on Bulk Road will change considerably, and although the loss of a view is not a planning consideration, the loss of outlook is. The outlook for nearby residents will become more enclosed due to the height of the buildings proposed. This is a major development, and whilst there has been some public interest only 5 letters of objection have been received despite a relatively extensive consultation process. Given the urban location it is considered at worst that a slightly adverse effect will arise in terms of loss of outlook. For many however they may consider the development of modern high quality buildings to improve the site's aesthetic value.

7.3.2 Internally the scheme does predominantly seek to provide the required separation distances between habitable windows and affords an adequate level of outlook and access to natural light, however there are instances where this is not met (blank gable ends of Block D3, Blocks D2 and D4 and between Block A and Block B). Where this is the case the outlook arrangements would not be sufficiently affected to compromise privacy or amenity due to the orientation of buildings, and it would not warrant refusal of this scheme when taken as a whole and the regeneration benefits that this scheme will deliver.

7.3.3 Naturally given the scale and massing of the development and clustered nature of the built form, officers do have concerns regarding the development causing shadowing and therefore restricting the availability of natural light. The applicant has submitted a Shadow Study as they understand that

this is likely to be a concern of those residing on Bulk Road and Gladstone Terrace. This has been modelled on the month of June and demonstrates that the development is likely to cast shadows from 16:00 onwards with Gladstone Terrace being worst affected. It is important to note that whilst the modelling has been predicted during June, in the winter the shadows would be cast for a further distance given the lower level of the sun (albeit for much shorter times during the day). However on balance it is considered that the development would not lead to overshadowing to an unacceptable extent.

7.3.4 The scheme proposes a mixture of studio apartments (125 bedrooms), cluster-flats (321 bedrooms) and shared houses (184 bedrooms). For Blocks C2, C3, D3 and D4 these are shared houses with between 8-10 bedrooms using shared bathroom facilities (on average 1 bathroom per 2 rooms). The room sizes for the standard rooms associated with the 10 shared townhouses are in the region of 9.5m² and therefore above the required standard of 9m² as provided by Appendix D of the DM DPD. They offer communal living accommodation on the lower floor with bedrooms above. Whilst ordinarily not something the Local Authority would choose to seek to support, the room sizes are in excess of the standards imposed in policy and there is still generous kitchen/living accommodation and whilst units of accommodation should not seek to support more than 6 students, the arrangements here can be found acceptable. In Blocks B1, B2 and C1 these are cluster flats with rooms on 13.5m with en-suites ranging from 3 bedroom to 10 bedroom clusters. The 10 bedroom clusters are in essence two five bedroom clusters joined together and they offer a greater flexibility by combining the living and dining areas of 5 bed flats, but each have their own kitchen.

7.3.5 The standard studio size is slightly lower than the adopted position at 18m² however there is communal space provided within the development and therefore whilst the scheme does depart from the provisions of the development plan, because of the communal space this element of the scheme is considered acceptable. The scheme does seek to provide a gym, games zone, quiet study space and laundry facilities. The scheme does provide for larger studios in the form of the city view and duplex studios which are in excess of the floorspace standards.

7.4 Places Matter Design Review

7.4.1 The previous planning application submitted in 2015 (never validated) was the subject of pre-application discussions and the applicant has continued to engage with Places Matter during the evolution of the scheme. Places Matter is a design review panel and is a respected way of improving the quality of new development by offering impartial, expert and constructive advice to developers. The scheme before Members has been the subject of a design review panel meeting at the pre-application stage and in general the panel were supportive of the development. However they considered that work needed to be undertaken outside the development boundary in terms of creating linkages to the City Centre, and they considered that the development needed to be flexible (in case the student market no longer existed and whether the development could become residential dwellings). They also suggested that considered further work was required in terms of ensuring the development was greener (in terms of landscaping).

7.4.2 The full planning application was considered by Places Matter in October 2016, and they raised issues over connectivity and movement, and considered that the scheme ought to take the initiative in proposing desirable changes such as how to integrate the entrance plaza into the wider public realm. They also considered that the tower should still be of a more pure (circular) form and raised a concern with the lantern treatment, preferring an earlier iteration of this feature. Concern has been raised over the landscaping within the scheme itself and whilst endorsing the courtyard arrangement they considered that further landscaping was required.

7.4.3 Following the receipt of further comments, a meeting was convened on 16th November 2016, between Places Matter, the architects, developers and officers from the City and County Councils to discuss the proposal in more depth as a follow up to the previous reviews. With respect to off-site highway works it was vital to deliver a solution which was less-engineered and this is further discussed within the highways section. A detailed discussion was had on the merits of the tower, and Places Matter still consider that the tower would be a significant and visible intervention for the City and would still consider that for the height to be fully justified it should be a more pure form, however equally say that the scale, mass and height of the proposals are acceptable. With respect to landscaping it was considered that landscaping could be addressed through means of planning condition. In terms of sustainability a Combined Heat and Power Plant would be utilised on the

development and that the use of the traditional material for the town houses meant these do have flexibility for alternative uses in the future.

7.4.4 In summary Places Matter are **supportive of the scale, mass and height** (our emphasis) and consider that the further work proposed and agreed by parties will enable this to be a truly successful signifier for Lancaster. Whilst they still have reservations regarding the design of the tower, they are generally supportive of the scheme as proposed.

7.5 Heritage and Townscape Impacts

7.5.1 Section 12 of the National Planning Policy Framework (NPPF) states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing heritage assets, and the desirability of new development to make a positive contribution to local character and distinctness. It does state when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation, with any harm of loss requiring clear justification. Furthermore the NPPF defines the setting of a heritage asset as the surrounding in which it is experienced. The extent is not fixed and could change as the asset and its surroundings evolve over time. The NPPF does make clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the assets conservation; the more important the asset (such as the Grade I Ashton Memorial) the greater the weight that should be attached. Significance can be harmed throughout development within an asset's setting. Unlike the boundaries of a Conservation Area, setting does not have a fixed boundary and is harder to define. The NPPF defines the significance of a heritage asset as its value to today and future generations because of the heritage interest of the asset in question. Significance derives not only from its physical presence, but also the setting. A judgement needs to be made of harm that may be created by a development proposal. The National Planning Practice Guide sets out that substantial harm is a high test and does go on to state that in terms of assessing proposals relating to Listed Buildings and Conservation Area that the critical question is whether the adverse impact affects a key element of their special architectural and historic interest. Elements of their significant of each of these assets encompass their historic, architectural and archaeological values.

7.5.2 It is not considered that the fabric of any of the heritage assets will be directly affected by this proposal (although there could be buried remains which will be discussed in Section 7.5.10). It is considered that the heritage assets that would be affected owe their significance mostly to the fabric of the asset in question. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard should be paid to the desirability of preserving the setting of Listed Buildings, where those settings would be affected by the proposed development. In addition Section 76 (2) of the Act requires that regard should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and is given considerable weight.

Localised Impacts

7.5.3 The large linear expanse of derelict land would be replaced by a significant mass of built development and there would be a significant change within the application site and with the boundaries of Bulk Road, Back Caton Road, and those on Gladstone Terrace and the applicant asserts that there would be no effect in terms of townscape upon the adjacent Conservation Area. It should be remembered that historically there was a working factory and vehicle dismantlers and therefore historically there has always been some form of development on this site. The elevated terraced properties to the east of the site (Gladstone Terrace) are locally listed and whilst the setting of these properties will still be able to be appreciated, given the dominance of the proposed development it is inevitable there is a relatively high degree of harm caused, however this is not substantial harm. This will also occur for numbers 1-2 Ridge Street and also 1-4 Green Street (all of which are locally designated heritage assets).

Impact on Conservation Areas

7.5.4 Lancaster Conservation Area is sited 60m to the south of the application site with the applicants suggesting that the townscape character of the Conservation Area will be largely unaffected by the proposed development. They conclude that the visibility from the northern end of the Conservation Area and along Cable Street would prove beneficial. In Officers opinions there would be more harm than is suggested within the applicant's submission as the tower block would be clearly visible from

a number of vantage points in the northern section of the Conservation Area (such as on St Leonards Gate and also Cable Street). The remainder of the development is unlikely to be seen from within many parts of the Conservation Area, however the Tower would be a new element within the skyline and would provide a new focus for locals who use the northern end of the Conservation Area. There is a case to say that redevelopment of this site – in most forms – would enhance the Conservation Area when compared to the baseline position of the derelict site that currently exists. On balance whilst it cannot be categorically concluded that the development *would* enhance the Conservation Area, the high-quality of materials and the contemporary designs combine to establish that the development would preserve the character and appearance of the Conservation Area, and as such the development complies with Policy DM31 of the Development Management DPD.

Impact on Designated Heritage Assets (Grade I and Grade II*)

- 7.5.5 Historic England have responded to the planning application in terms of not wishing to provide comment and advising that the application should be considered in accordance with national and local planning guidance, and that the local authority should seek advice from their own specialist Conservation Officers.
- 7.5.6 St Peters Cathedral, 38-42 Parliament Street (Former Toll House Inn for Skerton Bridge) and Skerton Bridge are all Grade II* listed. It is expected that the setting of 38-42 Parliament Street is harmed by the proposal, however this would be less than substantial harm. Whilst glimpses can be seen of St Peter's Cathedral from within and around the application site, it is not considered that any harm is created by the proposal.
- 7.5.7 The Grade I Ashton Memorial can be seen notably when travelling along Skerton Bridge and dependent on where you are located on the Bridge it is considered that the loss of views of the historic skyline is a significant weakness of the proposal, although the applicants have strived to arrange the development to allow views of the Memorial (in particular) still to be achieved. The Historic Park and Garden which the Memorial sits within adds to the backdrop of Lancaster when travelling on Skerton Bridge and the topography of the City rises up towards Williamson Park and to the Memorial. There is therefore harm created here, however this is less than substantial.

Grade II

- 7.5.8 The development would harm the setting of the former Crown Inn on St Leonards Gate, and 32 Parliament Street, this is inevitable given the scale and form of the development. The impact however would not be of a level to constitute substantial harm. The loss of the view of the twin spires of Christ Church (when viewed from Skerton Bridge) is a loss to the historic townscape of Lancaster, however in the context of the general arrangement of the site this will only be evident on Skerton Bridge, and given the distance from the development site to Christ Church it is considered that there is less than substantial harm.

Impact on Scheduled Ancient Monuments (Skerton Bridge)

- 7.5.9 Skerton Bridge is a Scheduled Ancient Monument and Grade II* listed building and was the first large public bridge in England to have a flat rather than a bowed roadway. When travelling along the bridge there would be a change to the bridge's setting. However much of the bridge's setting derives from views northwards, or westwards (i.e. away from the development site). In the absence of any substantive comments on this issue from Historic England, it is considered that whilst there is some harm, this is not substantial and that the public benefits associated with the scheme would outweigh these concerns.

Archaeology

- 7.5.10 It is suggested that there is the potential for buried remains of the medieval leper hospital and associated cemetery, together with its historic uses in the 19th and 20th centuries. There has been development on the site previously and therefore it is difficult to predict what may survive and therefore a suitable scheme of archaeological investigation and mitigation will be required. This is considered reasonable and can be controlled by means of planning condition.
- 7.5.11 It is considered that there is less than substantial harm to the identified designated historic assets, though officers consider that the applicant's Heritage Assessment has underplayed the impacts,

notably with respect to Block A (the response of Lancashire Archaeological Advisory Service and the Council's Conservation Officer lend credence to the officer's conclusions here). There is inevitably a level of harm created by this proposal and the officer has given considerable weight to having regard to the desirability of preserving the setting of listed buildings and special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area as set out in Paragraph 132 of the NPPF. However given the wider regeneration benefits associated with the scheme this is considered to outweigh the harm that has been identified and therefore it is concluded that the scheme accords with Paragraphs 132, 134 and 135 of the NPPF and Policies DM30-34.

7.6. Highways

- 7.6.1 This is a significant development sited between two busy highways and the proposal is in essence car-free for residents with only a small number of car parking spaces provided on the site itself (9 spaces). Given the city centre location the applicant's Transport Statement considers that the site allows residents to use the existing transport networks such as cycle, bus or on foot and overall concludes that the development is acceptable in nature.
- 7.6.2 Whilst the development is car free there will inevitably be a need to manage the arrival and departure of students at the beginning and end of term. In short, each student will be allocated a 30-minute drop off appointment during the intake weekend and vehicles can park in the drop-off-zone in the central courtyard for possessions to be unloaded into a secure holding area, and after dropping off the car users they will be advised to utilise the nearby car parks (the closest is St Leonard's Car Park). Assuming a 30 minute appointment system operating for a 12 hour day and space for 15 cars during the intake weekend, 360 students can be moved in per day. International students are likely not to arrive at the same time as UK students and therefore more flexible arrangements can be made to ensure drop off is available. Unlike arrivals, dependent on commitments of the students it is usual practice for them to disperse over the course of a week and therefore a similar arrangement will need to be adopted. County Highways have raised no objection to this particular element of the development.
- 7.6.3 The County initially raised a number of concerns with the application and requested additional information. Amended plans were supplied on 15th December, which reflect the discussions of a meeting that was held between the applicant's transport team and the County Council in November 2016. The offsite highway works have been amended to include a bus boarding area on the bus stop adjacent to the site on Bulk Road, and residents parking will be relocated to the eastern side of Bulk Road; together with the removal of short stay parking to allow for new vehicle access and the loading bay. The servicing bay to the south of the site does remain, but now retains the left turn closure from Caton Road onto Bulk Road, and there is the proposal to extend the footway provision to provide for a continuous level surface for pedestrians with two crossing points proposed on Caton Road and Bulk Road to include dropped kerbs, tactile paving and push button facilities. The largest amendment is the provision of shared space at the junction of St Leonards Gate and Bulk Road with re-alignment of the kerbs at the junction to extend footway provision. The provision of the shared surface here is welcomed as it will allow the development to flow from the entrance plaza to the combined space, making this a significant benefit of the scheme. Whilst the plans show what looks to be a mini roundabout this is not the case and this will be a feature to enhance the public realm and this will tie into the public realm for the plaza entrance. The materials to be used here (to be agreed by condition) will give a visual uplift, and this element of the scheme has the potential to work well. The scheme now includes the formalisation of the pedestrian crossing points at the existing signalised junctions, and County consider that the provision of push buttons for pedestrians will have minimal impact on junction capacity. Footway widening was mooted for St Leonards Gate as this is the principal means of users visiting the City Centre or catching a bus, following discussions between the applicants and County it has now been agreed that rather than increasing the footway widths (as that would not be possible due to carriageway widths), two speed tables will assist here.
- 7.6.4 The County have asked for a Travel Plan to be secured by means of condition and requests a contribution of £24,000 (in essence for the County to review the Travel Plan). However this is in essence a car-free development and students would seek to use public transport, cycle or walk. If this was a residential based scheme proposing car parking it would be reasonable to seek to secure the £24,000 for the review, however given it is not, it is considered unreasonable to request this.

7.6.5 The County have requested improvements to the bus stop opposite the site and the applicant has amended the proposal to include a bus boarding area here, whilst the bus stop provision is welcomed it is understood that only services 10, 80 and 81 operate here, which will be of little benefit to students as none go to the Lancaster University or the University of Cumbria Campus. It would appear that there could be more value in upgrading those on Parliament Street. Further dialogue with the County will occur and Members will be verbally updated. It is unfortunate given the scale of development that a bespoke service was not offered for students, even if this was just a shuttle bus to the bus station however it would be unreasonable to impose this requirement, especially given the County have only asked for the improvement of the bus stop on Bulk Road.

7.6.6 A major benefit of the scheme is that it proposes a new public route that falls between Block C2 and C3, with it being 5m in width. It is the case at the present moment in time a number of people cross the site to get to Back Caton Road and beyond as opposed to going around. The provision here is welcomed and even though there has been concern raised from County regarding the use of steps, in reality this is the most effective way of delivering this route due to topography constraints. Whilst not ideal for cyclists, it is possible to introduce cycle-runners on either side of the steps to allow cyclists to dismount and wheel bikes across the route. The provision of this route amendment was included in the final stages of the pre-application discussions and is supported by officers as it will allow residents of Bulk and Ridge to gain access to Green Ayre and beyond. There is a rather unofficial route that crosses the Kingsway Retail Park and finishes between Farmfoods and Bathstore. Whilst the route connects to Back Caton Road there is no crossing proposed here (and you need to cross at the signalised junctions) and therefore the views of the County Council will be sought as to whether this is needed and reported to members. A number of cycle spaces are proposed across the development site notably adjacent to Block D4, in between Blocks D3 and D2, and between Block A and also with the main plaza entrance. The plans show that the only covered aspect would be the main plaza entrance and therefore it is considered necessary that shelters are provided which can be addressed by means of planning condition.

7.6.7 A challenge of developing this site is due to the steeply sloping topography – notably the difference of 6.5m in height between Bulk Road and Caton Road. There will be regrading proposed as part of this development. Retaining walls are proposed and a new retaining wall the full length of the site along Caton Road is proposed and this will be set back by 2 metres, allowing a pavement at road level to be formed here. Above this will be the new retaining wall with a walkway above (approximately 3 metres above road level). The Sidings is in the applicants words is a transitional space whose landscape terraces down from the upper courtyard level to the Goods Yard below it. There is a set of steps and a platform left within this area which will facilitate inclusive access between spaces and levels. The cross route site route will be cut into this space and battered banks and small elements of the retaining structure used to create the abutment for the bridge at Courtyard level above. Towards the southern end of the site a level of 8.8 metres AOD is achieved within the entrance plaza and small ramps and steps will facilitate the transition from the existing levels at the junction and on Bulk Road. To access the link block there are proposed a series of terraces steps to facilitate movement up to the Courtyard.

7.7 Flood Risk and Drainage

7.7.1 The majority of the site lies within Flood Zone 1 however there are pockets of the site on the south western edge and northern element which are located within Flood Zones 2 and 3. It should be noted that businesses on the northern side of Caton Road suffered extensive flooding during the Storm Desmond event. The scheme has sought to site the student accommodation above the predicted flood levels and in the south western and north west of the site (areas at potential risk of flooding) the rooms at street level will be used for plant and refuse storage and will be designed to be flood resilient. The Environment Agency have not provided any detailed comments however the Lead Local Flood Authority have raised no objection to the development on the understanding that conditions are attached regarding surface water drainage, management and maintenance plan for the sustainable urban drainage system features. This is acceptable given the destruction caused by Storm Desmond, and whilst not requested by consultees this is a large scheme and it is considered that a flood warning and evacuation plan condition should be submitted which relates to both the construction and occupation of the development. This is considered reasonable.

7.8 Noise

7.8.1 The application is supported by a noise assessment which concludes that assuming mechanical ventilation and acoustic trickle vents are utilised then the glazing would demonstrate compliance with BS 8233:2014. Noise from outside the development cannot be controlled and therefore has to be mitigated against. Environmental Health have suggested standard conditions such as hours of construction and measures to control dust. Officers do consider that the glazing does need to be improved upon to ensure the development meets the 45dB L_{Amax} limit, this can be addressed by means of planning condition as can the use of ventilation to be provided here.

7.9 Air Quality

7.9.1 The site lies inside the Lancaster Air Quality Management Area and therefore an Air Quality Assessment accompanied the planning application. The initial report was based upon a previous iteration of the scheme which accounted for less bedrooms and was in short considered to be lacking in detail and the Air Quality Officer recommended that the application be refused given the shortfalls within the assessment. The applicant took on board the comments raised and submitted a revised assessment in December 2016. The overall conclusions of the report is that the development is acceptable in air quality terms however the highest annual mean NO₂ concentrations are predicted along the Back Caton Road façade of the development. The NO₂ concentration objective is said to be met as are the objectives for PM₁₀ and PM_{2.5} and no mitigation is therefore proposed. The Air Quality Officer has reviewed the amended information and continues to raise concerns especially with respect to the boiler stack at the laundry, principally as the discharge height of the stack is below the height of the highest part of the proposal and more information on traffic levels have been supplied. The applicant has responded to the concerns raised by the Air Quality Officer in terms of they consider that the assessment has been robust and there is no need to undertake further surveys. Further discussion between the parties is occurring, and members will be updated verbally.

7.10 Ecology

7.10.1 The application is on brownfield land, but is supported by an ecological survey of the site due to it regenerating with tall plants and vegetation starting to dominate. The River Lune Biological Heritage Site (BHS) is located 150m to the west of the site, and the River has direct connectivity with the Morecambe Bay European protected site (SPA). However the application site is separated from the River by existing well-established built development. It is north of the city centre, separated from any direct connectivity with the SPA, and is a part of the existing built-up environment. It is not considered that the development proposal will have any harmful impacts on either the River Lune BHS or the SPA. The Lancaster Canal BHS is located approximately 150m to the east of the application site, beyond an area of residential housing. No impacts will arise from the scheme on the special interest of the canal. The Councils ecological advisor Greater Manchester Ecology Unit have reviewed the applicant's survey and visited the site and raises no objections on ecological grounds. Conditions are offered such as measures to control Japanese Knotweed, restriction on vegetation clearance during March to July and a detailed landscaping proposal. All this is appropriate, however restricting vegetation clearance during March to July is considered onerous, and can be found acceptable assuming a qualified ecologist undertakes a walkover survey of the site in advance of clearance (and conditioned to this effect).

7.11 Landscaping

7.11.1 As noted elsewhere within this report the site has started to naturally regenerate. Nevertheless there are pockets of trees on the site and to the far northern extent of the site lies Tree Preservation Order Number 387 (2006) however this will be untouched by the development. The scheme only proposes tree loss consisting of young Goat Willow and Birch, and given their low amenity value this loss is considered acceptable. To facilitate a lay-by proposed on the north western extent of the site this would appear to involve the loss of an Ash Tree, whilst mature, it is classified as a Category U tree and therefore its loss is acceptable.

7.11.2 One of the weaknesses of the proposal is that a landscape architect has only recently been brought on board, and therefore there is little to comment on by way of precise soft and hard landscaping treatments. Whilst this can be conditioned it would have been useful to understand the level of landscaping proposed. The applicants have committed to tree planting, planted terraces at the plaza entrance, hanging gardens and rain gardens along Back Caton Road (to assist with animating the retaining wall) and significantly enhancing the greening of the main courtyard, whilst still enabling vehicle movements during the start and end of term time, through the use of non-permanent street

furniture. The Sidings and the Goods Yard will benefit from landscaping. Overall it is considered that the landscaping treatment is moving in the right direction and the use of soft landscaping along the Bulk Road elevation works to break up the otherwise urban mass here. There will be minimal landscaping treatment along the Back Caton Road approach and it is considered that there could have been more work done here however can be addressed by means of planning condition.

7.12 Public Consultation

7.12.1 This is a large development proposal, and not something that is experienced on a regular basis in Lancaster, and it will inevitably have impacts whether that's due to the construction process, or the scale and massing of the development proposed. The applicant has engaged with the Local Authority through the pre-application service and the scheme has been the subject of a number of follow up meetings which have refined the details. The Local Authority advocated discussions should occur with the University, Historic England, the Civic Society and County Highways, all of which the applicant engaged with prior to the submission of this application, and feedback from these respective consultees has helped shape and form the application before Members. The applicant undertook a public consultation exercise at the Dukes Theatre on 19th July 2016, a total of 3,000 flyers within a 500m radius of the application site were delivered to local residents and businesses and 30 people attended the event. It is considered that the time invested prior to the application being submitted is perhaps one reason why the application has not generated the level of public opposition that a scheme of this magnitude might reasonably be considered to generate. It sends out a message to other developers that, if done correctly, pre-application discussion and consultation can deliver substantial benefits in the planning process.

7.13. Other considerations

7.13.1 Critical to the planning process is ensuring that new developments use energy efficient design and orientation, energy efficiency and if appropriate renewable energy measures installed. The applicants are proposing a Combined Heat and Power Plant which would be sited within the plant room within Block A. Photovoltaic solar panels are also suggested within the applicant's submission however no details have been provided, and therefore a condition should be imposed requiring this detail to be submitted.

7.13.2 In addition to standard conditions it is considered necessary to impose a condition to restrict the ability of telecommunication operators to site telecommunication equipment on the roofs of the buildings, by removing permitted development rights under Parts 24 and 25 of the GDPO, to ensure that visual clutter does not detract from the design of the buildings. Given the close proximity of the buildings to public highway and also to ensure that the external appearance of the buildings are maintained a condition on façade cleaning and maintenance is required.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 This is a substantial development proposal which occupies a prominent gateway position, with the site having been vacant for a number of years. The site has been the subject of a number of repeated attempts to bring forward development, however unfortunately these have never materialised. Officers consider this application is deliverable and could finally realise the development of this site. The proposal has been the subject of extensive consultation - with officers, the public and consultees - and this has helped to inform the design of the proposal. In terms of design, there is plenty to commend in the submission. Inevitably with a proposal that consists of numerous components there are other elements which have required compromises. However a balance does need to be struck, and the contribution that the delivery of this scheme could have in terms of bringing regeneration to this important city centre site is a significant consideration in the determination of this planning application. The height of the tower and also the dense nature of the scheme are controversial issues – although seemingly not locally controversial given the few public responses that have been received. However the choice of materials will be fundamental and support for the tower block is on the basis of the materials as contained within the applicant's submission. In other words, a weakening of the material palette after planning permission (if it is granted) would not be welcomed, and would be presented to the Planning Committee in any case.

- 9.2 The presumption in favour of sustainable development means approving development proposals that accord with the Development Plan without delay; and where the development plan is out-of-date, grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the NPPF taken as a whole. It is recommended to Members that the scheme is approved subject to the conditions as outlined below.

Recommendation

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

1. Development commence within three years
2. List of approved plans

Pre-commencement

3. Phasing Plan of the respective blocks
4. Access Details
5. Section 278 highway works
6. Finished Floor Levels
7. Site Investigation
8. Land Contamination Report
9. Construction Management Plan
10. Written scheme of investigation followed by programme of archaeological work
11. Surface Water Drainage Scheme to include maintenance strategy
12. Foul drainage scheme

Above Ground

13. Landscaping details
14. Public Realm Surfacing and Landscaping
15. Refuse, provision for drop off and cycle storage (including detail of cycle storage)
16. Security Measures (CCTV)
17. Glazing Measures
18. Ventilation Measures
19. Building Materials

Pre-occupation conditions

20. Travel Plan
21. Servicing and maintenance plan
22. Refuse storage arrangements
23. External lighting
24. Façade cleaning and Maintenance regimes of the elevations
25. Communal Satellite systems
26. Flood evacuation measures
27. Sustainable Energy

Control Conditions

28. Removal of Permitted Development Rights (Part 24 and Part 25 – Telecoms)
29. Student Occupation Only
30. Development in accordance with Flood Risk Assessment
31. Vegetation clearance (only to be undertaken during bird breeding season if ecology walkover undertaken).
32. Development in accordance with the AIA

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

In accordance with the above legislation, the City Council can confirm that it has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the

applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been 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

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| <p>Agenda Item</p> <p>A8</p> | <p>Committee Date</p> <p>9 January 2017</p> | <p>Application Number</p> <p>16/01271/OUT</p> |
| <p>Application Site</p> <p>Land To The South West Of Thorneycroft Kirkby Lonsdale Road Arkholme Lancashire</p> | | <p>Proposal</p> <p>Outline application for the erection of 12 dwellings with associated vehicular access, field access road and new pedestrian links</p> |
| <p>Name of Applicant</p> <p>Mr T Jenkinson</p> | <p>Name of Agent</p> <p>Mr Avnish Panchal</p> | |
| <p>Decision Target Date</p> <p>2 March 2017</p> | <p>Reason For Delay</p> <p>None</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 site is located outside the main built-up area of Arkholme village, which is located approximately 170m to the southwest of the application site and is separated by a large area of green open space comprising the village football pitch and the Village Hall. The B6254 (Kirkby Lonsdale Road) runs along the north-western boundary of the site where there are currently two existing access points. A strong native hedgerow forms the boundary with the B6254. To the northeast of the site a detached residential dwelling, known as Thorneycroft, and its curtilage abuts the site albeit separated by a belt of trees. An area of woodland is located to the rear of Thorneycroft between part of the application site and the railway line (Carnforth to Leeds line). Medium sized pastoral fields, intersected predominately by hedgerow trees and drainage ditches extend beyond the south-eastern boundary of the site towards the River Lune floodplain.
- 1.2 The application site is in agricultural use with a small shed-like building situated within the northern part of the site. The local topography is reflective of the transitional landscapes between the Valley Floodplain and Drumlin Field landscape character types. The land rises steeply to the north side of the B6254 with the small cluster of isolated properties positioned north of Thorneycroft, elevated approximately 5m above the road level (40m Above Ordnance Datum (AOD). To the south side of the B6254 onto the application site, the site levels fall quickly from the roadside by approximately 5-6m and then level out with a much more gradual decline towards 30m AOD, in the direction towards the River Lune, which is located approximately 500m from the site. There are shallow undulations across the site and evidence of drainage ditches and streams. The ground conditions are boggy and wet evidenced by the wetland grass/reed bed vegetation present.
- 1.3 The site is outside the village Conservation Area within land designated as 'Countryside Area' (Saved Policies Lancaster District Local Plan). There are no other land-use/environmental designations affecting the site and no protected trees within the boundaries of the site or on neighbouring land. A public right of way (Footpath No: 6) which runs in a north-south direction lies approximately 195m to the east of the site.

2.0 The Proposal

- 2.1 The applicant seeks outline planning consent for the erection of 12 residential units with an associated vehicular access off the B6254, a field access road serving the fields to the southeast of the site and pedestrian links towards the village hall and the public right of way to the southeast (Footpath no.6). Only access is being applied for at this stage; all other matters (layout, scale, landscaping and appearance) are reserved for future consideration.
- 2.2 The proposed access arrangements involve closing off the two existing field access points and the construction of a new access located approximately 4m east of the existing furthestmost western access point. The access details are limited though its position and dimensions are clear. The access forms a major/minor style priority junction with the B6254 9m wide narrowing to an internal 4m wide carriageway. The visibility splays are proposed at 2.4m x 43m in both directions.

3.0 Site History

- 3.1 The site has not been the subject of any relevant planning history and remains in agricultural use. For information, the table below includes a summary of other recent planning applications for residential development that have been approved **elsewhere in the village**.

| Application Number | Proposal | Decision |
|--------------------|--|---|
| 15/01024/OUT | Outline application for the erection of up to 17 dwellings, associated access, provision of a new church car park and a new footway along the B6254 on land East Of Arkholme Methodist Church. | Approved |
| 15/01584/FUL | Erection of a detached dwelling with associated access and landscaping | Approved and currently being implemented |
| 14/00895/FUL | Demolition of existing bungalow and outbuildings and erection of 14 dwellings with associated access and landscaping and subsequent S73 application to vary house type design on Plot 5 (15/00481/VCN) on land previously known as 'The Shieling'. | Approved and implemented by Russell Armor |

4.0 Consultation Responses

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

| Consultee | Response |
|--|---|
| Arkholme with Cawood Parish Council | Objection – reasons include unsustainable location away from services and public transport (Service 81A has been disbanded by Stagecoach); lack of Ecology Assessment given that the site supports high levels of biodiversity; no need for housing in the village; site isn't identified for development in the SHLAA; inadequate drainage/assessment of flood risk; absence of foul mains in the village; highways safety concerns due to carriageway width; 60mph speed limit; proximity to railway bridge and steep incline of the site access; the site is not infill and is separated by green infrastructure; and inaccuracies in the submission. |
| County Highways | Objection - the proposal is in an unsustainable location and would promote over reliance of car journeys due to the lack of services and access to public transport in the village. Additionally the scheme fails to provide safe and suitable access and lacks details to demonstrate safe pedestrian connections towards the village footway network. |
| Lead Local Flood Authority (LLFA) | Objection - insufficient information has been submitted to assess whether the proposed surface water drainage strategy is suitable and would not lead to a flood risk. |
| United Utilities | No objections subject to conditions regarding (i) Surface and foul water to drain on separate systems; and (ii) Details of surface water drainage scheme. |

| | |
|---|---|
| Environment Agency | No objections to the principle of the development. They advise that the proposal will require a (separate) Environmental Permit due to the site not being served by a public foul sewer. |
| Natural England | No comments to make on the application. NE advice this does not imply there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites. |
| Greater Manchester Ecology Unit (GMEU) | Objection - Recommends the application is deferred or refused on the grounds of lack of information in relation to protected species. Further survey effort is required to establish the use of the site by badger and otter to inform appropriate mitigation if necessary. |
| Policy (City Council) | Objection - The proposal fails to comply with Policy DM42 as it is poorly related to the existing settlement. Additional concerns include the lack of information in relation to ownership; safety constraints in respect of the pedestrian links; and lack of evidence that there would be interest from registered providers to deliver affordable housing as part of this scheme. |
| Conservation Officer (City Council) | Confirms that the proposal would not impact the setting of the conservation area. If a full application were to come forward, they indicate they would want to be consulted on details of material and design of the dwellings. |
| Environmental Health Service | Recommends standard site investigation conditions to ensure the site is free from contamination and appropriate for the sensitive end users. |
| Lancashire County Education Authority | No objection subject to a contribution of £40,607.18 towards 2 secondary school places. The Education Authority would need to review the assessment at the reserved matters stage when the unit sizes are known. |
| Public Realm Officer (City Council) | Amenity space to be provided on site and an off-site contribution (approximately £40,500) to be secured towards children's play area, young people's facilities and outdoor sports facilities. This could include play provision within the village hall recreational land (with agreement with the Parish Council) and improvements to the football facilities. |
| Public Rights of Way (PROW) Officer | The PROW Officer has confirmed that the development would not directly affect the recorded PROW. The Officer comments that links to it should be dedicated to the public under the Highway Act, although this is questioned as the land is outside the applicant's control. |
| Lancashire Constabulary | No objection subject to 'Secure by Design' recommendations and security measures being incorporated into the design of the development. The advice includes recommendations to ensure the footpath link between the site and the village hall is lit and at least 3m wide. |

5.0 Neighbour Representations

5.1 The application was amended and correct certificates were submitted in early December. As a consequence, the application has been re-advertised and further consultation has been undertaken. This is due to expire on the 6th January 2017. At the time of drafting this report, the consultation period had not expired although 53 letters of objection had already been received. A verbal update will be provided if any additional representations are received following re-consultation.

The main reasons for opposition so far are summarised below:

- Sustainability reasons, including unsustainable location; lack of village infrastructure/services; and loss of greenfield site;
- Housing Supply reasons, including an inappropriate increase in housing stock (67%) since 2006, which is disproportionate to the village; the site was not identified in the Strategic Housing Land Availability Assessment (SHLAA); lack of need and demand for new dwellings evidenced by properties being difficult to sell; and affordability issues;
- Highway and Traffic reasons, including insufficient information regarding the access; increase in traffic and resultant impact upon road safety; dangerous access due to narrow width, 60mph speed limit; proximity to blind corner and railway bridge; visibility concerns; traffic speed survey gives inaccurate picture of traffic on B6254; and absence of a public footpath to the village given that there are no verges on the current highway;
- Landscape reasons, including failure to relate to existing settlement pattern (not infill, and is separated by green infrastructure); lack of landscape assessment;

- Ecology reasons, including inappropriate assessment of ecological implications; removal of hedgerows; impact upon biodiversity and protected species (including otters, newts and bats, badgers, foxes, deer, owls - evidenced by one objector with trailcam images);
- Heritage reasons, including negative impact upon Conservation Area and other heritage assets;
- Layout and Design reasons, including failure of indicative plans to adhere to the village (inward facing, suburban, cul-de-sac estate);
- Amenity reasons, including loss of privacy; overlooking; light and noise pollution;
- Flood Risk and Drainage reasons, including inadequate assessments; very wet and boggy ground conditions with a high water table which is unsuitable for development; and no main sewers for foul drainage; and,
- Other reasons, including that the land is still used for agriculture; the creation of a precedent if approved; and the need for a full application rather than an outline given sensitivities.

David Morris MP has made representations to the local planning authority opposing the scheme for reasons already summarised above.

1 letter has been received neither objecting nor supporting – the letter argues that development in rural villages is important but should be balanced and spread over the village.

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 186, 187, 196, 197, 203-206 – Decision-taking

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This will enable progress to be made on the preparation of a Local Plan for the Lancaster District. It is envisaged that the public consultation will commence on 27 January 2017 and conclude on 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the

draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Saved Policies of the Lancaster District Local Plan
E4 – Development in the Countryside

6.4 Lancaster District Core Strategy (LDCS)
SC1 – Sustainable Development
SC4 – Meeting the District's Housing Requirements
SC5 – Achieving Quality in Design
SC6 - Crime and Community Safety
SC8 – Recreation and Open Space
E1 – Environmental Capital
E2 – Transportation Measures

6.5 Development Management Development Plan Document (DM DPD)
DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM25 – Green Infrastructure
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
DM35 – Key Design Principles
DM31 - Conservation Areas
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM40 – Protecting Water Resources and Infrastructure
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth
DM48 – Community Infrastructure

6.6 Other Material Considerations

- National Planning Policy Guidance (NPPG)
- Meeting Housing Needs Supplementary Planning Document
- Lancaster City Council 2015 Housing Land Supply Statement
- Arkholme Conservation Area Appraisal (January 2016)
- A Landscape Strategy for Lancashire - Lancaster Character Assessment (December 2000)

7.0 Comment and Analysis

7.1 The application raises the following key issues:

- Principle of development and housing needs;
- Landscape and visual amenity considerations;
- Highway and pedestrian connectivity considerations;
- Residential amenity;
- Ecology, and;
- Flooding and drainage.

7.2 Principle of Development

7.2.1 The NPPF introduces a requirement for Local Planning Authorities to meet their full, objectively assessed need for market and affordable housing in their area and to identify a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. Within Lancaster it is apparent that even in consideration of all sources of housing supply, it currently only has a 3.4 years supply (based on 400 new homes per annum). As such, the NPPF stipulates that planning in such circumstances must be undertaken in accordance with

a presumption in favour of sustainable development. For decision making this means where the Development Plan in relation to its housing supply is assessed as being out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies of the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted. As a consequence there is a clear expectation that unless material considerations imply otherwise sites that offer an opportunity to deliver housing should be considered favourably.

7.2.2 The Core Strategy sought to adopt a strategy of urban concentration with limited housing growth directed to selected rural areas (policies SC2 and SC3). This approach was to ensure proposals were as sustainable as possible, in particular the sites were convenient to walk, cycle and travel by public transport between homes, workplaces, school and community facilities/services. The Development Management DPD creates greater opportunities for growth in the rural areas through the inclusion of a number of additional rural settlements where housing could be supported. Policy DM42 identifies Arkholme as a settlement where the Council would support new housing. However it also advises that new residential development on non-allocated sites (such as this one) must:

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

7.2.3 The site is not an allocated site and has not been considered as part of the Strategic Housing Land Availability Assessment (SHLAA, 2015). The site is located in designated 'Countryside Area' divorced from the built-up part of the village separated by a large area of green open space occupying the village hall and football pitch. The site is located off a country road subject to the national speed limit (60mph) with no footways or lighting.

7.2.4 Whilst the Local Plan proposals map does not include village boundaries, it is clear that the settlement of Arkholme is built-up around a single street (Main Street) that runs up from the River Lune to the crossroads with the B6254 where there is a cluster of development including the school around that junction. The village has a strong linear settlement plan form which is acknowledged in the Conservation Area Appraisal and in fact at paragraph 3.1, the appraisal clearly states that the Conservation Area covers the whole of the village. The conservation area boundary does not include the application site or the adjacent village hall and recreational grounds, though clearly the village hall and recreational grounds relate to the village and serve the local community.

7.2.5 The applicant contends that the village hall and recreation field form part of the village fabric and that because the land between the site and the settlement is not in agricultural use (it is a sports field), that the proposal provides an infilling at the northern side of the settlement. This argument is based on a group of three residential properties (one associated with a farming enterprise) to the north of the site (Thoneycroft, Thorneys and New Croft). This small cluster of residential development to the north of the application site relates to a sporadic cluster of isolated dwellings, which is not uncommon in the countryside. These dwellings do not form part of the built-up part of the village any more than the application site. To argue the proposal represents infill development within the settlement is ill-conceived. Despite lying adjacent to existing recreational green space, the proposed site relates to an agricultural field some 170m from the edge of the built-up area of the village, accessed off an unlit 60mph road with no footways. The site is both visually and physically unrelated and poorly integrated with the existing settlement, and therefore fails the first test of Policy DM42.

7.2.6 With regards to housing needs, the pre-amble to Policy DM42 states that the Council will support proposals for new housing in rural settlements that have good access to an appropriate range of services that contribute to the vitality of these settlements. The level of services and access to public transport within the village has diminished over recent years. The village now has a school, village hall, church and public house with post office services operating from the village hall 4 hours per week. Contrary to the assertions in the planning submission, there are no public bus services (except the school bus) serving the village. There are no healthcare services, though this is not

uncommon nowadays in smaller rural settlements, and no local shop. As such it is unreasonable to suggest the village is not quite as sustainable as previously considered. Notwithstanding this, it remains a village identified in Policy DM42 where housing could be supported in principle (where it meets the general policy requirements of Policy DM42 which is not the case here).

- 7.2.7 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 in 'other rural settlements' (Arkholme is included in this classification) the identified need for market and affordable housing is predominately 4+ bedrooms and some 3 bedrooms properties. Since the adoption of the Meeting Housing Needs SPD in 2013 there have been significant welfare reforms which have increased the priority of smaller properties in the affordable sector. The proposal is in outline so the size of units are not for determination at this stage, though the indicative submission documents appear to conform to the market housing need requirements set out in the SPD. In terms of affordable housing provision, given the scheme is for more than 10 dwelling units on a greenfield site, upto 40% affordable housing on site should be provided in accordance Policy DM41. The applicant has indicated 5 of the 12 units would be affordable which complies with our policy, however, the size of the affordable housing units would need to include a mix of 2-bedroom and 3-bedroom properties. This could be incorporated into a legal agreement in the event the application was considered acceptable.
- 7.2.8 There has been significant local opposition to the scheme with one of the key areas of concern relating to the housing needs of the village, particularly given the recent approval of other recent housing sites in Arkholme and the apparent low demand/pace of sales. There is no evidence within the submission addressing specific housing needs for Arkholme, however, it is acknowledged that for sites located within the identified rural settlements, there would be no requirement to evidence a housing need.
- 7.2.9 The second policy test in Policy DM42 requires proposals to be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated. Objectors have stated that the village has increased by 67% since 2006 (including consented schemes) and that a further proposal for housing would lead to inappropriate and disproportionate growth in the village. Arkholme has been subject to a number of planning proposals over recent years. The most notable schemes are those that have been implemented at The Herb Gardens and The Shielings. In this case, a proposal for a further 12 units in the village would not in isolation be regarded disproportionate especially given Arkholme is a recognised rural settlement in the Development Plan. However, unlike the recent approvals for residential development in the village, this site is not well-related to the existing built form and for this reason, the proposal is not considered to be proportionate to the character of the settlement and is therefore unacceptable. This recommendation is consistent with the pre-application advice offered to the applicant.
- 7.3 Landscape and visual amenity considerations
- 7.3.1 The site is located within the Countryside Area where proposals should be in scale and keeping with the character and natural beauty of the landscape (policy E4). Whilst the site is not located within a nationally designated landscape, development proposals should still respond to the local character of an area and should recognise the intrinsic character and beauty of the countryside. The application site is located within the 13c Docker-Kellet- Lancaster Landscape Character Area (LCA) on the periphery of a Drumlin Field Landscape Character Type (LCT). Land to the southeast crosses into the adjacent Valley Floodplain LCT. The landscape is reflective of these two LCTs, encompassing an undulating landscape, especially to the west of the site, with the land levels dropping to the east towards the valley floodplains, intersected by field boundaries, natural drainage ditches and pockets of woodland.
- 7.3.2 The land levels drop from an elevation of approximately 38m AOD to 31m AOD between the north western boundary and the south eastern boundary of the site. The site levels fall steeply for the first 15m into the site then the levels fall more gradually. Whilst the proposal is in outline form, given the topography of the site regard has to be paid to how the site can achieve the number of dwellings proposed and the associated access and infrastructure. What is clear from the illustrative plans is that housing on the proposed site would not lead to a housing scheme that is reflective of the design and character of the village. Any proposal on this site would result in an inward facing cul-de-sac primarily as a consequence of the site levels and access arrangements. Contrary to the

submission documents the proposed dwellings would not respond to the linear character of the village, dwellings would be positioned on much lower land with terraced gardens and rear fences backing the B6254. Alternative layouts to avoid this poor relationship to the existing character of the village would be difficult to achieve without significant changes to existing land levels, which too could lead to an incongruous form of development and visual harm. To further exacerbate concerns in relation to the landscape and visual impacts, there are concerns about the ability for the roadside hedgerow to be retained given the visibility splay requirements and the site topography. It is not clear in the submission that the visibility splay to the north can be achieved with the existing hedgerow retained. It is equally not clear that the hedgerow could be translocated or replanted behind the visibility splay because of the drop in land levels.

7.3.3 The Conservation Area Appraisal recognises that the linear settlement plan of Arkholme has not been significantly altered since the survey of the 1845 Ordnance Survey Map and that this settlement pattern positively contributes to the understanding of the historic development of the Lune Valley and therefore should be preserved. The Appraisal notes that some modern development has responded to local distinctiveness and that despite more contemporary plan form arrangements, these developments have been evenly dispersed within the linear arrangement of the village. The development of the application site would not respect of the distinct architectural and historic plan form of the village, primarily because of the sites divorced location from the built-up part of the village. The development would not be considered in keeping with the character of the rural area and would fail to positively reflect and enhance the positive characteristics of its surroundings. It would subsequently lead to an inappropriate and unsympathetic encroachment of the countryside. As a consequence the proposal would be detrimental to the character and visual amenity of the area. On this basis, the proposal would be contrary to saved policy E4, Core Strategy policies SC1, SC5 and E1, DM DPD policies DM28, DM35 and DM42 and the Core Principles and design section of the NPPF.

7.4 Highway and Pedestrian Connectivity considerations

7.4.1 The application proposes a single access point off the B6524 at the point where the road is subject to the national speed limit (60mph), is unlit and has no footway provision. The application has been amended and supported by a highway technical note to evidence that the proposed access is appropriate and safe to serve the development. This has been supported by a traffic speed survey to inform the required visibility splays. The 85% percentile speed northbound and southbound were under 30mph in both wet and dry weather conditions which have informed visibility requirements of 2.4m x 39.3m (southbound) and 2.4m x 26.9m (northbound). For additional comfort, the applicant proposes 2.4m x 43m visibility splays in both directions.

7.4.2 The proposed access will involve the closing off of the existing two field access points and the provision of a new access. The visibility splay towards Arkholme village is included in the red edge but is on land outside the applicant's control. Whilst Notice has been served on the relevant land owner the protection of the visibility splay will rely on appropriate management of the roadside hedgerow by a third party. There is no evidence forming part of the submission that the protection and maintenance of the visibility splay towards the village would be secured. The visibility splay requirements north of the access will involve some removal or setting back of the hedgerow. There is contradictory information provided within the submission as the tree protection plan includes the retention and protection of the roadside hedgerow in its entirety. Whilst setting the hedgerow back behind the required splay may be a one approach to achieve the visibility splay – though this could lead to further visual harm - the success of any replanting or translocation of hedgerow is questionable given the drop in levels immediately behind the existing hedgerow. Failure to secure an appropriate roadside hedgerow would lead to further adverse impacts to the visual amenity and rural character of the area. There are no certainties within the submission that the proposed access and associated visibility splays can be achieved and maintained. Subsequently, it is not possible to conclude that a safe and suitable access can be provided to serve the development or that the provision of a safe and suitable access would not have further visual and landscape impacts.

7.4.3 County Highways, as the Highways Authority, have objected to the proposal given the unsustainability of the site; absence of public transport, and concerns regarding access and the ability to achieve visibility splays. Additionally there are concerns regarding the robustness of the traffic speed surveys to inform the visibility splays and the ability to provide suitable pedestrian connectivity between the site and the village services/amenities.

- 7.4.4 With regard to the traffic speed surveys, the concerns relate to the methodology for undertaking the surveys (the dates were not considered neutral days for collecting data due to half term) and the robustness of the results, which have then informed the required visibility splays. Additionally the access arrangements and carriageway geometry are unacceptable due to the inability to provide the visibility splays (as the sightline towards the village crosses third party land and the carriageway width is below the recommended 5.5m). The carriageway at the access drops to 4m very quickly which is likely to lead to highway safety concerns. The issues over the carriageway width are not insurmountable and could be resolved. But the issues over control, protection and management of the visibility splay are more problematic. The inability to provide appropriate sightlines (informed by robust traffic speed surveys given the national speed limit currently enjoyed in the vicinity of the proposed access) would result in inappropriate access which would be detrimental to highway safety.
- 7.4.5 The suggested pedestrian link from the site to the village hall is now included in the red edge, although no details have been provided to reassure officers that this link is genuinely achievable given it is on third party land. The developer has served Notice on the landowners but have had no prior engagement with them to discuss the prospects of delivering and maintaining the proposed pedestrian link. The provision of a safe pedestrian route between the site and the village amenities/services is considered an essential requirement of any proposal on this site. Without the provision of a pedestrian footway/route from the site towards the village hall, future residents of the development would be required to walk along an unlit length of rural carriageway which enjoys the national speed limit. This would be detrimental to highway safety and would not be conducive to good design and safe and accessible development proposals.
- 7.4.6 National Planning Practice Guidance makes it clear that conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the condition tests of reasonableness and enforceability. In such cases it may be possible to achieve a similar result using a condition worded in a negative form. Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. The applicant's suggested pedestrian village link comes with no guarantees it is achievable or deliverable at this stage. Nor does the application provide any details in relation to the long term maintenance of the suggested footpath link. The Village Hall (as the land owner where the link is proposed) have been consulted on the application but to date have not provided any comments to the local planning authority.
- 7.4.7 The red edge includes a pedestrian link to the existing public right of way to the east of the site. This is on land outside the applicant's control too. Notice has been served on this third party landowner previously (before the footpath links were included in the red edge) as the main development site is partly owned by the applicant and partly owned by this third party landowner. Officers have been informed that this landowner is aware of the application and no objections have been received from them in light of their Notice. This footpath link would enhance access to the open countryside for recreational purposes in the interests of public health and wellbeing. Whilst it is supported in principle the failure to provide this link would not make the development unacceptable. The PROW Officer has confirmed that that any links to the existing footpath should be dedicated to the public in perpetuity under the Highway Act, although whether the applicant is capable of delivering this due to ownership constraints has been questioned. The provision of a field access track (details to be agreed at a later date, which should be a simple gravel track with central grass verge) is required to ensure the agricultural land to the east of the site is accessible for the purposes of maintaining the pasture land. A condition would be imposed to secure this access track in the event the application was considered favourable. The Highway Authority have also provided comments in relation to the internal layout and parking provision. These are matters which in the event of an approval would be dealt with at the reserved matters stage.
- 7.4.8 Overall, as matters stand, the applicant has failed to provide a safe and suitable vehicular access to serve the development and has provided no reassurances safe and suitable pedestrian connectivity can be provided from the site towards the village. The proposal is considered contrary to paragraphs 7, 17, 32 and 58 of the NPPF, Core Strategy policies SC1 and E2 and policies DM20, DM21 and DM35 of the DM DPD.

7.5 Residential Amenity

7.5.1 As noted previously, the site is isolated from the main built-up part of the village therefore the impact of the proposal on neighbouring residential amenity is unlikely to be problematic – as there are few neighbouring properties affected. Given the topography of the site and its surroundings, the only existing neighbouring property likely to be affected directly is Thorneycroft. The properties known as Thorneys and New Croft are positioned on the other side of the B6254 and are elevated above the site. Whilst their view may change the development would be located sufficient distance from the site and on much lower ground. In these circumstances, these residential amenities of these two properties would not be adversely affected. In the case of adjacent dwelling, Thorneycroft, the development (at the reserved matters stage) would be capable of achieving an adequate layout which would meet the minimum recommended interface distances to ensure their residential amenity is not adversely affected. Furthermore, the heights of dwellings (scale) and positioning of windows (appearance) could also be appropriately designed to prevent undue overlooking, overbearing impacts or loss of privacy. The submitted Arboricultural Implications Assessment proposes the protection of the existing tree/hedgerow boundary between the site and this neighbouring property, which is welcomed in the interests of both residential amenity and the visual amenity of the area.

7.5.2 At the reserved matters stage the proposed development should be capable of achieving the recommended residential amenity standards for the new dwellings as set out in Policy DM35. Overall there are no grounds at this outline stage for objecting to the proposal in relation to residential amenity.

7.6 Ecology

7.6.1 National and local planning policy seek to ensure new development proposals contribute to conserving and enhancing the natural environment including biodiversity. Policy DM27 of the DM DPD clearly states that the onus will be on the applicant to demonstrate how impacts on biodiversity have been minimised and that appropriated survey effort and assessment has been undertaken. An ecology appraisal has now been provided which concludes no notable or protected species were recorded on the site, although there was evidence of bat activity (not for roosting). The appraisal reports that the large oak tree on the south-west boundary has high potential to be used by roosting bats and that the hedges and trees on site are likely to be used by feeding and nesting birds.

7.6.2 The ecological appraisal concludes that with appropriate mitigation including the retention of existing hedgerows and trees; the provision of additional landscaping; the provision of roosting opportunities for bats, and; precautionary measures during construction that the development would not adversely affect the biodiversity of the site and/or protected species. The Council's ecology consultant has considered the appraisal and public representations submitted concerning the sightings of protected species. As a consequence, the Council's ecologist recommends the application is deferred or refused due to insufficient survey effort to establish the use of the site by protected badgers and otters, which would in turn inform appropriate mitigation. In the absence of additional information to assess the potential use of the site by these protected species, the local planning authority cannot rule out potential adverse effects or in deed a breach of the Habitat Regulations. The Council have a statutory duty in relation to assessing the implications of development proposals on the conservation status of protected species under European legislation. Guidance states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by proposed development, must be established before the planning permission is granted. On this basis, the local planning authority would not be able to fulfil its statutory obligations. As a consequence, the application does not demonstrate that biodiversity of the site would be conserved or enhanced and would be contrary to the NPPF (paragraphs 7, 17, 109 and 118), policies SC1 and E1 of the Core Strategy and policy DM27 and DM35 of the DM DPD.

7.7 Flood Risk and Drainage

7.7.1 The application site is located in flood zone 1. The site area is under 1 hectare therefore there is no requirement for a Flood Risk Assessment. The application has submitted a Utilities Statement that indicates that surface water from the site naturally disperses to lower ground to the east away from the site. Officers sought additional information in respect of surface water drainage. A drainage strategy has now been provided which confirms that due to ground conditions are not conducive to infiltration techniques and that soakaways on site would not be viable. This strategy

confirms that the existing site naturally drains through a combination of 150mm culverted pipes and natural ditches before is discharge to the River Lune some 500m from the development site. The application indicates that the proposed surface water runoff from the development would be attenuated to greenfield runoff rates and discharged to the existing ditch within the site to then connect to the existing watercourse. There have been a number of public concerns raised in respect of surface water flooding and whether the existing drainage network could deal with the impacts of the development. Policy DM39 requires proposals for new development to demonstrate that there is no increase in on-site or off-site surface water run-off rates after completion – in other words the site is capable of being drained without causing a flood risk. Paragraph 103 of the NPPF also requires local planning authority's when determining planning applications, to ensure flood risk is not increased elsewhere.

- 7.7.2 The Lead Local Flood Authority (LLFA) is a statutory consultee responsible for assessing sustainable drainage systems and local flood risk associated with major planning proposals. They have objected to the application on the grounds that the applicant has failed to provide sufficient information to evidence that the existing system (a series of drainage ditches/pipework leading to the River Lune) is suitable and adequate to accommodate additional surface water discharged from the development without increasing the flood risk. Technically speaking, there should not be additional discharge if the drainage scheme is designed to the greenfield rate. The key issue is knowing that the site can accommodate the necessary attenuation of surface water to control the greenfield rate. The LLFA also indicate that details of the attenuation capacity requirements should be provided including how and where it could be incorporated into the development. Attenuation of surface water on site can affect the ability of a site to accommodate the level of development proposed. The LLFA have also raised concerns about the discharge point and its connection to the existing 150mm drainage system on the basis that this system could be a private system and that if installed as a field drain originally it may not cope with the implications of a steady flow of surface water discharge from the site. More information to clarify how and where the surface water is to be dealt with and discharged is required. In the absence of this information, the local planning authority cannot make an informed decision that the site is capable of being drained without causing a flood risk on site or elsewhere.
- 7.7.3 With regards to foul drainage, the applicant's Utilities Statement advises that the foul water will discharge into the existing main sewer currently serving Arkholme and surrounding dwellings. This is an inaccurate statement as there are no public sewers serving the village. The amended plan now includes an indicative location for a package treatment plant along with the specification for a proposed biodisk treatment plant. This will require discharge to the watercourse and is regulated under an Environmental Permitting regime governed by the Environment Agency. The Environment Agency have raised no objections to the proposed development or the principle of a package treatment plant on site.

8.0 **Planning Obligations**

- 8.1 The County Council as the education authority has sought an education contribution of £40,607.18 towards the provision of 2 secondary school place at Carnforth High School (the nearest Lancashire County High School to the site (5.3 miles away). There is no contribution sought towards the provision of primary school places. Officers consider that it is essential that development coming forward makes provision for essential community infrastructure; and education would fall within this. With the growth in housing numbers that the District will experience over the plan period it is essential that there are sufficient school spaces to accommodate the additional pupils that the development is likely to yield. However, a request can only be sought where they are necessary to make the development acceptable in planning terms, related to the development and fair and reasonable in scale and kind in accordance with paragraph 204 of the NPPF. It is considered that the request does not meet these requirements as the nearest secondary school is in Kirkby Lonsdale (outside Lancashire) and that the only school bus service running via the village is the service to QES in Kirkby Lonsdale and not Carnforth. Subsequently, the contribution sought by Lancashire County Council would be unlikely to be spent on the school that is most likely to serve the development's needs. Subsequently, Officers have not pursued this request.
- 8.2 The application proposes 40% affordable housing on the site to be secured by a legal agreement. In the event that planning permission was favourably considered the applicant would need to enter

into a legal agreement to secure 40% affordable housing on site based on a 50:50 rented: intermediate split as per the Council's affordable housing policy.

- 8.3 With regards to public open space requirements, the Public Realm Officer has indicated approximately 252sq.m of amenity space would be required on-site and that an off-site contribution to the sum of £44,802 would be required. The off-site contribution would be towards improvements to the outdoor sports facilities in the village (football facilities) and the provisions of children's play and young persons' play. The application indicatively shows a potential play area located outside the application site on land associated with the Village Hall. This land is not owned by the Parish Council but is owned by the Village Hall trustees. There is no information within the application to suggest the Village Hall would want a play area on their land and if they would maintain it in the long term. Notwithstanding this, the village lacks such facilities for the wider public. Currently, the school play equipment can be used by the wider public but outside school times only. A contribution to provide such facilities and improvements to the football pitch is supported in principle. In the event of an approval, the final off-site contribution should be calculated at the reserved matters stage, as the methodology for the contribution is based on bedroom numbers. Amenity space on site should be delivered in the interest of good design. The size of amenity space should be proportionate to the development and is capable of being addressed at the reserved matters stage. It is anticipated this would involve the replacement of a couple of the large units indicatively shown on the proposed plan with smaller units to provide the additional amenity space. The provision of the smaller units would be consistent with our advice to meet the affordable housing needs in any case.

9.0 Conclusions

- 9.1 The NPPF states that there are three dimensions to sustainable development (economic, social and environmental roles) and that these roles should not be taken in isolation as they are mutually dependent. Subsequently in order to achieve sustainable development economic, environmental and social roles should be sought jointly and simultaneously through the planning system.
- 9.2 It is understood that the presumption in favour of sustainable development is engaged (paragraph 49 and 14 of the NPPF) as the proposal relates to housing development and the Council cannot demonstrate a 5 year housing land supply. For decision-taking this 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 planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted.

The report above sets out the main issues and the associated impacts of the proposal. Overall it is contended that the divorced position of the application site away from the built-up part of the village within the countryside area; the lack of appropriate pedestrian connectivity; the unacceptable access arrangement; the failure to address ecology implications fully leading to potential adverse impacts on protected species and biodiversity; and the lack of information to demonstrate the site can sustainability drain without causing an increased flood risk, would not fulfil the mutually dependent roles of sustainable development. As a consequence, these identified adverse impacts would combine to significantly and demonstrably outweigh the benefits of delivering 12 houses in this location. On this basis Members are advised that the proposal does not represent sustainable development and should be refused.

Recommendation

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

1. The proposed development, by virtue of the sites divorced location away from the existing built-up part of Arkholme village, the site topography, the potential loss of roadside hedgerow to provide the vehicular access and the lack of appropriate, safe and achievable pedestrian connections towards the village, would not represent a sustainable or suitable extension to the village. As a consequence, the proposal fails to appropriately integrate with the natural and built environment and would result in an unacceptable encroachment of the open and rural countryside to the detriment of the visual amenities of the area and the intrinsic character of the rural landscape and settlement. As a consequence the proposal is considered contrary to saved policy E4 of the Lancaster District Local

Plan, policies SC1, SC5 and E1 of the Core Strategy, policies DM20, DM28, DM35 and DM42 and the Development Management Development Plan Document and paragraphs 7, 17 and Section 7 of the National Planning Policy Framework.

2. The proposal fails to demonstrate that a safe and suitable vehicular access can be provided to serve the development or that a convenient and safe pedestrian route between the site and the existing built-up part of the village and its services can be secured and maintained in the long term. As a consequence the proposed development would be considered detrimental to highway safety contrary to paragraphs 7, 17, 32 and 58 of the NPPF, Core Strategy policies SC1 and E2 and policies DM20, DM21, DM35 and DM42 of the DM Development Plan Document.
3. The application has failed to provide sufficient information to assess and consider the impacts of the proposal on protected species. Subsequently, it cannot be demonstrated that the proposal is capable of meeting the national and local planning requirements to conserve and enhance biodiversity. The proposal would be contrary to paragraphs 7, 17, 109 and 118 and the National Planning Policy Framework, policies SC1 and E1 of the Core Strategy and policy DM27 and DM35 of the Development Management Development Plan Document.
4. Insufficient information has been submitted to demonstrate that site can drain sustainably and would not lead to an increased flood risk on site or elsewhere. As a consequence, the proposal is considered contrary to paragraph 17 and 103 of the National Planning Policy Framework, Core Strategy policy SC1 and policies DM35 and DM39 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 Notice and that of the pre-application Advice. 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 9 January 2016 | Application Number 16/01373/FUL |
| Application Site Land to the rear of Dragons Head Hotel Main Street Whittington Carnforth | Proposal Demolition of outbuildings, conversion of barn to dwelling, erection of 3 dwellings with associated landscaping, parking and alterations to the existing access | |
| Name of Applicant Mr Simon Nutter | Name of Agent Mr Andrew Tait | |
| Decision Target Date Extension of time agreed until 13 January 2017 | Reason For Delay Committee Cycle | |
| Case Officer | Mrs Eleanor Fawcett | |
| Departure | No | |
| Summary of Recommendation | Refusal | |

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Peter Williamson for the application to be reported to the Planning Committee. The reasons for the request relates to: the proximity to recently approved dwellings; the access has been used for many years by the public house; and issues raised by the Authority in relation to design.

1.0 The Site and its Surroundings

- 1.1 The site is located within the small settlement of Whittington, which is located towards the north east of the District. It relates to land associated with the Dragon's Head Hotel, comprising a large area of hardstanding, a grassed area, an outbuilding, beer garden, and a detached barn. Part of the site appears to have been previously used as a Caravan Club Certified Site, but it is likely that this use ceased in 2015. There are a number of mature trees along the site boundaries and the land slopes significantly downwards towards the rear of the site (east), and rises again beyond the site boundaries.
- 1.2 Part of the site is located within the Conservation Area and there are some Grade II Listed Buildings Located approximately 25 metres to the south west and 60 metres to the north west. It is within the Countryside Area, as identified of the Local Plan Proposals Map. Part of the land to the east, outside the application site boundary is located within Flood Zone 3.

2.0 The Proposal

- 2.1 Planning permission is sought for the demolition of outbuildings at the rear of the public house, with this and some of the adjacent land used as car parking. The barn to the south of the site would be converted to a single dwelling and a terrace of three dwellings is proposed towards the east of the site, with associated gardens and parking. A significant amount of engineering works appear to be required given the changes in levels across the site. This is a resubmission of a previously refused application. The only alterations to the scheme relate to the proposed barn conversion.

3.0 Site History

3.1 A planning application (16/00238/FUL) was submitted earlier in 2016 for a similar proposal to the current application. It was refused for the following reasons:

1. *The site is located within a small rural settlement with very limited services and as such is not considered to be sustainable in terms of its location. It is not considered that a sufficient and robust justification has been put forward to justify four new dwellings in this unsustainable location and it is likely that the proposal could have a detrimental impact on the viability and vitality of the pub business which it proposes to support. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Sections 6 and 8, Policy SC1 of Lancaster District Core Strategy and Policies DM20, DM42 and DM49 of the Development Management Development Plan Document.*
2. *The proposed alterations and extension to the barn do not respect the agricultural character and appearance of the building and would result in an overly domestic appearance. The design and layout of the new dwellings do not relate well to the surrounding built heritage and fail to provide an appropriate level of private amenity space, including in relation to the barn conversion, and will lead to pressure on mature boundary trees. It is therefore considered that the proposal does not represent good design and is 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 DM8, DM31, DM32, DM33, DM35 and DM42 of the Development Management Development Plan Document.*
3. *As a result of increased traffic movements and poor visibility at the site's entrance, the application has failed to demonstrate that it will benefit from a safe access point onto the public highway. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular Section 4, and policies DM20 of the Development Management Development Plan Document.*

3.2 The other relevant site history is set out below.

| Application Number | Proposal | Decision |
|--------------------|---|---------------------------|
| 15/00468/PRETWO | Conversion of the existing public house to a mixed use scheme comprising a public house, shop and self-contained flat, conversion of a barn into a residential dwelling and erection of 18 residential dwellings with associated access road (Pre-application advice) | Unlikely to be acceptable |
| 07/01055/FUL | Erection of retractable canvas awning | Refused |
| 1/80/1368 | Erection of a garage | Approved |
| 1/79/1182 | Use land for siting caravan for occasional summer use | Refused |
| 1/79/1349 | Use land for siting caravan for occasional summer use | Refused |

4.0 Consultation Responses

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

| Consultee | Response |
|----------------------|--|
| Parish Council | Support. |
| County Highways | Object. The proposal will result in an increase in peak hour traffic movements and the development has not demonstrated that it will benefit from a safe access point onto the public highway. |
| Environmental Health | No comments received during the statutory consultation period. |
| Conservation | Raises concerns. The proposed new dwellings which, although propose the use of some sympathetic materials to the conservation area, are not considered appropriate in design, containing conflicting features, and do not relate well to the surrounding built form of Whittington. Improvements have been made to the barn conversion, however there are still concerns about aspects of the fenestration. |

| | |
|---|--|
| Tree Protection Officer | No objection subject to conditions requiring: additional tree planting and development carried out in accordance with the submitted Arboricultural Implications Assessment. Any potential future conflict between occupiers of the proposed dwellings and adjacent trees could be lessened through an alteration in design, in effect to increase the distance between the proposed dwellings and boundary trees. |
| Public Realm Officer | No comments to make. |
| Lancashire Archaeological Advisory Service | No objection. There is only a low probability of remains of a Roman Road being encountered on the site and therefore it is not considered that any formal archaeological intervention is justified. |
| United Utilities | No comments received during the statutory consultation period. |
| Fire Safety Officer | It should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations. |

5.0 Neighbour Representations

5.1 Three pieces of correspondence have been received, two of which raise an objection whilst the third just raises some concerns. These cover the following points:

- Impact on flooding to neighbouring properties;
- Appear to be no improvements to the access to serve the properties;
- No evidence that the works will contribute to the re-opening of the public house and post office;
- Impact on neighbouring property from existing smoking shelter; and,
- Limited need for new properties in village as there are a number for sale.

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 70 – Social, Recreational and Cultural Facilities
 Paragraphs 117 and 118 – Biodiversity
 Paragraphs 131 – 134 and 137 – Designated Heritage Assets
 Paragraph 135 – Non-designated Heritage Assets

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This will enable progress to be made on the preparation of a Local Plan for the Lancaster District. It is envisaged that the public consultation will commence on 27 January 2017 and conclude on 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

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

E4 – Countryside Area

6.5 Development Management Development Plan Document (adopted July 2014)

DM7 – Economic Development in Rural Areas
DM8 – The re-use and Conversion of Rural Buildings
DM20 – Enhancing Accessibility and Transport Linkages
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM31 – Development Affecting Conservation Areas
DM32 – The Setting of Designated Heritage Assets
DM33 – Development Affecting Non-Designated Heritage Assets or Their Settings
DM35 – Key Design Principles
DM40 – Protecting Water Resources and Infrastructure
DM41 – New Residential Development
DM42 - Managing Rural Housing Growth
DM49 – Local Services

6.6 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 the development
- Scale, siting and design and impact on heritage assets
- Impact on residential amenity
- Highway safety and parking provision
- Ecological implications
- Impact on trees
- Contaminated land
- Public Sewer

7.2 Principle of the development

7.2.1 Core Strategy Policy SC1 requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Development Management DPD Policy DM20 sets out that proposals should minimise the need to travel, particularly by private

car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 lists settlements where new housing will be supported and indicates that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits. The application is not located within one of the settlements, the nearest of these being Arkholme, which is approximately 4km, to the south. The settlement of Kirkby Lonsdale, which is outside the District contains a number of services and is located approximately 2.8km to the north.

- 7.2.2 Policy DM42 also goes on to say that proposals for housing in other rural settlements will be supported if it can be demonstrated that the development will enhance or maintain the vitality of the local community and proposals lacking a sufficient justification will be considered under the Rural Exception Sites criteria. Whittington is a small and relatively linear settlement, with development predominantly following the main roads through the village. It has a church and village hall and a public house, which is currently closed. There has previously been a more frequent bus service through the village, however there currently only appears to be one bus service from Kirkby Lonsdale to Whittington, continuing through to Lancaster, which is only on school days. Therefore someone living in this location would be wholly reliant on private transport. There are also currently no shops in the village, although one has been proposed as part of another housing scheme to redevelop a farm complex within the village. The submission sets out that one would be proposed in the re-opened public house, although it does not form part of the current scheme. The site is therefore not in a location where new residential development would usually be supported as it is not considered to be sustainable.
- 7.2.3 The submission explains that the proposal will help to maintain the existing vitality of the local community through the refurbishment and reopening of the Dragon's Head. There have been no details provided with the submission in how it would enable the public house to be reopened (for example the need for and costs of any refurbishment required that the dwellings might contribute towards). It would need to be fully demonstrated through robust evidence that the level of development proposed was required to bring the public house back into use. There are also no assurances that the development would lead to the reopening of the pub and, if anything, it is likely to lead to the business being less viable with the loss of the beer garden. It would normally be expected that this would be maintained, and possibly enhanced, as it would be a key attraction to a rural village pub.
- 7.2.4 The submission sets out that the applicant's expertise in the leisure industry, having owned and managed a number of cafes and licenced facilities, and illustrates that serious intention to bring the pub business back into use. It also states that the proposals clearly include the construction of a car park for the pub and the applicant would accept a condition that the car park is completed prior to the occupation of the houses and that bringing the car park closer to the pub will make it more useable, particularly for disabled customers. A statement has also been provided from the applicant to show how he would run the public house. In addition to setting out that it is the intention to operate a bed and breakfast, this sets out that the sitting-out area would be moved to the front and that he never used the rear garden when he visited the pub many years ago. The plans do not show this, and it is still considered that an enhanced area at the rear would benefit the business and provide an area away from the road, which would be particularly beneficial for families. The application does not give any certainty that the development would lead to the re-opening of the public house, even if the car park is extended, or is required to allow for this.
- 7.2.5 Enabling development could be a strong justification for the four new dwellings, however there is not currently sufficient evidence to support this and the scheme put forward would more likely impact on the ability of the pub to become a thriving business, rather than help it. In addition, within the pre-application advice, it was set out that the need for housing in Whittington should be justified with a robust, well evidenced local housing need assessment. The resubmission refers to the one carried out for a development which was approved in the village earlier in the year at Whittington Farm for 18 houses, although does not go into this in detail. It is not clear that this development would meet an identified housing need, particularly in conjunction with the approved development. This decision has also been referred to by the agent. However, each application must be determined on its own merits. The approved scheme provided some very clear benefits which weighed in favour of the development. These were: the provision of a village shop and tea room within a converted barn; delivery of market and affordable housing; enhancements to the Conservation Area; utilisation of brownfield land and the provision of open space. The main justification for the current proposal, in addition to the provision of housing, is that it will allow the public house to re-open. However, as set out above, this has not been evidenced. Given this and the above, it is not considered that the

proposal currently complies with Policy DM42 of the DM DPD.

7.2.6 Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and local authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include: the essential need for a rural worker to live at or near their place of work in the countryside; where development would represent the optimal viable use of a heritage asset; where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling. Part of the proposal includes the conversion of a barn. This is an attractive building and is located within the Conservation Area. Its retention would therefore be beneficial. The current scheme has included amendments to the design, however it is still considered that some of the changes would have a detrimental impact on the character and appearance of the building. It is considered that this could be resolved through amendments which would likely result in the principle of this aspect being considered acceptable, although there are some other issues which are discussed below. It may be that the conversion of this building will provide the revenue necessary to carry out renovation works to the public house.

7.2.7 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 within rural locations. In addition the NPPF is very clear that there are three dimensions to sustainable development which are economic, social and environmental. Although the proposal could meet the economic and social roles by allowing the public house to re-open, the submission does not demonstrate that the development is required to do this or that the money from this would be used to renovate the building and support the business. The proposal would also fail to meet a social role by locating housing where occupiers would be wholly reliant on private transport to reach services. It could also be argued that once someone is travelling to work or to take children to school, they are more likely to use services, particularly larger shops, in these locations rather than support small facilities within the village. It is not therefore considered that a lack of a five year housing land supply justifies four new dwellings in this location, which lacks sufficient services, with occupiers wholly reliant on private transport. The justification put forward is not considered to be sufficient or robust enough to outweigh the adverse impacts.

7.3 Scale, siting ,design and impact on heritage assets

7.3.1 Whittington Conservation Area was designated in 1981 for its retention of late-17th to 19th century vernacular buildings. The Dragon's Head Hotel is a late 19th century infill to the Whittington settlement, however it responds well to the surrounding vernacular appearance of the area. The barn, located behind The Old Post Office, is shown on the 1890 Ordnance Survey map. The submission sets out that the Dragon's Head was originally built as a dwelling for a Hutton Roof quarry owner and the barn was constructed as a stables. The outbuildings (proposed to be demolished) and the barn to be converted are located within the conservation area. The proposed dwellings are immediately on the boundary of the conservation area.

7.3.2 It is not considered that the demolition of the outbuilding would have a significant impact on the character and appearance of the existing building or the Conservation Area. The proposal would increase the amount of hardstanding, and surfacing treatments would need to be appropriate. The scheme for the barn conversion utilises the existing openings but also proposes two additional window openings and three rooflights in the front elevation, a replacement door opening and an additional window opening in the side (east) elevation and two new narrow windows and two rooflights in the rear elevation. The proposed rooflights were not shown on the elevation plans for the previous scheme, although they appear to have been on the floor plans. As such, the current proposal actually increases the number of openings in the front elevation, adding to the domestic appearance that the scheme will introduce. The treatment of the larger opening has not been amended and is still considered to be overly-domestic. It would help retain the character of the building if the sliding barn door was retained as a feature, with the smaller window removed which creates an awkward relationship with the recessed stone where the larger timber door would be. The submission says that it is proposed to be retained, however the plans do not reflect this. The openings have been reduced in the east elevation and an extension removed, which is considered to be an improvement from the previous scheme. However, the position of the new door and window opening does appear awkward in relation to the retained larger door opening. Overall, it is

considered that the proposals would harm the character and appearance of the building, introducing overly domestic elements. However, it is considered that amendments could be made to make this acceptable.

- 7.3.3 The three dwellings are proposed to the east of the site, at a much lower level than the highway. Two large retaining structures are required above and below the dwellings, given the significant changes in levels. The land rises beyond the site, and the development is therefore relatively well contained within the landscape. However, there are still significant concerns regarding the design. The front elevations lack a strong frontage, having timber lean-to porches. The windows are also square in appearance. The dwellings are proposed to be two-storey at the front and three-storey at the rear. Three projecting glazed gables are proposed on the rear elevation. It is not considered that the design of the dwellings relate well to the surrounding built heritage of the village. The location of the buildings also does not correspond well to the general linear nature of the settlement although there are some situations where there are dwellings to the rear of the main built frontage, such as the opposite development, The Maltings.
- 7.3.4 The layout is considered to be poor in terms of the location of parking for the public house in relation to the converted barn and the deficiencies in private amenity space. There is very private amenity space shown in relation to the barn conversion which is considered to be unacceptable. At the side there is a very small paved area providing access to two adjacent parking spaces. At the front a small paved area is proposed but it does not appear that this would be enclosed and also lies next to parking to serve the public house, which would be 3.3m from the front wall of the building. Given its location and the character of the building, it is unlikely that a high boundary treatment to enclose this area would be considered acceptable. The three detached dwellings also have relatively open front gardens, likely to be overlooked from the car park area at a higher level, but also from each garden area. At the rear, the garden areas are very limited with one only having around 14 sq.m. One is much larger, but it is not clear if this is affected by the sloping land and would be overshadowed by adjacent mature trees. The submission sets out that drawings have been provided to show how the dwellings meet the Council's standards in relation to amenity space. However, this also includes areas that are overlooked by neighbouring properties, heavily overshadowed by trees and are parking spaces. It appears that the concerns have been misunderstood and that by private amenity space, the agent has understood this to mean privately owned rather than not overlooked. The guidance supporting Policy DM35 sets out that new houses should look to ensure at least 50 sq.m of useable garden space which is not directly overlooked by neighbouring properties. Overall it is not considered that the scheme provides an acceptable level of private amenity space for future occupiers and is a poor aspect of the overall layout and design of the scheme.
- 7.3.5 The Lancashire Archaeological Service have advised that the Historic Environment Record shows a potential Roman Road line crossing the site. This is the northern end of a road from Lancaster that is only seen fleetingly along the north side of the Lune valley and is thought to be heading to a junction with the Roman road leading from the fort at Over Burrow northeast towards the fort at Watercrock near Kendal. The first part of the Over Burrow – Watercrock route is reasonably certain, and is thought to pass approximately 200m to the north of the development site. The route of the road from Lancaster however is poorly understood and there is only a low probability of remains being encountered on the development site. It has been advised that this low probability means that it is not considered that any formal archaeological intervention is justified.

7.4 Impact on residential amenity

- 7.4.1 The three dwellings at the rear of the site have the main windows in the front and rear walls, with none serving habitable room windows in the side wall. The adjacent residential development fronts the highway, however, they appear to have long rear gardens extending at least until the eastern end of the application site. Given the siting and design, it is not considered that this part of the proposal will have a detrimental impact on residential amenity.
- 7.4.2 The barn shares boundaries with adjacent residential properties. There are no windows proposed to the west elevation, facing the rear of properties fronting onto the highway. There are three facing the garden of a neighbouring property, in the south elevation, one of which appears to be existing, with one previously infilled. However, these could be fitted with obscure glazing which would prevent overlooking. This was shown on the plans for the previous application, but has not been indicated on the current plans. The plans have also introduced roof lights, which were not shown on the elevations for the previous application. There are concerns that the higher level roof light at the rear

would result in overlooking to the rear gardens of the adjacent properties as the bottom of this would be 1.5m above the floor level. If repositioned slightly higher and installed as a fixed light then it may overcome these concerns.

7.5 Highway safety and parking provision

7.5.1 County Highways advise that the proposal will increase traffic movements at the site access during the peak hours and the current layout offers a substandard visibility to the left (south) on exit. The submitted documents put forward various scenarios to improve visibility if the speed limit is reduced to 20mph and the carriageway narrowed to bring forward the give way line. In respect of the former, it has been confirmed by the Highways Authority, that there is no intention to introduce a 20 mph speed limit in Whittington as it is unlikely that the relevant criteria will be met. The other option was to bring forward the give-way line by marking an edge of carriageway line along the frontage of the site. Notwithstanding the fact that the narrowing would need to be kerbed along the length, this approach would not be acceptable as it would introduce a reduced carriageway width in a village setting on a bend and opposite an existing junction (The Maltings).

7.5.2 The submission refers to the historic use of the land to the rear of the pub for camping and caravans but there is no evidence provided to substantiate this or provide an indication of the level of traffic generation associated with this usage. From carrying out research, there is no planning consent relating to these uses, however it appears that the site may have been a Caravan Club exemption site for five vans. The inclusion of family housing would increase movements to and from the site in the peak periods raising concerns regarding the poor visibility at the site entrance. The agent has set out that the applicant has the agreement of his neighbour to the south to reduce the boundary height. This comprises a low stone wall and a hedge. Even if a Grampian condition was added to ensure this was reduced before work started, a condition requiring it to be maintained at a height of no more than 1 metre would be unenforceable as it is outside the control of the applicant.

7.5.3 In respect of the internal parking layout, the parking spaces reserved for the occupiers of the barn conversion are not considered to be fully accessible. They do not have sufficient space to reverse into or out of the spaces without utilising the adjacent pub parking spaces. In the event of these spaces being occupied then the scenario would be vehicles reversing out onto the highway which would not be acceptable. In response to this, a vehicle manoeuvring plan has been provided to show that vehicles can enter the highway in a forward gear, although it does appear very convoluted. The position of the access to the parking serving the three new dwellings and its width, appears to be restricted with the likelihood of vehicle /vehicle or vehicle pedestrian conflict.

7.5.4 On this basis, the Highways Authority recommend that the application be refused on the grounds that the development has not demonstrated that it will benefit from a safe access point onto the public highway, and that the development will result in an increase in peak hour traffic movements.

7.6 Ecological Impacts

7.6.1 A bat, barn owl and nesting bird survey has been submitted with the application and was carried out in November 2014. This has focussed on the public house and barn to be converted. There are no proposals in relation to the pub, with the exception of the demolition of the outbuildings. There was no past or current evidence of bats roosting found at the site during the survey. The report sets out that the buildings are unlikely to be used by significant numbers of bats for roosting. It is highly unlikely the buildings are essential for species survival and precautionary mitigation is considered to be appropriate. Barn owls are currently considered to be absent and there was no indication of current use of the site by nesting birds. It is not therefore considered that the proposals will have a detrimental impact on bats, barn owls or nesting birds, subject to appropriate mitigation.

7.7 Impact on Trees

7.7.1 An Arboriculture Implications Assessment (AIA) has been submitted. A total of 7 individual trees and 6 groups have been identified in relation to the proposed development. Species include sycamore, cypress, ash, willow, birch, hawthorn, damson, and elder. The majority of trees are confined to boundary lines, many of which occupy offsite locations. Trees within and around the site provide a significant element of greening and site screening. In addition, they are a significant resource for wildlife including the potential to provide habitat and foraging opportunities for protected species. It is proposed that an early-mature sycamore (subject to confirmation of ownership) and a semi-mature

willow are both removed in order to accommodate the proposed development. All other trees are to be retained. There are currently no proposals to remove any other existing trees. However, measures will be required to ensure trees are protected during the proposed development, demolition and construction phases.

7.7.2 The proposals currently encroach into the root protection areas and canopy areas of trees to the northern boundary and also to the south of the site. However, to the north this potential impact is lessened by the presence of pre-existing built up levels. Encroachment issues are further lessened with the use of Cellwebb, and hand dig construction methods which are satisfactory. Similarly, a short section of hard standing exists to the southern side of the site, it is considered that this access road will have constrained rooting from the adjacent trees. A "no dig" approach is proposed for the construction of the occasional visitor car parking area and a Geocell system is proposed which would minimise the potential impact upon tree roots. There is no scope for an alteration in ground level within identified root protection areas.

7.7.3 There is however, likely to be an ongoing conflict with overhanging branches from the neighbouring site trees. It should be noted that future occupiers of the proposed new dwellings would have Common Law Rights to prune back any overhanging branches back to the boundary line. This could result in an adverse impact on the natural shape and balance of trees and result in a loss of amenity and wildlife benefit. As such, the trees have been assessed trees for their suitability for inclusion within a tree preservation order. It is the intention to protect a linear group of trees comprised of 6 ash trees to the northern boundary and a single sycamore tree to the southern boundary with a tree preservation order. In effect the order prohibits the lopping, topping, felling, uprooting, pruning or otherwise damage to any such tree without the written authorisation of the local authority. However, it is still considered that any potential future conflict could be lessened through an alteration in design, in effect to increase the distance between the proposed dwellings and boundary trees.

7.8 Contaminated land

7.8.1 The Contaminated Land Officer previously requested a preliminary risk assessment and further investigation and remediation if necessary. This is appropriate and can be controlled by condition.

7.9 Public Sewer

7.9.1 United Utilities have previously outlined that a sewer crosses the site and an easement of 3 metres would be required either side of this. This appears to have been incorporated into the layout.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The site is located within a location which is considered to be unsustainable. Although the re-opening of the public house would help to maintain the vitality of the settlement, this is not actually provided through the proposal. There is no certainty that the scheme will result in this and it also removes the associated beer garden which could adversely impact on the viability and vitality of the public house. In addition, no evidence has been provided to demonstrate that the development is required to bring the public house back into use and there has been no robust justification put forward as to how the proposal would provide for local housing needs. Part of the scheme does propose the conversion of a traditional building, however it is not considered that it would improve the setting of the building and would likely result in harm to the non-designated heritage asset and potentially the Conservation Area. It is not therefore considered that the benefits of the proposal outweigh the harm. It is noted that a recent scheme for residential units has been granted in Whittington. However, this proposed to replace agricultural buildings and there were other clear benefits of the scheme which outweighed the unsustainable location. In addition to the above, it is not considered that the proposal provides a safe means of access or delivers high quality design.

9.2 Notwithstanding the need to significantly boost the supply of housing (as defined by the NPPF, Section 6, Para 47 in particular), and the fact that housing applications should be considered in the context of the presumption in favour of sustainable development (Para 49), for the reasons set out above it is not considered that the proposal represents sustainable development and the benefits do

not outweigh the harm.

Recommendation

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

1. The site is located within a small rural settlement with very limited services and as such is not considered to be sustainable in terms of its location. It is not considered that a sufficient and robust justification has been put forward to justify four new dwellings in this unsustainable location and it is likely that the proposal could have a detrimental impact on the viability and vitality of the pub business which it proposes to support. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Sections 6 and 8, Policy SC1 of Lancaster District Core Strategy and Policies DM20, DM42 and DM49 of the Development Management Development Plan Document.
2. The proposed alterations to the barn do not respect the character and appearance of the building and would result in an overly domestic appearance. The design and layout of the new dwellings does not relate well to the surrounding built heritage and fails to provide an appropriate level of private amenity space, including in relation to the barn conversion. It is therefore considered that the proposal does not represent good design and is 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 DM8, DM31, DM32, DM33, DM35 and DM42 of the Development Management Development Plan Document.
3. As a result of increased traffic movements and poor visibility at the site's entrance, the application has failed to demonstrate that it will benefit from a safe access point onto the public highway. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular Section 4, and policies 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 that it has taken 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 of the application, the resulting proposal is unacceptable for the reasons prescribed in this report.

Background Papers

None

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|---|---|---|
| Agenda Item A10 | Committee Date 9 January 2016 | Application Number 16/01226/OUT |
| Application Site Land South Of Aldcliffe Hall Lane Lancaster Lancashire | Proposal Outline application for erection of up to 11 dwellings with associated access | |
| Name of Applicant Mr M Mister | Name of Agent Mr Avnish Panchal | |
| Decision Target Date 20 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 This application relates to part of a large agricultural field adjacent to the small settlement of Aldcliffe, which is situated to the south west of Lancaster. The site is located on the southern side of Aldcliffe Hall Lane opposite existing residential development on Oaklands Court and Craiglands Court and is just under 2.3 hectares in area. There is a significant change in levels across the site, rising from around 9m Above Ordnance Datum (AoD), in the north west corner, to approximately 24m AoD in the south east corner. To the east of the site is a public footpath which provides a link between Aldcliffe Hall Road and the Lune Estuary footpath. The boundary between the site and the highway comprises a mixture of stone wall and hedgerow. There is also a group of trees protected by a Tree Preservation Order approximately half way along the site's frontage, in addition to another group of protected trees along the north eastern boundary, close to the public footpath. There is also a hedge along this boundary.
- 1.2 To the north of the site are some detached properties, mainly fronting onto Oaklands and Craiglands Court but also two fronting onto Aldcliffe Hall Lane. These are at a lower level than most of the site. To the east, beyond the public footpath, is a group of detached dwellings on Aldcliffe Mews which has access onto Aldcliffe Hall Lane. To the south and west is the remainder of the field with further agricultural land beyond this up to the Lune Estuary footpath approximately 410 metres to the west and Arna Wood Farm, approximately 600m to the south.
- 1.3 The site is located within the Countryside Area, as identified on the Local Plan Proposals Map. It is also within a Mineral Safeguarding Area. The Lune Estuary is located approximately 440m to the west and is designated as a Site of Special Scientific Interest (SSSI). The Estuary is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. The Lancaster Canal is designated as a Biological Heritage Site (BHS) and is approximately 450m to the east.

2.0 The Proposal

- 2.1 The appeal relates to an outline proposal for the erection of up to 12 dwellings. All matters are reserved with the exception of access which is proposed to be created off Aldcliffe Hall Lane

opposite the existing access onto Oaklands Court. This will involve the removal of part of a stone boundary wall and hedgerow and the creation of a footway to part of the frontage with Aldcliffe Hall Lane.

3.0 Site History

3.1 An outline planning application was submitted in 2014 for the erection of up to 12 dwellings on this site, although the site boundary was slightly larger (14/00626/OUT). It was refused for the following reasons:

1. *In order to achieve adequate visibility at the site's point of access, to create a safe and appropriate means of access and safe refuge for pedestrians, extensive works and hedge removal would be required which would overly-urbanise this stretch of rural road and the locality in general, to the detriment of the existing hamlet and surrounding rural landscape. The proposal is therefore contrary to the aims and objectives of the NPPF, in particular the Core Planning Principles and Sections 7 and 11, saved policy E4 of the Lancaster District Local Plan, policies SC1, SC5 and E1 of the Core Strategy and emerging policies DM28, DM35, DM41 and DM42 of the Development Management Development Plan Document.*
2. *Given the location of the site close to the Lune Estuary Site of Special Scientific Interest and the Morecambe Bay Special Protection Area, there is potential for the development to impact on these designated sites, in particular relation to birds associated with the SPA. There is currently insufficient information to determine whether the likelihood of significant effects on the nearby designated sites can be ruled out and as such the Local Authority is unable to comply with the Habitats Regulations. The proposal is therefore contrary to the NPPF, in particular the Core Planning Principles and Section 11, saved policy E12 of the Lancaster District Local Plan, policies SC1 and E1 of the Core Strategy and emerging policy DM27 of the Development Management Development Plan Document.*
3. *By reason of the site's predominantly elevated position to the south of the existing settlement and the area occupied by the proposal, the development will appear overly-prominent, poorly related to the hamlet, conflicting with the natural grain of the low coastal drumlins and as a consequence will unacceptably encroach on the countryside to the detriment of the character and appearance of the landscape. The proposal is therefore contrary to the NPPF, in particular the Core Principles and Section 11, saved policy E4 of the Lancaster District Local Plan, policies SC1, SC5 and E1 of the Core Strategy and emerging policies DM28, DM35, DM41 and DM42 of the Development Management Development Plan Document.*

3.2 A subsequent appeal was submitted and this was considered through the Informal Hearing procedure. During this, further information was submitted to overcome the second reason for refusal, in relation to the ecologically designated sites. However, the Inspector dismissed the appeal on the other two reasons. It was concluded that: *“the adverse environmental impacts on the character and appearance significantly and demonstrably outweigh the benefits that have been identified including the contribution to housing supply. As such the appeal proposal does not constitute the sustainable development for which there would be a presumption in favour of”.*

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. |
| Tree Protection Officer | No objection subject to conditions requiring: the development to be carried out in accordance with the Arboricultural Implications Assessment and Arboricultural Method Statement; and the submission of a landscaping scheme. |
| Engineering Team | Comments. The post-development runoff rate should be restricted to the Greenfield QBAR rate for all return periods up to and including the 1 in 100 year + 30% allowance for climate change critical storm for the entire site. Wherever possible, post-development drainage should mimic the pre-development regime. |

| | |
|-------------------------------------|---|
| County Highways | No objection subject to conditions requiring: the access to be created to base course before construction commences; and a scheme for off-site highway works (to influence vehicle speeds). |
| County Planning | No comments received during the statutory consultation period. |
| Lead Local Flood Authority | No comments received during the statutory consultation period. |
| Public Rights of Way Officer | No comments received during the statutory consultation period. |
| Natural England | No objection. The proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment |
| RSPB | No comments received during the statutory consultation period. |
| Lancaster Civic Society | Object. Raises concerns about development on greenfield land, lack of public transport, increase in traffic and impact on highway safety. |
| Ramblers Association | No comments received during the statutory consultation period. |
| United Utilities | No objection subject to conditions requiring: foul and surface water to be drained on a separate system; submission of a surface water drainage scheme; and submission of a management and maintenance plan. |
| Electricity North West | Comments. The development could have an impact on Electricity North West's Infrastructure. |
| Lancashire Constabulary | No objections. Suggest security measures be incorporated into the design. |
| Fire Safety Officer | No comments received during the statutory consultation period. |

5.0 Neighbour Representations

5.1 43 items of correspondence have been received, objecting to the application and raise the following concerns:

- Traffic and highway related objections, including: impacts upon cyclists, horse-riders and pedestrians; unsuitable access onto single-track road with no footpaths or passing places; and increase in traffic; capacity of the highway network;
- Sustainability objections, including: no access to services/public transport and detachment from main urban part of Lancaster;
- Landscape and visual impact objections, including: adverse visual impacts due to elevated position, including from the Lune estuary path; impact on landscape character including through major alterations through the terracing of land; urbanisation of the area; loss of important green space; impact on the character and appearance of Aldcliffe including its heritage;
- Residential amenity objections, including: loss of privacy, and increase in noise and disturbance;
- Environmental objections, including: impact on mature trees and hedgerows; impact on wildlife and habitats, including migratory birds; proximity to environmentally-protected sites;
- Flooding, surface water run-off and capacity of sewerage system with land in the area used for disposal of effluent from United Utilities plant;
- Housing supply objections, including: type of housing proposed would not meet a local housing need; site or area is not identified within the current or emerging Local Plan as suitable for housing;
- Other reasons, including maintenance and anti-social behaviour issues caused by the proposed open space area and footpath link; no economic benefits; loss of agricultural land; creation of a precedent for further housing; and that the scheme has not significantly altered from that previously refused and dismissed at appeal.

5.2 9 pieces of correspondence have been received in support of the proposal. They raise the following points:

- Aldcliffe is a desirable place to live and most housing is too expensive for most households;
- There is a demand for housing in the area and in general and the site will provide rural housing close to Lancaster City Centre;
- Plans are sympathetic to the area;
- Will provide improvements to the highway and for pedestrians
- There are amenities and employment within walking or cycling distance

- Will provide more trees which will enhance the landscape and wildlife.

5.3 Correspondence has also been received from Councillors Gina Dowding, Abi Mills and Jon Barry which raise objections to the proposal and set out the following concerns:

- Impact on the character and appearance of the surrounding area and urbanisation of the countryside;
- Impact on trees, hedges and wildlife;
- Increase in traffic and impact on highway safety of drivers, pedestrians and cyclists;
- Unsustainable location with no nearby facilities or amenities; and
- The site is not included in the emerging local plan for housing.

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 109 – Protecting and Enhancing Valued Landscapes
Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This will enable progress to be made on the preparation of a Local Plan for the Lancaster District. It is envisaged that the public consultation will commence on 27 January 2017 and conclude on 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC3 – Rural Communities
SC5 – Achieving Quality in Design

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

E4 – Countryside Area

6.5 Development Management Development Plan Document (adopted July 2014)

DM20 – Enhancing Accessibility and Transport Linkages

DM27 – Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerows and Woodland

DM35 – Key Design Principles

DM41 – New Residential Development

DM42 - Managing Rural Housing Growth

6.6 Other Material Considerations

Joint Lancashire Minerals and Waste Local Plan – Site Allocations and Development Control Policies - Policy M2 – Safeguarding Minerals.

A landscape strategy for Lancashire: Landscape Strategy and Landscape Character Assessment – 2000.

7.0 Comment and Analysis

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

- Principle of development
- Layout and landscape impact
- Impact on residential amenity
- Access and highway impacts
- Impact on Trees
- Ecological Impacts
- Drainage and Flood Risk
- Affordable housing
- Mineral Safeguarding

7.2 Principle of development

7.2.1 Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 sets out settlements where new housing will be supported and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits. Policy DM42 also goes on to say that proposals for housing in other rural settlements will be supported if it can be demonstrated that the development will enhance or maintain the vitality of the local community and proposals lacking a sufficient justification will be considered under the Rural Exception Sites criteria.

7.2.2 The site is located adjacent to the small settlement of Aldcliffe, which does not contain any shops or services and is not identified in Policy DM42. It is outside the settlement boundary of Lancaster, with the nearest part of the identified urban area located approximately 460m to the north east, comprising the Haverbreaks Estate. This is on the opposite side of the canal which provides some visual separation and the access into this estate is located approximately 740m to the north east of the site. The edge of the urban area on the western side of the canal is approximately 690m to the north east of the site (in a straight line). There is a clear distinction between the urban area of Lancaster and the small settlement of Aldcliffe which is separated by fields on the western side of Aldcliffe Road. There are also groups of trees on the eastern side of the canal which provide some screening of the houses on Haverbreaks.

7.2.3 The proximity to Lancaster City Centre must be acknowledged and considered in assessing the sustainability of the site. There are no footpaths along Aldcliffe Hall Lane or Aldcliffe Road between the site and the first house on the edge of the built up area on the western side of Aldcliffe Road. There is access along Aldcliffe Hall Drive, which is close to the site and has footpaths along part of the road with limited use by vehicles beyond this. This provides a route up to the canal towpath on the opposite side of Aldcliffe Road which links to the footpaths on either side of Aldcliffe Road but also continues to the centre of Lancaster. The distance from the site to services in the centre of Lancaster is approximately 2km by road/path. The site does suffer from a lack of public transport, with the nearest bus stop located on the A6 in front of the hospital, approximately 1.9km from the site, and the train station approximately 2.1km from the site.

7.2.4 In terms of general housing need, the 2015 Housing Land Supply Statement illustrates that only 3.4 years of housing supply can be demonstrated, with a persistent undersupply of housing. As such, a 5 year supply of housing land cannot currently be demonstrated. Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and 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 deliverable housing sites. For decision making this means granting planning permission unless:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies of the NPPF; or*
- *Specific policies in the NPPF indicate development should be restricted.*

As a consequence there is a clear expectation that unless material considerations imply otherwise sites that offer opportunity to deliver housing should be considered favourably.

7.2.5 Given the proximity of Aldcliffe to the built it up area of Lancaster, the site cannot be considered to be wholly geographically unsustainable. It is acknowledged that the majority of journeys are likely to take place by car, however, there are opportunities available to walk or cycle to workplaces within the centre of Lancaster or to public transport in the form of the train and bus. In addition, the site is in close proximity to main recreation routes along the River Lune Estuary and the Lancaster Canal. However, although in close proximity, Aldcliffe remains a separate settlement. The proposal does not demonstrate how it enhances or maintains the vitality of the local community. It does not have local support showing positive engagement with the community, or offer solutions to any the issues regarding access to services.

7.2.6 The proposal would provide an important contribution towards housing supply within the District although does not fully address the needs identified. It is adjacent to the existing development within Aldcliffe which has strong links to Lancaster. However, there are concerns with how the site and the proposed development relates to the existing settlement. There are deficiencies in terms of the sustainability of the location, however it is not considered that the principle of development within Aldcliffe can be ruled out, and 6 dwellings have been previously granted consent on another site within the settlement. The location of the development, in terms of its sustainability was not one of the reasons for refusal in relation to the previous application. However, it was one of the issues considered by the Planning Inspector when assessing the appeal. The Inspectorate agreed with the Council's approach when determining the previous application and set out that Aldcliffe would be a sustainable location for the scale of development proposed and, given the lack of a five year supply of deliverable housing land, the NPPFs presumption in favour of development would apply to the appeal proposal. It is therefore considered that the principle of this relatively small scale development is considered acceptable.

7.3 Landscape and Visual Impact

7.3.1 Although the proposal only seeks approval of the access at this stage, an indicative layout has been provided to show how 11 dwellings could be accommodated. This shows 11 dwellings on either side of a single access road through the site. The submission sets out that the revised and reduced scheme has largely been landscape led in order to achieve an acceptable solution. It goes on to say that three of the units at the highest point of the site are now proposed as single storey bungalows to reduce the visual impact and the layout will be similar to that on Oaklands Court to the north. Buildings are proposed to be stepped to accommodate the slope and hedgerows provided around the site boundaries. There appears to be no alterations to the proposed access point which would be opposite Oaklands Court. The main differences between the current and previous application are a slight reduction in the site boundary and the removal of one dwelling.

- 7.3.2 There is a significant change in levels across the site, rising from around 9m Above Ordnance Datum (AoD) in the north west corner, to approximately 23m AoD in the south east corner. It is acknowledged that this change is over a large site, however it does mean that the majority of the dwellings will be at a higher level than the adjacent development to the north and some significantly higher. Although on plan the development may appear to be rounding-off of the existing settlement, given the levels of the land and the nature of the site, which is part of a larger field within a drumlin landscape, it is not considered to be well-related to the existing development. It will appear overly dominant in relation to the existing properties and will appear overly-prominent within the landscape. It will be particularly visible from the adjacent public footpath and would impact on views from the Lune Estuary path. Although only a maximum of 11 houses is proposed, the development will be spread out over a large area which will increase the visibility of the development and its encroachment into the landscape.
- 7.3.3 When considering the previous application during the appeal process, the Planning Inspector set out that: *“the position of the appeal proposal at the rural edge of Aldcliffe on land that is conspicuously elevated in a locally important and distinctive landscape of low coastal drumlins along the Lune Estuary would mean that the appeal proposal would have a significant and demonstrable adverse impact on the wider landscape and the localised character of Aldcliffe Hall Lane. The harm would be experienced from numerous public vantage points within a tranquil estuarine environment which is widely used for recreation purposes including the nearby River Lune Millennium Park Multi-use. Due to the rising landform, which has the characteristics of a drumlin, the harm would not be capable of effective mitigation in the short to medium term. As such the incongruously exposed extension to the pattern of settlement at Aldcliffe would be contrary to the established strategy for managing this distinctive landscape.”* It is not considered that the alterations made to the scheme would overcome the concerns.
- 7.3.4 There are also significant concerns regarding the alteration required in order to create the access to the site. Visibility splays of 31 metres in one direction and 33 in the other are proposed and this would require a significant amount of excavation, given the height of the land above the highway, and the removal of over stone walls and hedgerows. Although it is accepted that there is existing development on the northern side of this highway, the character of the southern side strongly emphasises the rural nature of Aldcliffe Hall Lane and the settlement as a whole. In the appeal decision the Inspector set out that: *“Whilst this would not affect the protected trees to the east and west of the proposed access it would nonetheless remove a significant length of hedge and established stone walling across an approximate 60 metre frontage. The appellant submits that replacement stone wall and hedging would be provided. However the initial impact would be a striking denudation of the verdant qualities on this rural part of Aldcliffe Hall Lane, irrespective of the age or species mix of the hedge lost. Whilst the proposed replacement perimeter hedging and new stone walling would partially offset the harm, it would take time to become established leaving a notable interim period when the full extent of the harmful loss of the existing rural boundary would be experienced. In any event, the proposed planting would not disguise or compensate the scarring effect that would result from the appreciable gouging into the established bank to form a replacement retaining arrangement for the higher land levels of the appeal site. Because the retaining walls and hedging would be set back behind visibility splays and footways, the result would be a particularly urban, highways dominated threshold to the proposed development. This would conspicuously contrast with the established rural character along the southern edge of the lane.”*
- 7.3.5 The Core Planning Principles of the NPPF sets out that planning should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Policy DM28 of the DM DPD sets out that the Council will support development which is in scale and keeping with the landscape character and is appropriate to its surroundings in terms of siting, design, materials, external appearance and landscaping. DM35 sets out that new development should make a positive contribution to the surrounding landscape and it should contribute positively to the identity and character of the area through good design. Policy DM42 sets out general requirements of rural housing and in particular states that proposals should demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape.
- 7.3.6 For the reasons set out, it is considered that the development would appear overly-prominent and impact on the character and appearance of the landscape, conflicting with the natural grain of the

low coastal drumlins which provide some screening to the existing development. It would unacceptably encroach on the countryside to the detriment of its character and appearance. The works required to create the access would urbanise this rural lane, significantly altering the character and appearance of the immediate locality to the detriment of the existing settlement and the surrounding rural landscape. The proposal is therefore considered to be contrary to both local and national policy in relation to landscape and visual impact. It is unlikely that any development on this site could overcome the issues that were clearly outlined during the previous planning application and subsequent appeal.

7.4 Residential Amenity

7.4.1 Given the difference in levels between some of the site and nearby residential properties, there is potential for overlooking. However, given the size of the site, the proposed development could potentially be accommodated without causing a detrimental impact on the amenity of the neighbouring properties.

7.5 Access and Highway Impacts

7.5.1 The application seeks consent for a vehicle access onto Aldcliffe Hall Lane, opposite the access onto Oaklands Court. Approximately 15m to the west of the proposed access is a sharp bend which restricts visibility. The road is subject to a speed limit of 30mph and, in the vicinity of the site, does not benefit from footways and is bounded by mature hedgerows, trees and private property boundaries. County Highways have raised no objection to the scheme, on the basis of the proposed access shown on the submitted plan. Many concerns have been raised with regards to impact on highway safety, by members of the public. However, this issue was considered in detail during the previous planning appeal, and the Planning Inspector concluded that the effect of the access arrangement on the safety of vehicular and other highway users on Aldcliffe Hall Lane would not be severely detrimental. As such it was not considered to conflict with paragraph 32 of the NPPF.

7.6 Impact on Trees

7.6.1 There is a Tree Preservation Order affecting trees within the site and Lancaster Canal is designated a Biological Heritage Site (BHS) is established to the north east of the site beyond Aldcliffe Hall Lane. Trees are important component features along the canal making a significant contribution to the BHS and associated wildlife communities. Trees are by and large established to the north and east of the site, and are clearly visible from a range of public vantage points, making a positive contribution to the character and appearance of the site and wider locality. Many of the trees are in good overall condition and have long remaining useful life potential.

7.6.2 There is a range of tree works identified within the submitted tree survey and these proposals are considered to be acceptable. It is the intention of the applicant to retain and protect existing trees. There will be a requirement to remove hedging to access the site. New tree and hedgerow planting is proposed, including provision for a new woodland compartment to the east of the site. In principle these proposals are acceptable, subject to submission and agreement of a detailed scheme and maintenance regime subject to a suitable planning condition should consent be granted. It is not considered that the proposal will have a detrimental impact on trees within and adjacent the site, subject to appropriate conditions to ensure that they will be adequately protected during construction and appropriate additional planting is agreed. The main concerns regarding the loss of the hedgerow relate to those raised with regards to the negative landscape and visual impact caused by the creation of the access.

7.7 Ecological Impacts

7.7.1 The Lune Estuary is located approximately 440m to the west and is designated as a Site of Special Scientific Interest (SSSI). It is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. The former is a national designation with the latter covered by European legislation. In order to comply with the Habitats Regulations, the local authority, in determining the proposal, must have regard to any potential impacts. It must be determined whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England has advised that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

- 7.7.2 An extended Phase 1 Habitat Assessment has been submitted with the application and was undertaken at an appropriate time of year. The site consists largely of agriculturally improved grassland with bordering hedgerow and wall in addition to some groups of trees. The report sets out that the site is not diverse in terms of habitat types or characteristics and, despite a sloping aspect, species diversity, especially in the grassland, is both very low and uniform across the site. The habitat with greatest ecological value is the hedgerow and trees. The hedges provide good dense bird nesting habitat and provide flight-lines for bats. The hedgerows were assessed against the Hedgerows Regulations 1997 criteria to see if they met the definition of 'important hedges.' However although over 5 woody species were present overall across the site, these were not present within representative 30m sections. Therefore, as none of the Associated Features criteria were also met, no hedge on the site was considered to meet the 'important hedge' definition. All of the mature trees are proposed to be retained.
- 7.7.3 The trees on the site were inspected for their potential to support a bat roost. The mature trees were inspected for holes and crevices which might provide potential for bats. Ground inspection identified a considerable number of features of potential importance for bats among many of the mature trees on site. It is concluded that, as the trees will be retained on the site, no further bat survey will be required. There is potential for impacts on bats from lighting associated with the development, however a scheme could be conditioned.
- 7.8 Drainage and Flood Risk
- 7.8.1 The submission sets out that foul water will discharge into the public sewer. United utilities have raised no concerns with regards to capacity of the sewerage network in this area. A Flood Risk assessment has been submitted with the application given the size of the site, although it is within Flood Zone 1. This sets out that: there are no recorded instances of historic flooding on the site; the risk of fluvial flooding is very low; the risk of flooding from canals, reservoirs and other artificial sources is low; the flood risk from groundwater is low; the risk from sewer flooding and pluvial runoff is low; and the risk of flooding from the development drainage is low. It is intended that surface water attenuation will be provided within the site and proposals will be designed so as not to affect the existing situation. Given the size of the site, it is considered that there is sufficient space for appropriate measures to be incorporated to adequately deal with surface water and can be controlled by condition.
- 7.9 Affordable housing
- 7.9.1 The Council's affordable housing policy requires a provision of up to 40% of affordable housing on greenfield sites for this scale of development. However as the application seeks up to 11 houses, n affordable housing would be required to be affordable if 10 dwellings or fewer was constructed. The submission sets out that 4 affordable houses would be provided within the site. However, it does not appear that the applicant has engaged a Registered Provider for the purposes of owning and managing such dwellings. Given the location of the site and the type of dwellings proposed it is not clear whether a Registered Provider would be interested. A S106 agreement would be required to secure this.
- 7.10 Minerals Safeguarding
- 7.10.1 The majority of the site is within a safeguarding area for minerals. The County Council, who are the minerals authority, previously raised an objection setting out that development will not be supported that is incompatible with mineral safeguarding as set out in Policy M2 of the Joint Lancashire Minerals and Waste Local Plan, although now response has been raised in relation to the current application. The NPPF sets out that local authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes. There is a considerable area to the north and south of Aldcliffe which is identified for mineral safeguarding.
- 7.10.2 Policy M2 of the Minerals and Waste Local Plan sets out 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, unless the applicant can demonstrate to the satisfaction of the local planning authority that:
- The mineral concerned is no longer of any value or has been fully extracted.

- The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
- The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
- There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource.
- That prior extraction of minerals is not feasible due to the depth of the deposit.
- Extraction would lead to land stability problems.

7.10.3 A mineral resource assessment has been submitted. This sets out that in the context of the amount of land safeguarded for this purpose within Lancaster District, it is insignificant. Given the nature of land uses within this area it is highly unlikely that the extraction of sandstone would ever occur, given the potential harm to amenities of residents. There is also clear and demonstrable evidence within the Council's 2014 Housing Land Monitoring Report (HLMR) that there is an 'overarching need' for housing in the District and this alone is reason to set aside Policy. It is therefore not considered to be a reason to refuse the application.

8.0 Planning Obligations

8.1 A Section 106 Agreement would be expected to secure upto 40% provision of affordable housing (percentage, tenure, size, type, phasing to be agreed at Reserved Matters stage based on local housing needs and viability).

9.0 Conclusions

9.1 The site is not within a settlement which has been identified as being suitable for growth. However, it is close to the urban area of Lancaster with footpaths and cycle links. The Council does not have a five year land supply of housing and as such the application should be considered in the context of the presumption in favour of sustainable development. This means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate development should be restricted.

9.2 The NPPF does not define sustainable development in narrow terms and sets out at paragraphs 6 to 9 that the three dimensions of sustainable development (economic, social and environmental) must be sought jointly and simultaneously. There is little evidence on the economic benefits of the proposal, other than to draw a generalised conclusion that it would result in employment during the construction phase. In terms of the social dimension of sustainability the appeal proposal would be safe in highway terms and would not result in a severe residual harm to detriment of the health of users on the local highway network. However, this is an expected requirement of development and as such it is neutral effect rather than a positive benefit. The proposal would provide new homes including either a proportion of affordable housing on-site or a contribution towards such provision elsewhere. In terms of the environmental dimension of sustainable development, the position of the appeal proposal at the rural edge of Aldcliffe on land that is conspicuously elevated in a locally important and distinctive landscape of low coastal drumlins along the Lune Estuary would mean that the proposal would have a significant and demonstrable adverse impact on the wider landscape and the localised character of Aldcliffe Hall Lane. The harm would be experienced from numerous public vantage points within a tranquil estuarine environment which is widely used for recreation purposes including the nearby River Lune multi-use path. As such, the incongruously exposed extension to the pattern of the settlement at Aldcliffe would be contrary to the established strategy for managing this distinctive landscape.

9.3 It is therefore considered that that the adverse environmental impacts on the character and appearance of the landscape significantly and demonstrably outweigh the benefits that have been identified, including the contribution to housing supply. It is therefore not considered that the proposal constitutes sustainable development.

Recommendation

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

1. In order to achieve adequate visibility at the site's point of access, to create a safe and appropriate means of access and safe refuge for pedestrians, extensive works and hedge removal would be

required which would overly-urbanise this stretch of rural road and the locality in general, to the detriment of the existing hamlet and surrounding rural landscape. The proposal is therefore contrary to the aims and objectives of the NPPF, in particular the Core Planning Principles and Sections 7 and 11, saved policy E4 of the Lancaster District Local Plan and policies DM28, DM35, DM41 and DM42 of the Development Management Development Plan Document.

2. By reason of the site's predominantly elevated position to the south of the existing settlement, and the area occupied by the proposal, the development will appear overly-prominent, poorly related to the hamlet, conflicting with the natural grain of the low coastal drumlins and as a consequence will unacceptably encroach on the countryside to the detriment of the character and appearance of the landscape. The proposal is therefore contrary to the NPPF, in particular the Core Principles and Section 11, saved policy E4 of the Lancaster District Local Plan, policies DM28, DM35, DM41 and DM42 of the Development Management Development Plan Document.

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

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

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

Background Papers

None

PLANNING & HIGHWAYS REGULATORY**COMMITTEE****Enforcement Review – Moorlands Hotel, Lancaster
9 January 2017****Report of Chief Officer (Regeneration & Planning)****PURPOSE OF REPORT**

To report the current position regarding enforcement activity regarding the Moorlands Hotel, in order to allow the Committee to consider the different options that are open to the Council and to make recommendations based upon the public interest issues that arise.

This report is public

RECOMMENDATIONS

- (1) That an Enforcement Notice be served against the use of the property for student accommodation.**
- (2) That current, separate enforcement action in respect of the temporary external staircase should continue.**

1.0 Introduction

- 1.1 The Moorlands Hotel is a former public house occupying a position at the corner of Quarry Road and Dumbarton Road in Lancaster. Whilst it is a visually-pleasing and important building, it is not a Listed Building nor does it occupy a position within a Conservation Area.
- 1.2 At its meeting on 3 March 2014, the Planning and Highways Regulatory Committee considered a planning application for the change of use of the public house to 4 student studio apartments, 2 six-bedroom student flats and 1 seven-bedroom student flat (Ref: 13/01301/CU). Planning Officers had recommended that the application be approved, noting that the principle of the proposed student use was acceptable in this location. However, Officers also identified some of the negatives arising from the proposal, such as the loss of the public house within the local community.
- 1.3 Under the scheme of public participation, two local residents spoke in objection to the application, and Councillor Newman-Thompson spoke as Ward Councillor. After considerable debate, the Committee resolved to grant planning permission, but subject to delegation back to the Chief Officer to:

- (i) Remove the bedrooms that were proposed within the roofspace of the building. If the applicant failed to make the necessary amendments to the floor plans before the determination date, then the Chief Officer was empowered to refuse the application under delegated powers.
- (ii) Expand the planning conditions to incorporate car parking management, refuse storage management and to provide a point of contact for complaints.
- (iii) Additional conditions regarding highway works (works to reinstate the pavement) and boundary treatments were to be agreed.

11 Members voted in favour of the proposition with 2 against, and 2 abstentions, and thus planning permission was granted subject to these matters being resolved.

- 1.4 Following the Committee decision, Officers commenced the negotiations with the applicant's agent to achieve the matters listed above. However, on 11 March 2014, Officers received a handwritten note from the applicant's agent, indicating that the planning application was to be withdrawn.
- 1.5 The conversion of the building to student flats continued without the benefit of planning permission. Part of the building is now in active use as student flats, and this use remains unlawful.

2.0 Enforcement Investigation

- 2.1 At a meeting on 19 March 2014 chaired by the Chief Executive, Officers considered the various enforcement options available to the Council. These included:
 - An Injunction. The Council had previously been successful in applying for injunctions in respect of works to the Duke of Lancaster Hotel and 47 North Road. However, unlike the Moorlands Hotel, both of those properties were Listed Buildings that warranted the exceptional use of an injunction.
 - A Stop Notice. A Stop Notice can prohibit activities which constitute breaches of planning control. However it cannot be served independently (it has to be accompanied by an Enforcement Notice). In addition a Stop Notice cannot prohibit use of a building as a dwelling. The key test in deciding whether to serve a Stop Notice is whether the Notice would be able to resolve essential amenity or public safety concerns, or stop a development that was causing irreversible harm to the locality. Whilst some of the conversion works were unacceptable, it was considered that a Stop Notice would not achieve the outcomes that the Planning and Highways Regulatory Committee had outlined in its recommendation.
 - A Temporary Stop Notice. Such a Notice only prohibits activities for 28 days and as such, this was considered inappropriate as an enforcement remedy.
 - An Enforcement Notice. Such a Notice sets out the breach of planning control and the measures that would be necessary to resolve the breach, and a timescale for doing so. Enforcement Notices are

capable of being appealed by the applicant, and as such the process can be a lengthy one. Councils may decide to pursue action against some of the breaches of planning control, rather than all of them. This is known as 'under-enforcement', and is recognised nationally as a pragmatic and flexible enforcement option.

- 2.2 It was considered that serving an Enforcement Notice, requiring some breaches to be remedied, was the preferred option. This was indicative of the Council's attempt to be reasonable and seek to regularise the unlawful use. The Notice took effect on 7 May 2014 and required the building to be used as student accommodation for no more than 20 student bedrooms. It identified that there should be no sleeping or living accommodation on the 2nd (top) floor. Amongst other measures the Notice also required a range of details to be submitted regarding cycle and refuse storage; closure of the vehicular access to Dumbarton Road and provision of new boundary wall; reinstatement of the pavement/kerb; and the provision of a Management Plan.
- 2.3 In November 2014, following Counsel's opinion, the Enforcement Notice was withdrawn. Counsel had advised that the Notice required details to be submitted and agreed, and as such was likely to be declared a nullity. Despite attempts at further negotiations with the developer to try to resolve a number of issues regarding the property, no further progress was made.
- 2.4 The actions of the developer had placed the Council in a difficult position. On the one hand there was concern from some local residents that the conversion was continuing without the necessary permissions. On the other hand the Council had previously resolved, at Committee, that the principle of the use was locationally acceptable. Given this, it did *not* consider that an Enforcement Notice requiring the entire use to cease would be the best way in which to proceed. Taking this into account, the Council resolved to serve a 2nd Enforcement Notice, re-wording the requirements of the previous Notice. The effect of the Notice would be that student use could continue, but no accommodation would be permitted on the top floor. Additionally the Notice required the provision of cycle and refuse storage; the erection of a 1.8m high stone boundary wall on Dumbarton Road; and the occupation of the premises to be limited to students in full time education. This Notice took effect on 16 December 2015. The developer appealed against this Notice.
- 2.5 Due to considerable national workload, the Planning Inspectorate's decision regarding the appeal took some time to consider (1 November 2016). The Planning Inspector subsequently resolved to quash the Notice because it would require correction, and the corrections would be so significant that it would be impossible to correct it without injustice to one or both parties.
- 2.6 In reaching his decision the Inspector made a number of observations, which may be useful in determining how to proceed. In particular:

"Usually where an Enforcement Notice alleges an unlawful change of use of land or a building, it requires cessation of that use. Here, the Council (has) sought to under-enforce against the student accommodation use of the appeal property. They were content that the first floor student accommodation use should continue, but that the roof space bedrooms were

not to be used as such because their high cill windows failed to provide an acceptable outlook”.

“...what this Notice seeks to do, in effect is to grant a conditional planning permission; the Council’s “pragmatic way forward”. But that cannot be done by means of under-enforcing an Enforcement Notice. The attempt to do so leaves it unclear as to what ...purposes the requirements seek to achieve. The requirements of an Enforcement Notice are not planning conditions and do not have the same effect”.

The Inspector noted other problems, including the requirement to limit the upper floors of the building to student accommodation. He concluded that this required a particular use to be carried out, yet “...a Notice’s requirement cannot require a former use to be resumed, let alone require another use to take place and with no apparent end”.

Finally, the Inspector also concluded that other parts of the Notice were more akin to planning conditions, rather than requirements of an Enforcement Notice.

2.7 The quashing of the Notice means that there is still no planning permission for the student use and as such, the use remains unlawful.

3.0 The basis for assessing whether it is expedient to take enforcement action

3.1 It is a common misconception that because there is a breach of planning control, enforcement action must follow. Section 172 of the Town and Country Planning Act 1990 makes it clear that such action is discretionary. Indeed it says that a local authority may issue an Enforcement Notice if it is expedient, having regards to the provisions of the Development Plan and to any other material considerations”.

3.2 Members must therefore consider these requirements carefully, starting with the relevant provisions of the Development Plan.

3.3 In general terms, the Lancaster District Core Strategy (Adopted July 2008) identifies a policy of urban concentration (Policy SC2), recognising the need to build sustainable communities by focusing development where it will support the vitality of existing settlements and regenerate areas of need. The Moorlands Hotel is in a sustainable location where residential type uses, including student use, would be encouraged as a matter of principle, subject to all other site-specific matters being acceptable.

3.4 Of more specific relevance to the current case, the Development Management DPD (Adopted December 2014) contains Policy DM46 – *Accommodation for Students*. This relates to conversion of existing buildings as well as purpose-built new accommodation. The policy advises that proposals for student accommodation will be supported where they:

- Meet the criteria set out in Appendix D of the DPD (internal and external standards);
- Are subject to occupancy conditions to protect the accommodation from becoming a house in multiple occupation;

- Meets the criteria of Policies DM30 (Development affecting Listed Buildings) and DM31 Development affecting Conservation Areas (neither of which apply to the current case) and,
- Satisfy all other relevant planning policies.

The policy continues by advising that where proposals fail to meet the criteria in Appendix D, the degree to which those standards are contravened will be weighed against the benefits of the scheme.

3.5 The original Committee Report noted how the internal size of each unit complied with Appendix D. However, Appendix D is not solely confined to size standards. Amongst other criteria, Appendix D requires:

- All living spaces (kitchens, diners, dining rooms, living rooms and bedrooms) to have adequate level of natural light and adequate outlook (i.e. clear glazed windows with the lowest part of the glazing set at a height no greater than 1.5m from the finished floor level, with a separation distance of at least 12m between the window and any wall or structure opposite (or at least 21m if facing windows serving a habitable room).
- Cycle storage should be easily accessible from the street and ideally should be an integral part of the building. If no rooms are available within the building that meets the requirements then a secured and fully-covered storage facility must be provided within a secured external area within the curtilage of the building without having an adverse impact on the streetscene). One cycle space should be provided per resident.
- Provision should be made for refuse storage containers to be located on an area of external hardstanding with suitable access from the internal space and to the street, without having an adverse impact on the streetscene (i.e. discreetly screened). Where no external space is available within the building's curtilage, the provision shall be made within the building, subject to meeting fire and building regulations.
- Access and Security – future residents should feel safe accessing the building and feel safe when residing in it. Therefore access to each self-contained unit should be via a single front door into a common area (i.e. a corridor or hall). All main access points from the street must be secured with appropriate levels of security including lighting, natural surveillance, locks and potentially CCTV.

3.6 In respect of the current building, the ongoing works to the external area (which have included demolition of the previous external staircase), means that the property currently fails to provide appropriate cycle and refuse storage space. Additionally, current access arrangements are poor; access to the upper flats being via a temporary external staircase which is partially sited over highway land (the pavement on Dumbarton Road). A separate Enforcement Notice dated 25 October 2016 requires the removal of the temporary staircase and all screen fencing, including the raised platform and also requires any associated materials to be removed from the site. The Notice takes effect on 29 November 2016 unless an appeal is made beforehand.

- 3.7 Additionally, Officers remain of the opinion that the units within the roofspace do not provide a satisfactory outlook to serve the upper floor bedrooms, (being served by rooflights).
- 3.8 In summary, the decision on ‘expediency’ requires a careful balance between the desire to bring the building into a use that would be acceptable in this location and the needs of the students who currently reside in the building. Regardless of the room standards, the condition of the wider site, including the ground floor and basement, is not currently conducive to residential accommodation (including student use).
- 3.9 It is also recalled that County Highways required the existing vehicular access leading from Dumbarton Road into the rear yard of the site be permanently closed. The reason for this was to limit the number of access points to the development. Whilst Officers considered that this condition was not necessary, the Committee resolved that the closure of the access was necessary in terms of highway safety.

4.0 Other Ongoing Matters

- 4.1 Aside from the provision of the temporary staircase, (which as reported earlier, is subject to a separate Enforcement Notice) the owner continues to carry out work to the basement and ground floor of the premises and there are significant excavation works occurring within the yard area. He is also currently of the view that he would not require planning permission for a new external staircase. The Council has already advised that such a construction would require planning permission.

5.0 Details of Consultation

- 5.1 As this is an enforcement investigation, no consultation has been carried out.

6.0 Options and Options Analysis (including risk assessment)

| | Option 1: To serve an Enforcement Notice requiring the use of the property for student accommodation to cease altogether | Option 2: To monitor further development at the site and to assess acceptability of the development on a case-by-case basis as it is carried out |
|------------|---|---|
| Advantages | In the event that the developer chose not to appeal against the Enforcement Notice, it would provide certainty by seeking compliance with the terms of the Notice. In the event that the developer did appeal against the Notice, as would be expected, it would allow the matter to be assessed by a Planning Inspector. If the Inspector subsequently upheld the Notice, then the Council would be able to enforce its provisions. If the Inspector | It would defer enforcement action to be targeted to exceptional parts of the development that are considered to be unacceptable. |

| | | |
|---------------|--|--|
| | quashed the Notice, then the Council would at least have an independent judgement as to whether the use of the property (as laid out) is acceptable. | |
| Disadvantages | If the Enforcement Notice is successful, a number of students currently residing at the property would be forced to find alternative accommodation. The building could also be vacant for a period of time pending an appropriate use being found. | It could be perceived by the wider public and other developers as allowing the developer to dictate changes of use and operational development to the Council. This would adversely affect the integrity of the decision-making process. |
| Risks | The developer could choose to resort to the previous lawful use of the property as a public house, which by its nature could be more disruptive in terms of neighbouring residential amenity. | That, emboldened by no action being taken, the developer introduces other uses or operational development that are considered unacceptable, either at this site or other sites within his ownership. |

6.1 The preferred option is Option 1. The building currently fails to provide appropriate access facilities for students; there remains poor outlook from the units on the top floor; and there are currently unacceptable cycle and refuse storage arrangements. Additionally the continued use of the building as a whole whilst excavation and internal works are ongoing are to the detriment of existing occupants. If the developer had pursued a lawful course of action, by first obtaining planning permission and then implementing the approved scheme, then these matters would have been resolved. This view is seemingly supported by the Planning Inspector, who in quashing the Notice, said that *“The matter could have been resolved if the 13/01301/CU application had not been withdrawn (by the applicant) but approved subject to conditions”*.

7.0 Conclusion

7.1 This developer’s actions have raised concern amongst the local community and Ward Councillors. Officers have tried to be reasonable and reach a solution which would allow an appropriate level of student accommodation within the building. This was initially pursued by recommending the original planning application for approval. Once the applicant had withdrawn the planning application, Officers again tried to be reasonable by pursuing enforcement methods that would seek to ‘under-enforce’, effectively allowing student accommodation but subject to caveats that were considered to be necessary to protect occupant’s amenity, ensure highway safety and ensure that the development was acceptable within the street-scene.

7.2 It is considered that the only method of ensuring that the building is used appropriately at some point in the future is by requiring the existing, unlawful use of the property to cease via the serving of an Enforcement Notice.

CONCLUSION OF IMPACT ASSESSMENT

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

The main impacts relate to the students who are residing within the property, and the neighbouring residents. In respect of the former, the students currently reside on a site that is continuing to be the subject of a range of building and engineering works. This is not an ideal situation, and the relatively-recent construction of a temporary external staircase appears to be further evidence that the building works are not currently conducive to residential occupation.

If enforcement action is successful, and the use is required to cease, then there would be a need for the existing residents to find alternative accommodation.

In respect of the neighbouring residents, the impact of continuing works (without the developer first securing the relevant consents) means that measures which may be controlled via a planning application cannot currently be imposed.

LEGAL IMPLICATIONS

The Council's Legal Services would assist in drafting and serving the Enforcement Notice. This may be subject to appeal, and for the reasons explained within this report this would lead to an independent Planning Inspector assessing the case.

FINANCIAL IMPLICATIONS

Additional financial implications for the Council would only arise if an Enforcement Notice was deemed to have been served unreasonably and the developer pursued costs as a consequence. Given that the use is currently unlawful, and the Enforcement Notice would require the use to cease, the risk of a costs award is considered small.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None.

Information Services:

None.

Property:

None.

Open Spaces:

None.

SECTION 151 OFFICER'S COMMENTS

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

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

None.

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Ref: 13/00564/UNAUTU

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

| APPLICATION NO | DETAILS | DECISION |
|----------------|--|-----------------------|
| 16/00161/DIS | Lancaster University, Bigforth Drive, Bailrigg Discharge of conditions 3, 4, 5, 7, 8, 9 and 10 on approved application 16/00476/FUL for Lancaster University (University And Scotforth Rural Ward) | Initial Response Sent |
| 16/00176/DIS | 45 Main Street, Cockerham, Lancashire Discharge of condition 3 on approved application 16/00688/FUL for Mr & Mrs R Ayrton (Ellel Ward 2015 Ward) | Initial Response Sent |
| 16/00179/DIS | Packet Boat Hotel, 95 Main Road, Bolton Le Sands Parts 1 to 7 and 9 of discharge of condition 3 on approved application 16/00705/CU for Mr Geoff Harris (Bolton And Slyne Ward 2015 Ward) | Initial Response Sent |
| 16/00180/DIS | Packet Boat Hotel, 95 Main Road, Bolton Le Sands Parts 1 to 7 and 9 of discharge of condition 3 on approved application 16/00706/LB for Mr Geoff Harris (Bolton And Slyne Ward 2015 Ward) | Initial Response Sent |
| 16/00182/DIS | Land For Proposed Bailrigg Business Park, Bailrigg Lane, Lancaster Discharge of conditions 3, 4, 5, 6, 7, 8, 12, 19a, 24 and 26 on the full permission element of the hybrid consent 16/00117/VCN for Lancaster University (University And Scotforth Rural Ward) | Initial Response Sent |
| 16/00183/DIS | Land For Proposed Bailrigg Business Park, Bailrigg Lane, Lancaster Discharge of conditions 1, 3, 4, 5, 7, 8 9, 10, 11(a-c), 23, 26,28, 29, 30, 32 and 33 on the outline permission element of the hybrid consent 16/00117/VCN for Lancaster University (University And Scotforth Rural Ward) | Initial Response Sent |
| 16/00185/DIS | Galley Hall Farm, Shore Road, Warton Discharge of conditions 3, 4, 5, 6 and 7 on approved application 15/00079/FUL for Mr R Close (Carnforth And Millhead Ward 2015 Ward) | Initial Response Sent |
| 16/00186/DIS | Land Between 36 And 38 Ingleborough Road, Lancaster, Lancashire Discharge of conditions 3, 4, 5, 7, 8, 9 and 10 on approved application 14/01098/FUL for Mr Ghunou (Skerton West Ward 2015 Ward) | Request Completed |
| 16/00188/DIS | Yew Trees, Upphall Lane, Priest Hutton Discharge of conditions 4, 5, 6 and 11 on approved application 16/00416/FUL for Mrs P Thomas (Kellet Ward 2015 Ward) | Initial Response Sent |
| 16/00190/DIS | Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 28 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward) | Application Permitted |
| 16/00194/DIS | School House, Main Street, Whittington Discharge of | Request Completed |

LIST OF DELEGATED PLANNING DECISIONS

condition 3, 7 and 8 on approved application 16/00929/FUL for Mr Simon Raistrick (Upper Lune Valley Ward 2015 Ward)

| | | |
|--------------|--|-----------------------|
| 16/00195/DIS | Land At McDonald Road, Heysham, Lancashire Discharge of condition 8 on approved application 13/00274/FUL for Mr John Fox (Overton Ward 2015 Ward) | Initial Response Sent |
| 16/00199/DIS | 14 - 16 Tithebarn Hill, Glasson Dock, Lancaster Discharge of conditions 3 and 4 on approved application 16/01069/FUL for Mr Mark Holden (Ellel Ward 2015 Ward) | Initial Response Sent |
| 16/00200/DIS | Kirkriggs Barn, Woodman Lane, Burrow Discharge of conditions 2 and 4 on approved notification 15/01390/PAA for Mr And Mrs Crackles (Upper Lune Valley Ward 2015 Ward) | Application Permitted |
| 16/00201/DIS | Stock A Bank Plantation, Littledale Road, Quernmore Discharge of condition 5 on approved application 16/00712/VCN for Mr & Mrs Richard Ainley (Lower Lune Valley Ward 2015 Ward) | Request Completed |
| 16/00214/DIS | McDonalds Restaurant, Caton Road, Lancaster Discharge of condition 9 on approved application 16/01002/VCN for McDonald's Restaurants Ltd (Lower Lune Valley Ward 2015 Ward) | Application Permitted |
| 16/00217/DIS | Wrampool House, Gulf Lane, Cockerham Discharge of part of condition 3 and 4 on approved application 16/01012/FUL for Mr Jonathan Bradshaw (Ellel Ward 2015 Ward) | Initial Response Sent |
| 16/00822/ADV | Paint And Decorative Supplies, Eastgate, Morecambe Advertisement application for the display of 3 externally illuminated fascia signs, a non-illuminated double sided free standing sign and directional signs for Mr Paul Dennington (Westgate Ward 2015 Ward) | Application Permitted |
| 16/00889/FUL | Whitegates, Halton Road, Halton Erection of an outbuilding to form a gym and retention of a retaining wall for Mr Kevin McGuinness (Halton-with-Aughton Ward 2015 Ward) | Application Permitted |
| 16/00890/VCN | Tewitfields Trout Fishery, Burton Road, Warton Construction of 23 holiday chalets, erection of a maintenance building, construction of additional water attenuation pond, electricity sub-station, cycle storage and relocation of existing package treatment plant (pursuant to the variation of condition 2 on planning permission 15/01011/FUL to allow for revised layout and design of lodges) for Mr Cushway (Warton Ward 2015 Ward) | Application Permitted |
| 16/00902/FUL | Butt Yeats, Station Road, Hornby Demolition of existing workshop and erection of a two storey detached house (C3) and detached garage for Mr John Kelly (Upper Lune Valley Ward 2015 Ward) | Application Permitted |
| 16/00948/LB | The Morecambe Hotel, 25 Lord Street, Morecambe Listed Building application for the retention of 2 flues, 7 vents, and 2 air conditioning units to the rear elevation and one extractor fan to the side elevation for The Morecambe Hotel (Poulton Ward 2015 Ward) | Application Permitted |

LIST OF DELEGATED PLANNING DECISIONS

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|--------------|---|-----------------------|
| 16/01044/EIR | Lune Industrial Estate, New Quay Road, Lancaster Screening request for the erection of up to 263 dwelling houses together with associated open space and access for Hurstwood Holdings (Marsh Ward 2015 Ward) | Request Completed |
| 16/01086/LB | 1 Bronte Cottages, Long Level, Cowan Bridge Listed Building application for replacing existing window frame, removal of first floor partition walls, relocation of existing first floor bathroom, installation of internal door to ground floor and replacement of external stone steps for Mr Martin Jebb (Upper Lune Valley Ward 2015 Ward) | Application Permitted |
| 16/01093/FUL | Dolphinholme Village Hall, Gleaves Hill Lane, Dolphinholme Replacement of 15 wooden windows and 3 wooden doors with new uPVC doors and windows for Mrs Joyce Mary Howie (Ellel Ward 2015 Ward) | Application Permitted |
| 16/01126/FUL | Carnforth Rangers FC, Lundsfield, Kellet Road Demolition of existing portacabin and erection of a detached sports pavilion for Mr Casey Bragg (Carnforth And Millhead Ward 2015 Ward) | Application Permitted |
| 16/01144/VLA | Old Coal Yard, North Road, Carnforth Variation of legal agreement attached to planning permission 04/00852/FUL to alter the affordable housing provisions for Mrs Charlotte Stephenson (Carnforth Ward) | Application Permitted |
| 16/01158/FUL | McGuire's Garages, Old Grand Garage, Thornton Road Erection of an infill extension for creation of cafe (A3) for Mr & Mrs McGuire (Poulton Ward 2015 Ward) | Application Permitted |
| 16/01215/FUL | 6 Brookhouse Road, Caton, Lancaster Construction of a dormer extension to the rear elevation for Mr & Mrs M. Spencer (Lower Lune Valley Ward 2015 Ward) | Application Permitted |
| 16/01227/CU | Red Door, Church Brow, Halton Change of use of barn storage room into ancillary living accommodation for Robert Bauld and Lynne Malkin (Halton-with-Aughton Ward 2015 Ward) | Application Permitted |
| 16/01228/FUL | Red Roofs, White Lund Road, Morecambe Demolition of existing dwelling and erection of a new detached dwelling with associated boundary treatment for Mr & Mrs D Welch (Westgate Ward 2015 Ward) | Application Refused |
| 16/01246/FUL | Bambers Farm, Moss Lane, Thurnham Erection of a covered midden for Mr Martin Ayrtton (Ellel Ward 2015 Ward) | Application Permitted |
| 16/01263/CU | 377 Heysham Road, Heysham, Morecambe Retrospective application for change of use of dwelling (C3) to mixed use comprising of a dwelling (C3) and a 5-bed bed and breakfast (C1) for Mr David Speak (Heysham Central Ward 2015 Ward) | Application Permitted |
| 16/01269/FUL | Whinney Garth, Sidegarth Lane, Halton Erection of agricultural building for midden for Mr John Maxwell (Halton-with-Aughton Ward 2015 Ward) | Application Permitted |
| 16/01273/GOV | HM Lancaster Farms, Far Moor Lane, Lancaster Installation of a replacement 5.2m high security fence and gates to the waste management facility, installation of two roller shutter doors for vehicles and a pedestrian door, 5.2m high security | Application Permitted |

LIST OF DELEGATED PLANNING DECISIONS

fencing and gates and four rooflights to the workshop area, installation of 5.2m high security fencing and gates to house block 1, 2, and 4, and installation of windows on house block 2, 3 and 4 for HMP Lancaster Farms (Bulk Ward 2015 Ward)

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| 16/01282/FUL | 32 Westbourne Road, Lancaster, Lancashire Demolition of existing garage and erection of a two-storey side extension for Mr & Mrs Strutt (Castle Ward 2015 Ward) | Application Permitted |
| 16/01283/VCN | Land Off, Brindle Close, Lancaster Erection of 16 one-bed affordable flats including internal road layout and associated parking and landscaping (pursuant to the variation of condition 2 to amend the site layout plan to include additional path and condition 8 to amend the landscaping scheme on planning permission 14/01018/FUL) for Mr Tromp (Skerton West Ward 2015 Ward) | Application Permitted |
| 16/01286/FUL | The Coach House, 11 Yealand Road, Yealand Conyers Creation of a vehicular access for Mr R Tennant (Warton Ward 2015 Ward) | Application Permitted |
| 16/01290/CU | Royal Hotel, Thurnham Street, Lancaster Change of use of storage outbuilding to 6 ensuite guest bedrooms including replacement windows to all elevations, insertion of 1 new window, replacement door entrance and screen and 3 rooflights for Mr B Robinson (Castle Ward 2015 Ward) | Application Permitted |
| 16/01291/LB | Royal Hotel, Thurnham Street, Lancaster Listed Building application for external and internal works to facilitate the change of use of the outbuilding to 6 ensuite guest bedrooms, including replacement windows to all elevations, insertion of 1 new window, replacement door entrance and screen, 3 rooflights, construction of new staircase and removal of partition walls for Mr B Robinson (Castle Ward 2015 Ward) | Application Permitted |
| 16/01293/FUL | 14 St Johns Avenue, Silverdale, Carnforth Construction of a pitched roof over existing front porch, a raised roof and erection of a two storey rear extension. for Mr Gareth Bolton (Silverdale Ward 2015 Ward) | Application Permitted |
| 16/01296/PLDC | 5 Gleneagles Drive, Lancaster, Lancashire Proposed lawful development certificate for the conversion of integral garage to form a habitable room for Mr & Mrs Bowden (John O'Gaunt Ward 2015 Ward) | Lawful Development Certificate Granted |
| 16/01299/FUL | Cockshotts Barn , Lodge Lane, Wennington Change of use of agricultural land to domestic garden and relocation of existing access point for Mr J Holt (Upper Lune Valley Ward 2015 Ward) | Application Refused |
| 16/01300/PAM | Telecomm Mast 17M, Moneyclose Lane, Heysham Prior approval for the replacement of existing 17.3m column with 17.5m monopole for N/A (Overton Ward 2015 Ward) | Prior Approval Not Required |
| 16/01303/LB | Underhill, Melling Road, Melling Listed Building application for the installation of replacement window frames with double glazed hardwood frames and replacement of two doors for Mrs Sarah Tansey (Upper Lune Valley Ward 2015 Ward) | Application Permitted |

LIST OF DELEGATED PLANNING DECISIONS

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| 16/01307/PLDC | 140 Broadway, Morecambe, Lancashire Proposed lawful development certificate for the erection of single storey rear extension for Mr Dennis Strafford (Bare Ward 2015 Ward) | Lawful Development Certificate Granted |
| 16/01313/FUL | 18 Longlands Lane, Heysham, Morecambe Erection of single storey rear extension for Mr Declan White (Heysham Central Ward 2015 Ward) | Application Permitted |
| 16/01316/ELDC | 119 Main Road, Bolton Le Sands, Lancashire Existing lawful development certificate to remove affordable housing provision for Daffodil Homes Limited (Bolton And Slyne Ward 2015 Ward) | Lawful Development Certificate Granted |
| 16/01317/FUL | New Inn, 40 Yealand Road, Yealand Conyers Demolition of existing lean-to and smoking shelter and erection of a single storey side extension. for Barry Robinson Leisure Ltd (Warton Ward 2015 Ward) | Application Permitted |
| 16/01324/LB | New Inn, 40 Yealand Road, Yealand Conyers Listed Building application for the demolition of existing lean-to and smoking shelter, erection of a single storey side extension, repairs to existing roof of attached outbuilding, alterations to ground floor internal walls and external alterations. for Barry Robinson Leisure LTD (Warton Ward 2015 Ward) | Application Permitted |
| 16/01325/FUL | 58-58A Regent Road And 93-95 Westminster Road, Morecambe, Lancashire Replacement of timber framed windows with uPVC framed windows to all elevations for Mr John McLean (Harbour Ward 2015 Ward) | Application Permitted |
| 16/01327/PLDC | 16 Seathwaite Avenue, Heysham, Morecambe Proposed Lawful development certificate for the erection of a single storey rear extension for Mrs A. Foster (Heysham North Ward 2015 Ward) | Lawful Development Certificate Granted |
| 16/01329/FUL | 399 Marine Road East, Morecambe, Lancashire Construction of a first floor balcony to the rear and creation of a new vehicular access and associated dropped kerb to front for Mrs L. Perry (Poulton Ward 2015 Ward) | Split Decision |
| 16/01331/CU | Ground Floor Flat, 97 Westminster Road, Morecambe Change of use of lower ground floor storage area to create a 2 bedroom flat for Higginson (Harbour Ward 2015 Ward) | Application Refused |
| 16/01332/FUL | 136 Brookhouse Road, Brookhouse, Lancaster Erection of a front porch for Mr David Exton (Lower Lune Valley Ward 2015 Ward) | Application Permitted |
| 16/01333/NMA | Squires Snooker Club, Penny Street, Lancaster Non material amendment to planning permission 15/01618/VCN to re-word conditions 13, 15, 16, 18, 19, 25 and addition of condition 26 in order to phase development for Cityblock (Lancaster 4) Limited (Castle Ward 2015 Ward) | Application Permitted |
| 16/01336/FUL | 3 The Lane, Sunderland Point, Morecambe Demolition of existing rear extension and erection of a single storey rear extension for Mrs D Keen (Overton Ward 2015 Ward) | Application Permitted |
| 16/01343/RCN | Cromwell Buildings, Rosemary Lane, Lancaster Change of use | Application Refused |

LIST OF DELEGATED PLANNING DECISIONS

of vacant space above shop units to 6 maisonettes and 4 self contained flats (pursuant to the removal of condition 2 on planning permission 03/00855/CU to remove the affordable housing provision) for Mr Paul Bellwood (Bulk Ward 2015 Ward)

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| 16/01344/RCN | Cromwell Buildings, Rosemary Lane, Lancaster Change of use and conversion to three affordable housing units (pursuant to the removal of condition 2 on planning permission 04/00705/CU to remove the affordable housing provision) for Mr Paul Bellwood (Bulk Ward 2015 Ward) | Application Refused |
| 16/01345/FUL | Anchor Lane And Chancery Lane, Lancaster, Lancashire Installation of 2 security gates on Anchor Lane and installation of a horizontal lattice gate to the escape staircase on to Chancery Lane for Harmsworth Pension Funds Trustees Limited (Castle Ward 2015 Ward) | Application Permitted |
| 16/01346/FUL | 54 Slyne Road, Bolton Le Sands, Carnforth Demolition of existing rear lean to and erection of a single storey rear extension with pitched roof over side bay window for Mr & Mrs G+D Coates (Bolton And Slyne Ward 2015 Ward) | Application Permitted |
| 16/01347/FUL | 19 Hatlex Drive, Hest Bank, Lancaster Installation of a raised roof, insertion of a first floor, erection of a 2 storey side extension and erection of a 2 storey bay window to front to existing garage to form a separate 2-bed dwelling and construction of a bridge and new access point for Mr Peter Wiltshire (Bolton And Slyne Ward 2015 Ward) | Application Refused |
| 16/01350/FUL | Greaves Cottage, Conder Green Road, Galgate Partially retrospective application for the erection of single storey link extension to the side elevation for Mrs Sue Armitage (Ellel Ward 2015 Ward) | Application Permitted |
| 16/01351/FUL | Land To The South East Of, Lower Addington Farm, Kirkby Lonsdale Road Erection of an agricultural building for free-range hens and creation of a new access point for W.A. Agriculture Ltd (Kellet Ward 2015 Ward) | Application Refused |
| 16/01352/LB | Oak Cottage, Lodge Lane, Wennington Listed building application for the demolition of car port, erection of a single storey rear extension, removal of 2 structural walls on ground floor, removal of 2 rear windows and 1 side window with apertures altered and replacement windows installed, 2 conservation rooflights installed and slate roof extended on outrigger, relocation of internal partitions and doors at ground and first floor for Mr B. R. Rycroft (Upper Lune Valley Ward 2015 Ward) | Application Permitted |
| 16/01353/FUL | Oak Cottage, Lodge Lane, Wennington Demolition of car port and erection of a single storey rear extension for Mr B. R. Rycroft (Upper Lune Valley Ward 2015 Ward) | Application Permitted |
| 16/01354/FUL | 69 - 71 Queen Street, Morecambe, Lancashire Installation of a replacement shop front, replacement of existing flat roof with pitched roof to the front, installation of new upvc windows and a ventilation duct to the rear for Mr Tsun Chen (Poulton Ward 2015 Ward) | Application Permitted |

LIST OF DELEGATED PLANNING DECISIONS

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| 16/01355/ADV | 69 - 71 Queen Street, Morecambe, Lancashire Advertisement application for the display of an internally illuminated fascia sign for Mr Tsun Chen (Poulton Ward 2015 Ward) | Application Refused |
| 16/01356/PLDC | 29 Queens Drive, Morecambe, Lancashire Proposed lawful development certificate for the erection of single storey rear extension for Mr William Elliot (Bare Ward 2015 Ward) | Lawful Development Certificate Granted |
| 16/01361/FUL | Ripley St Thomas Church Of England Academy, Ashton Road, Lancaster Installation of replacement windows to all elevations, recladding of existing elevations, raising and recladding of roof and installation of replacement roof lights to the ROSLA building for Ripley St Thomas Church Of England Academy (Scotforth West Ward 2015 Ward) | Application Permitted |
| 16/01365/FUL | Kit Cottage, Kit Brow Lane, Ellel Partially retrospective application for the conversion of outbuilding to ancillary living accommodation for Mrs Margaret Houghton (Ellel Ward 2015 Ward) | Application Permitted |
| 16/01367/CU | Unit 1A, Water View, Quarry Road Change of use from offices (B1) to a treatment room facility (D1) for Lancashire Care NHS Foundation (Scotforth West Ward 2015 Ward) | Application Permitted |
| 16/01372/CU | Curwen Hill Farm, Hornby Road, Wray Change of use of agricultural land to outdoor leisure use and associated parking for Mr Towers (Lower Lune Valley Ward 2015 Ward) | Application Withdrawn |
| 16/01376/CU | 94 Meldon Road, Heysham, Morecambe Change of use of garage to dog groomers (A1) for Mrs Lynda Dobson (Heysham South Ward 2015 Ward) | Application Permitted |
| 16/01379/ELDC | 1 To 21 The Meadows (excluding No.12), Cowan Bridge, Carnforth Existing lawful development certificate for the use of 20 holiday cottages to be used as unfettered residential dwellings for The Meadows Management Co. Limited (Upper Lune Valley Ward 2015 Ward) | Lawful Development Certificate Granted |
| 16/01388/FUL | Land North Of 27, Coach Road, Warton Erection of one 4-bed dwelling with associated landscaping, re-grading of land and creation of a new access point for Mr & Mrs M. Dawson & P. Brown (Warton Ward 2015 Ward) | Application Refused |
| 16/01393/FUL | Red Bridge, Moss Lane, Silverdale Demolition of existing agricultural buildings and erection of two replacement agricultural buildings for Mr Michael Holgate (Silverdale Ward 2015 Ward) | Application Permitted |
| 16/01404/NMA | Land Adjacent To 2 Rosegarth, Slyne, Lancaster Non material amendment to planning permission 15/00972/FUL to change the wall finish to all elevations and roof materials for Mrs Sharon Sanderson (Bolton And Slyne Ward 2015 Ward) | Split Decision |
| 16/01420/PLDC | Red Bank House, Shore Lane, Bolton Le Sands Proposed lawful development certificate for the erection of a single storey side extension for Mr & Mrs R. Taylor (Bolton And Slyne Ward 2015 Ward) | Lawful Development Certificate Granted |
| 16/01422/FUL | Land Adjacent Warewood, Lancaster Road, Cockerham Creation of new vehicular access and erection of two | Application Refused |

LIST OF DELEGATED PLANNING DECISIONS

detached dwellings with integral garages for Mr Alan Thornton (Ellel Ward 2015 Ward)

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| 16/01452/LB | Brookside Cottage, Kellet Road, Over Kellet Listed building application for the erection of a two storey side extension and a single storey side porch for Mr Steve Woods (Kellet Ward 2015 Ward) | Application Permitted |
| 16/01461/FUL | 16 Main Street, Cockerham, Lancaster Erection of a single storey side and rear extension and conversion of existing garage to ancillary living accommodation for Mr Lawson (Ellel Ward 2015 Ward) | Application Permitted |
| 16/01463/PLDC | 10 Bazil Lane, Overton, Morecambe Proposed Lawful Development certificate for the construction of a dormer extension to the rear elevation for Mr & Mrs P. Gallagher (Overton Ward 2015 Ward) | Lawful Development Certificate Granted |
| 16/01466/NMA | Brookside Cottage, Kellet Road, Over Kellet Non-material amendment to planning permission 15/00685/FUL to change windows and porch for Mr Steve Woods (Kellet Ward 2015 Ward) | Application Permitted |
| 16/01484/PLDC | 6 The Cliffs, Heysham, Morecambe Proposed lawful development certificate for the erection of a replacement detached garage/workshop for Mr Brian Robinson (Heysham Central Ward 2015 Ward) | Lawful Development Certificate Granted |