



**Committee:** PLANNING AND HIGHWAYS REGULATORY COMMITTEE

**Date:** WEDNESDAY, 9 MAY 2018

**Venue:** LANCASTER TOWN HALL

**Time:** 10.30 A.M.

## A G E N D A

PLEASE NOTE THAT THE PUBLIC SPEAKING DEADLINE FOR THIS PLANNING COMMITTEE MEETING IS **12 NOON ON FRIDAY 4<sup>TH</sup> MAY 2018.**

This is in line with Part 4 Section 9 of the City Council's Constitution regarding Public Speaking Procedure Rules and is a result of the 2017/18 timetable scheduling and bank holidays.

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 6<sup>th</sup> April, 2018 (previously circulated).

**3 Items of Urgent Business authorised by the Chairman**

**4 Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

## Planning Applications for Decision

### Community Safety Implications

In preparing the reports for this agenda, regard has been paid to the implications of the proposed developments on community safety issues. Where it is considered that the proposed development has particular implications for community safety, the issue is fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

### Local Finance Considerations

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

### Human Rights Act

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

5	<b>A5 18/00103/OUT</b>	<b>Land Adjacent To 25 Crag Bank Crescent Carnforth</b>	<b>Carnforth and Millhead Ward</b>	<b>(Pages 1 - 8)</b>
		Outline application for the erection of one dwelling and creation of a new access for Mrs S Robinson.		
6	<b>A6 17/00944/OUT</b>	<b>Ward Field Farm, Main Road, Galgate</b>	<b>Ellel Ward</b>	<b>(Pages 9 - 29)</b>
		Outline application for the demolition of existing agricultural buildings, retention and residential conversion of stone barn for up to 2 dwellings and erection of up to 68 dwellings with associated access for Hollins Strategic Land LLP.		
7	<b>A7 17/01452/FUL</b>	<b>Animal Care Sanctuary, Blea Tarn Road, Lancaster</b>	<b>University and Scotforth Rural Ward</b>	<b>(Pages 30 - 40)</b>
		Erection of a building comprising kennels, cattery and reception area for the existing Animal Care Centre		

and creation of new access road, car parking, steps, hard landscaping and retaining wall with associated re-profiling of land for Animal Care (Lancaster and Morecambe).

<b>8</b>	<b>A8 17/01502/FUL</b>	<b>Heaton Hall, Morecambe Road, Lancaster</b>	<b>Skerton West Ward</b>	<b>(Pages 41 - 49)</b>
		Change of use and conversion of the tavern into five dwellinghouses (C3) including the demolition of the existing conservatory and associated motel building and the erection of nine dwellinghouses (C3) with associated landscaping and vehicular parking for Tom Hill.		
<b>9</b>	<b>A9 17/01503/LB</b>	<b>Heaton Hall, Morecambe Road, Lancaster</b>	<b>Skerton West Ward</b>	<b>(Pages 50 - 54)</b>
		Listed building application for internal and external works, comprising the insertion of partition walls and demolition of internal walls, provision of new windows, construction of a single storey extension to the north and east facing elevations and demolition of the existing motel units for Tom Hill.		
<b>10</b>	<b>A10 17/01575/FUL</b>	<b>Green Farm, Mewith Lane, Tatham</b>	<b>Lower Lune Valley Ward</b>	<b>(Pages 55 - 60)</b>
		Retrospective application for the change of use of existing stable and kennel to single storey dwelling (C3) for holiday use and erection of two front single storey extensions for Michael Harrison.		
<b>11</b>	<b>A11 18/00367/FUL</b>	<b>Car Park, Cable Street, Lancaster</b>	<b>Bulk Ward</b>	<b>(Pages 61 - 64)</b>
		Regrading of land to incorporate one small car park into the adjacent larger car park.		
<b>12</b>	<b>Delegated Planning List (Pages 65 - 74)</b>			

## **ADMINISTRATIVE ARRANGEMENTS**

### **(i) Membership**

Councillors Carla Brayshaw (Chairman), Helen Helme (Vice-Chairman), June Ashworth, Jon Barry, Eileen Blamire, Dave Brookes, Abbott Bryning, Ian Clift, Claire Cozler, Andrew Kay, Jane Parkinson, Robert Redfern, Sylvia Rogerson, Susan Sykes and Malcolm Thomas

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

Councillors Stuart Bateson, Sheila Denwood, Mel Guilding, Tim Hamilton-Cox, Janice Hanson and Geoff Knight

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

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

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

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

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

Published on Wednesday 25<sup>th</sup> April, 2018.

<b>Agenda Item</b> A5	<b>Committee Date</b> 9 May 2018	<b>Application Number</b> 18/00103/OUT
<b>Application Site</b>  Land Adjacent To 25 Crag Bank Crescent Carnforth Lancashire LA5 9EQ		<b>Proposal</b>  Outline application for the erection of one dwelling and creation of a new access
<b>Name of Applicant</b>  Mrs S Robinson		<b>Name of Agent</b>  HPA
<b>Decision Target Date</b>  30 March 2018		<b>Reason For Delay</b>  Committee Cycle and deferral for a site visit
<b>Case Officer</b>		Mrs Eleanor Fawcett
<b>Departure</b>		None
<b>Summary of Recommendation</b>		Approval

**(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 John Reynolds for the application to be reported to the Planning Committee on the grounds that the unique environment of the area will be impacted, and concerns over safe access. The application was deferred at the April Planning Committee to allow a site visit to be undertaken.

**1.0 The Site and its Surroundings**

- 1.1 This site is located to the northwest of a row of bungalows on Crag Bank Crescent, at the southern edge of Carnforth. It comprises a small part of the domestic curtilage of Thwaite Lodge (25 Crag Bank Crescent) in addition to a roughly triangular piece of agricultural and which is part of a larger field. The land slopes away from the highway to the west and is used for grazing animals. Just beyond the site is an agricultural building and a group of trees covered by Tree Preservation Order. There was also a protected tree within the site and the curtilage of Thwaite Lodge. However, this has been removed through a Tree Works application and a replacement recently planted.
- 1.2 The North Lancashire Green Belt abuts the western boundary of the site but is not marked by any feature within the landscape. The site is located just outside the urban area of Carnforth, within the Countryside Area, as identified on the Local Plan Proposals Map. The West Coast Main railway line lies approximately 130 metres to the west and the site is partly within a mineral safeguarding area. Crag Bank Site of Special Scientific Interest is located beyond the railway line around 170 metres to the west.

**2.0 The Proposal**

- 2.1 Outline planning permission is sought for the erection of one dwelling with a new access from the end of Crag Bank Crescent. All matters are reserved, though the access has been indicated as utilising the north eastern edge of the residential curtilage of Thwaite Lodge.

### 3.0 Site History

3.1 Outline planning permission was refused in September 2017 for the erection of three dwellings on a larger piece of land, which includes the current application site. The reasons for the decision are set out below:

1. As a result of the constrained nature of the site, which has been defined by the Green Belt boundary, the significant change in levels, the encroachment into the elevated part of the larger field and the awkward access arrangement, it is considered that the development would relate poorly to the existing edge of Carnforth, would not contribute positively to the surrounding landscape or townscape and would fail to represent high quality design and a sustainable form of development. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 7, saved Local Plan policy E4, and Policies DM35 and DM41 of the Development Management Development Plan Document.
2. The application fails to fully demonstrate that the development could be undertaken without having a detrimental impact on trees protected by a Tree Preservation Order, particularly in relation to the proposed changes in levels required to accommodate the development. It is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 11 and Policy DM29 of the Development Management Development Plan Document.

3.2 There have also been some historic applications covering a larger part of the field and some at the end of the cul-de-sac which includes Thwaite Lodge. It is understood that a consent for an additional dwelling at the end of Crag Bank Crescent is likely to be extant as the turning head, approved by this consent, has been implemented. The approval relates to a part single part two storey dwelling, to the northeast of the application site.

3.3 The most relevant planning history is listed below.

Application Number	Proposal	Decision
17/00906/OUT	Outline application for the erection of 3 dwellings and creation of a new access	Refused
16/0173/TPO	To fell an over-mature ash tree	Approved
00/00646/FUL	Amendments to approved application 98/627 re: turning head and design and repositioning of dwelling number two	Refused but approved at appeal
98/00627/FUL	Renewal of 93/1162 to form turning head and erect two dwelling houses	Approved
93/01162/FUL	Erection of two houses with Turning Head	Approved
93/00390/OUT	Outline application to erect five dwellings and turning head	Refused

### 4.0 Consultation Responses

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

Consultee	Response
<b>Town Council</b>	<b>Object</b> on the following grounds: Aerial photography shows the property does not follow the line of Crag Bank Crescent; address of the applicant is incorrect; the ecology report is the same as submitted for an earlier application and since that time otters have been sighted near to the site; tree report does not mention a protected tree and members of the public have suggested that the replacement is not in the correct location; members of the public have suggested that the proposal would be against the Local Plan.
<b>Environmental Health</b>	No comments received within the statutory timescale
<b>Tree Protection Officer</b>	<b>No objection.</b> The Tree Constraints Plan is satisfactory and it shows the proposed Tree Protection Plan which provides adequate protection. A condition will be required in relation to landscaping.

<b>County Highways</b>	<b>No objection.</b>
<b>Natural England</b>	<b>No objection</b> on the understanding that foul drainage will be discharged to the main sewer system.
<b>United Utilities</b>	<b>Comments.</b> Recommend a surface water drainage scheme in accordance with the drainage hierarchy.
<b>Lancashire Fire and Rescue Service</b>	<b>Comments.</b> It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

## **5.0 Neighbour Representations**

5.1 20 pieces of correspondence have been received objecting to the proposal and raise the following concerns:

- Impact on residential amenity – loss of privacy, light pollution, impact on views.
- Impact on highway and pedestrian safety including during construction; existing pavement is narrow on road condition; width of access is excessive for 1 dwelling; awkward access arrangements.
- Detrimental visual impact on the landscape; not in keeping with character of area – different type, size and material to existing houses; visible from the A6 and will appear to be in the middle of a field; unclear how building next to the Green Belt would strengthen this; should be incorporated into the Green Belt and such boundaries should follow natural features.
- Surface water drainage concerns.
- Impact on wildlife including Runoff into SSSI.
- Replacement of felled TPO tree should be where access is proposed and of a comparable size and species.
- Previous applications refused consent on land and has not overcome reasons for refusal of proposal for 3 dwellings.
- Loss of agricultural land.
- Set a precedent for further housing.
- Need for new dwellings in this area given other development proposed or under construction and emerging plan; 1 dwelling makes a negligible contribution to housing supply.
- Number of supporting documents are inaccurate or misleading – tree survey, ecology report, landscape and visual impact assessment.
- Vagueness in terms of proposal.
- Need for size of dwelling proposed.
- Consideration should be given to impact on approved dwelling (not constructed) at the end of Crag Bank Road.
- Applicant does not live at address shown.
- Covenant on 23 Crag Bank Road restricting development within 100 yards in a westerly direction.

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

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

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles  
Paragraph 32 – Access and Transport  
Paragraphs 49 and 50 – Delivering Housing  
Paragraphs 56, 58 and 60 – Requiring Good Design  
Paragraphs 79, 80, 81, 87, 88, 89 and 90 – Protecting Green Belt land  
Paragraph 109 – Protecting and enhancing valued landscapes  
Paragraph 118 – Conserving and enhancing biodiversity

### **6.2 Local Planning Policy Overview – Current Position**

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations DPD; and,

(ii) A Review of the Development Management DPD.

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 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 2017, 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)

DM20 – Enhancing Accessibility and Transport Linkages  
DM22 – Vehicle Parking Provision  
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 Dwellings

**7.0 Comment and Analysis**

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

- Principle of the development of the land for housing
- Landscape and visual impact
- Highway impacts
- Impacts on residential amenity
- Ecology and tree implications

7.2 Principle of the development of the land for housing

7.2.1 The site is located within the Countryside Area, just outside the defined urban area of Carnforth and abuts the Green Belt. Given that it lies adjacent to the Green Belt boundary, rather than within it, the proposal cannot be considered to be contrary to Green Belt policy. However, the line of the Green Belt in this location does not follow any field boundary or other obvious feature on the ground and is instead a line drawn between two corners of the larger field. Visually the application site is part of the remainder of the field, although Thwaite Lodge does partly encroach into this, and the land is at a lower level than the highway and adjacent development, and slopes downwards to the west.

7.2.2 The Green Belt boundary leaves a relatively narrow triangular piece of field, outside the designation,



to the rear of the bungalows fronting Crag Bank Crescent. The gardens to these properties reduce in length significantly to the north west of the row and, as such, one consideration when the Green Belt was originally designated could have been to leave the potential for the properties with shorter gardens to be extended in line with others, although this is not known. This piece of land formed part of the previous application for the erection of three dwellings. The current application relates to the erection of one dwelling to the northwest of Thwaite Lodge.

- 7.2.3 Although the site is within the Countryside Area, it is adjacent to the urban area of Carnforth and, as a result, the development would be in reasonably close proximity to services within the town. Therefore, from a locational perspective it would be considered to be sustainable. There were significant concerns with regard to the previous proposal for three dwellings that the development did not form a logical extension to the current edge of Carnforth or rounding off to the settlement. The access was considered to be awkward, utilising the garden of a residential property, and the development was considered to relate poorly, particularly in terms of its layout to the adjacent residential properties, mainly due to the very constrained nature of the site which has been determined by the boundary of the Green Belt. This particularly related to the two proposed dwellings in the narrow triangular section of land to the rear of the existing buildings which created an awkward form of backland development.
- 7.2.4 The current proposal does not form a natural rounding off to the development on Crag Bank Road, particularly due to the change in levels. However, it does relate better to the existing built development than the previous proposal as it would continue the line of development to the northwest and not extend to the rear of the existing bungalows. The site would still utilise the same access point. However, as it would only serve a single dwelling it would not create the same awkward relationship. The application boundary still extends up to the Green Belt, which does not follow any feature within the field. The submitted site plan and visualisation appears to show a garden boundary set in from this, more in line with the furthest extent of the garden to Thwaite Lodge. However, the red line boundary would allow the domestic curtilage to extend beyond this. Given this, the agent has been asked to amend the red line to correspond to the proposed field boundary. In response, it has been set out that the Green Belt Review 2016 identified that the Green Belt in this location has a weak boundary which is vulnerable to encroachment as no physical boundary is visible. The response goes on to say that by providing a physical boundary, they are demarking the Green Belt, therefore strengthening the boundary and reducing the risk of encroachment into the area. However, it is not clear how a strong boundary, more in line with the adjacent properties, would make the Green Belt vulnerable to encroachment, and having the boundary extending up to the Green Belt results in a greater visual encroachment into this field. The submitted plan also shows landscaping along the line of the Green Belt in order to strengthen this boundary. However, as set out above, this does not follow any natural feature so would likely create an unusual line of trees within the field and it would be more appropriate that the site boundary was reduced, as discussed above, and a strong boundary created at this point if consent was to be granted.
- 7.2.5 One of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. Although the site is outside the Green Belt, it was considered that the previous proposal would result in a significant encroachment into the countryside due to its poor relationship to the adjacent development in terms of form and layout and the sloping nature of the site, which is a clear part of the undulating pasture which makes up the adjacent Green Belt land that surrounds Carnforth on its southern side and contributes to the landscape setting of the town. As set out above, whilst the current proposal is at a lower level than the adjacent development, and would encroach into the field, it is better related to the existing development, particularly if the site boundary is reduced. Some of the supporting documentation appears to show the building as single storey, though the agent has confirmed that this would be split level, following the contours of the site. However, the design, scale and layout would be a reserved matter and is not considered at this stage.
- 7.2.6 A number of the responses received to the application have raised that earlier applications on this land have been refused and this proposal should be resisted for the same reasons and that it could set a precedent for further development. However, the current application must be determined on its own merits in accordance with the relevant planning policy at this time including a presumption in favour of sustainable development set out in the NPPF. Although this development would only contribute a single dwelling, Lancaster District has a significant undersupply of housing and this therefore carries significant weight. Given that the current proposal would be outside the Green Belt,

adjacent to the existing built up area of Carnforth, and better related to the existing layout of development, particularly if the site boundary is reduced, on balance it is considered that the principle of a single dwelling in this location is acceptable.

### 7.3 Landscape and visual Impact

- 7.3.1 The visual impacts of the proposal are contained by the existing topography; the main views of the development being from nearby residential properties, the end of Crag Bank Crescent and possibly briefly from the railway line, although there is a significant band of intervening trees. There may also be more distant views from the A6, although these would be limited due to existing development along this road and a wooded area that is likely to screen the site in summer months. It would also be seen in the context of existing dwellings. The submission does not set out how high the dwelling would be, though it has been advised that this would be single storey where it faces the road and two storey at the rear, following the contours of the site. The building would be set at a lower level than the highway and lower than the adjacent bungalows, which would limit its visual impact and prominence within the street scene. Overall, given the limited viewpoints and the position at the end of the row of dwellings, it is considered that there would not be a significant adverse visual impact as a result of the development.
- 7.3.2 The site does form part of the rolling drumlin landscape and, although the development is small in scale, it would alter the appearance of this. There were concerns in relation to the previous proposal that there would be stepped areas and retaining walls due to the engineering operations to create a level area for the dwellings. However, this is likely to be more limited with the current proposal and it could be designed in a way to follow the contours of the site, particularly if the height is kept lower than the adjacent development and the boundary brought more in line with Thwaite Lodge to limit the impact of associated domestic paraphernalia from more distant views. As set out above, the creation of a line of planting following the Green Belt boundary would likely create an unusual feature within the landscape. However, some planting could be incorporated to help soften the development along its boundaries.
- 7.3.3 A landscape and visual impact assessment has been submitted, but it just provides a visual amenity assessment and proposes some mitigation in terms of landscaping. Some concerns have been raised in the public comments about inaccuracies within this which have been noted. It also does not appear to provide an assessment of the impact on the landscape. However, for the reasons set out above, it is considered that a dwelling could be accommodated within the site without having a significant adverse landscape and visual impact. The siting, design and scale of this would be considered through a subsequent reserved matters application if consent is granted.

### 7.4 Highway Impacts

- 7.4.1 The Highways Authority has raised no objections to the application on highway safety grounds. The application relates to a small scheme and therefore there is unlikely to be a significant amount of traffic generated and there will only be the shared access drive/ road which would not benefit from a footway. Whilst access is a reserved matter, there is only one option given the location of the site. Clarification has been sought with the agent in relation to how the new access could be arranged to ensure that there were no conflicts with users of the driveway to Thwaite Lodge. The agent has advised that an extension to the dropped kerb could be made if necessary, and a plan has been provided to show how the two properties could use the access. The precise details would be covered by a subsequent reserved matters application. It would be expected that two parking spaces were created, and there is considered to be sufficient space to provide this.

### 7.5 Impacts on residential amenity

- 7.5.1 The site lies adjacent to Thwaite Lodge, 25 Crag Bank Road, and is at a lower level. The site plan has demonstrated that sufficient distance could be created in order to prevent overlooking between the properties or loss of light. Care would need to be taken in relation to boundary treatments, and the boundary to Thwaite Lodge is quite open at present. The presence of Thwaite Lodge and the topography would prevent any overlooking to the other adjacent bungalows on Crag Bank Crescent. It is considered that there would not be a significant impact in terms of light pollution from a single dwelling located adjacent to existing development.
- 7.5.2 Some concerns have been raised from the owner of the adjacent land, where there is consent for a

single dwelling. This may be extant as the turning head, approved as part of that application, has been implemented. Considering the approved plans, a new dwelling could be positioned on the site without having a detrimental impact on future occupiers of the approved dwelling.

### 7.6 Ecology and tree implications

- 7.6.1 An ecology appraisal has been submitted with the application. This is the same as submitted with the previous application and was carried out in July 2017. Whilst it refers to the previous proposal, it covers the application site and is considered to be within an appropriate timescale to allow for impacts of the development to be adequately assessed.
- 7.6.2 No objections have been raised by Natural England in relation to potential impacts on the nearby designated site, Crag Bank SSSI, subject to the proposal connecting to the existing sewer system for the disposal of foul drainage. The agent has confirmed that it is envisaged this would be pumped up to the existing system. The submitted report sets out that the site comprises semi-improved grassland with low species diversity and ecological value. In terms of protected species, the site is considered to be of low value to amphibians, and no evidence of badgers were found although there are records within 2 kilometres. In term of bats, it is considered that there would not be significant degradation of foraging habitat as a result of the proposal and no trees are proposed to be felled. The grassland is considered to have low value for nesting birds, the risk to brown hares is considered low, it is considered that the site is not of any local significance for invertebrates and the majority of the site has low value for reptiles although they may occur along the railway line. Overall, it is considered that the ecological value of the site does not provide a significant constraint to the development and some precautionary mitigation has been advised in the report.
- 7.6.3 Some of the public comments submitted have advised that there is a badger sett on the other side of the railway line and otters have been seen in the area. Mitigation has already been proposed within the ecology report as badger setts are known to occur within 2 kilometres. This mitigation is during construction to ensure that impacts will be minimised to badgers passing over the site and would also be relevant to otters and other animals to ensure that they do not become trapped in open trenches. The ecological value of the site has been fully considered in the report and therefore, subject to the precautionary mitigation, it is considered that there would not be a detrimental impact to protected species as a result of the proposal. In relation to bats it has been advised that roosting provision for crevice dwelling bats could be incorporated into the buildings on site or bat boxes could be erected in retained trees. These details can be requested by condition.
- 7.6.4 There is a single veteran ash tree to the north-western corner of the site which is implicated by the development. A Tree Constraints Plan has been submitted, which includes adequate tree protection measures. This demonstrates that the scheme could be undertaken without undue pressure on either the above or below ground structures of this tree. A silver birch has been planted as a direct replacement following the authorised removal of a mature ash tree under permission 16/073/TPO, but appears to have been inaccurately plotted on the proposed site plan. The replacement tree has been planted to the northern aspect of the existing boundary line, not to the southern aspect as shown. However, it is considered that it does not form a significant constraint to the development and, whilst the location is different to the original ash tree, this is acceptable. It is currently a small tree and could be transplanted if required in order to accommodate the access and it does assume the protection as the original tree which was subject to a TPO.

### **8.0 Planning Obligations**

- 8.1 There are no planning obligations to consider in relation to this proposal.

### **9.0 Conclusions**

- 9.1 The site is in close proximity to the existing urban area of Carnforth, and whilst it does not form a natural rounding in relation to the edge of the settlement, it is considered that the proposal would not have a sufficient landscape or visual impact to warrant refusal of the proposal. It also would not have a significant impact on highway safety, residential amenity or biodiversity. In accordance with paragraph 49 of the NPPF, 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 a five year supply of deliverable housing sites cannot be demonstrated. Therefore, in terms of the planning balance, it is considered that any adverse impacts

caused by the proposal do not significantly outweigh the benefits of the dwelling.

### **Recommendation**

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

1. Standard outline timescale
2. Approved plans – in relation to location plan
3. Investigation of contamination
4. Foul and surface water drainage scheme
5. Ecology mitigation – including new bat roosting opportunities
6. In accordance with arboricultural implications assessment (to be updated) including tree protection measures
7. Remove permitted development rights – extensions and outbuildings

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

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

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

### **Background Papers**

None

Agenda Item	Committee Date	Application Number
A6	9 May 2018	17/00944/OUT
<b>Application Site</b>  Ward Field Farm Main Road Galgate Lancaster	<b>Proposal</b>  Outline application for the demolition of existing agricultural buildings, retention and residential conversion of stone barn for up to 2 dwellings and erection of up to 68 dwellings with associated access	
<b>Name of Applicant</b>  Hollins Strategic Land LLP	<b>Name of Agent</b>  None	
<b>Decision Target Date</b>  10 November 2017  Extension of time agreed 15 May 2018	<b>Reason For Delay</b>  Submission of additional supporting information, negotiations, and further consultation on amendments to the scheme, particularly in response to the 22/23 November 2017 flood event.	
<b>Case Officer</b>	Mrs Jennifer Rehman	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approve	

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

- 1.1 The site relates to a 4.5 hectare parcel of agricultural land associated with Ward Field Farm located to the north of Galgate village, approximately 4 miles south of Lancaster City centre. Except for the farmhouse and its associated garden curtilage (considered previously developed land), the site is predominately 'greenfield' reflecting its Development Plan 'Countryside Area' designation. The site comprises a traditional stone-built farmhouse and stone barn with a large portal framed agricultural building to the west of the stone barn and two smaller outbuildings closer to the farmstead. Alongside the agricultural enterprise there is a butchers/farm shop operating from the site with a small-scale kennelling operation newly established. The farm is served by a single vehicular access taken off the A6 to the south side of the farmhouse with a driveway along the southern edge of the complex and parking to the north via the courtyard.
- 1.2 The site is situated between the West Coast Main Line (WCML), Preston-Lancaster Road (hereafter referred to as the A6), the River Conder, a historical scarp yard and open agricultural land. The WCML is situated along the western boundary of the application site with a landscaped embankment forming a strong linear feature along the edge of the development site in this location. The A6 runs along the eastern boundary of the site and provides a major transport corridor between the M6 motorway, Preston and Lancaster city centre. The A6 is subject to a 50mph speed limit in the location of the proposed site dropping to 30mph at Galgate Bridge. There is an existing footway along the eastern side of the carriageway and a grass verge to the western side along the site frontage. Agricultural land extends to the north of the application site where the topography begins to gradually rise in a northerly and westerly direction. The River Conder forms a strong boundary along south eastern edge of the site. The river itself is defended by a 1.3m high sectional concrete flood defence wall which separates the river channel from the proposed field. A vehicle scrap yard neighbours the southern part of the site. This is separated by a post and wire fence and high conifer trees (on the scrap yards side). The red edge extends to the western side of the scrap yard towards

the rear of property fronting and accessed off Salford Road (12-20 Salford Road) and associated outbuildings and gardens.

- 1.3 The application site straddles across flood zones 1, 2 and 3 with parts of the site affected by surface water flooding. The site is located on land identified as mineral safeguarding land and has a public right of way (FP2) running between the A6 and the WCML just to the north of the existing farmstead. There are no designated heritage assets within the proposed development site directly affected by the proposals. The closest listed buildings are those associated with Galgate Silk Mill and Chapel Cottages to the east side of Chapel Lane, with a grade II listed structure (Galgate Old Bridge) to the south of the site on Salford Road. There are no protected trees on or within the vicinity of the application site nor are there any ecological designations affecting the site directly. The site is located circa 250m (from Galgate Bridge) to the village's Air Quality Management Area (AQMA).
- 1.4 The topography of the site falls in a south-easterly direction towards the River Conder with the levels ranging from 31.5mAOB in the north-western corner of the site and 19.3mAOD on the south-eastern boundary.

## **2.0 The Proposal**

- 2.1 The applicant seeks outline planning permission for the demolition of existing agricultural buildings, retention and residential conversion of the stone barn for up to 2 dwellings and erection of up to 68 dwellings with an associated access of the A6. The applicant seeks full approval for the access with layout, landscaping, scale and appearance reserved for subsequent approval.
- 2.2 As part of the applicant's proposal, the residential development (dwellinghouses) will be limited to flood zone 1 with the southern part of the site (that identified as flood zones 2 and 3) retained to provide an extensive area of open space with equipped play areas.
- 2.3 The applicant proposes 40% of the housing units to be affordable in accordance with the Council's affordable housing policy to be secured by legal agreement.
- 2.4 New priority-controlled junction off the A6 with visibility spays measuring 2.4m x 59m, together with new footway provision is proposed along the western edge of the carriageway (A6) to tie into the existing footpath to the south of Galgate Bridge. The proposed access is approximately 25m south of the existing access.

## **3.0 Site History**

- 3.1 There are no records of any relevant planning applications associated with the proposed site. The uses operating from the site and their associated advertisements/buildings do not appear to have any formal consent from the local planning authority (if consent is needed). Such matters are being investigated by the local planning authority separate from this proposal.
- 3.2 Part of the site (the southern end – site 141) was advanced and investigated as part of the 2015 Strategic Housing Land Availability Assessment (SHLAA). This site was not advanced through the emerging Local Plan Strategic Policies and Land Allocations DPD as it was considered unsuitable due to its position within flood zones 2 and 3. Land to the north of site 141 did not form part of the 2015 SHLAA, though the developer has made representations promoting this element of the site (and the wider site) as part of the emerging Local Plan.

## **4.0 Consultation Responses**

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

Consultee	Response
Parish Council	<b>Objection</b> for the following reasons: <ul style="list-style-type: none"> <li>the development will extend the village closer to edge of Lancaster and University which will harm the character and form of the village;</li> <li>there are insufficient school places;</li> <li>the local highway cannot accommodate additional traffic; and</li> </ul>

	<ul style="list-style-type: none"> <li>the development is at risk of flooding and will increase the risk of flooding in the village, which the village is already susceptible to.</li> </ul> <p>Following amendments to the scheme and the submission of additional supporting information, the Parish Council maintains their objection.</p>
<b>Environment Agency</b>	<p>Following the submission of additional supporting information and amendments to the scheme, the Environment Agency raises <b>no objection</b>, and confirms that the applicant has demonstrated that the development will not be at unacceptable risk of flooding or exacerbate flood risk elsewhere, provided the development is carried out in accordance with the mitigation set out in the latest flood risk assessment. Advice is provided to the applicant in respect of land drainage byelaws and environmental permitting given the proximity of the site to the River Condor.</p>
<b>Lead Local Flood Authority</b>	<p>Following the submission of additional supporting information and amendments to the scheme, the Lead Local Flood Authority raises <b>no objection</b> provided the following conditions are secured:</p> <ul style="list-style-type: none"> <li>Surface water drainage scheme to be agreed;</li> <li>Maintenance and management plan for surface water drainage scheme;</li> <li>Removal of PD rights pertaining to the erection of structures on permeable surfaces; and</li> <li>SuDS features to be installed prior to construction of any other development phase.</li> </ul>
<b>United Utilities</b>	<p>Following the submission of additional supporting information and amendments to the scheme, United Utilities raises <b>no objection</b> to the development, subject to the development being carried out in accordance with the FRA with no surface water to the public sewer and the site being drained on separate systems.</p>
<b>Highway Authority</b>	<p>Following the submission of additional supporting information/amendments to the scheme and despite some identified deficiencies in the submission, the Highway Authority (HA) raises <b>no objection</b> to the development and recommend the following conditions (in summary):</p> <ul style="list-style-type: none"> <li>Roads to be construction to adoptable standards;</li> <li>Access details to be agreed and protection of visibility splays;</li> <li>Scheme for off-site highway works, including a pedestrian refuge facility on the A6 in the vicinity of the proposed access, footway improvements between the site and village, tactile paving and alterations to junction radii at Tanhouse, provision of new northbound bus stop and associated bus stop/layby and extension of 30mph speed limit north of the site's point of access (subject to TRO) with gateway treatments between the site and Hazelrigg Lane, and a review of street lighting; and</li> <li>Construction Management Plan.</li> </ul> <p>The HA has confirmed no objections to the position of the access following the latest flood risk assessment and the extent of flooding that occurred in November 2017.</p>
<b>Highways England</b>	No objection
<b>Planning Policy team (City Council)</b>	<p>The policy team has indicated that the site is located in a settlement where the council would look to promote residential development. On unallocated sites the policy team stress that the proposal should be considered in the context of policy DM42, noting some concerns over the extent to which the proposal relates to and is proportionate to the existing built form of the settlement. The policy team set out the key policies which the development should be assessed against; the current 5 year housing land position and the implications of such in the context of the presumption in favour of sustainable development (NPPF); notes the importance of land between the village and future growth to South Lancaster identified through the emerging Land Allocations DPD, and finally recognises that the approval of more residential proposals and the identification of more land provides opportunities to address the undersupply of housing, provided that the adverse impacts of doing so do not significantly and demonstrably outweigh the benefits of delivering much needed housing in the district.</p>
<b>Lancashire County Council – Schools Planning Team</b>	<p><b>No objections</b> subject to contributions being sought to secure 1 primary school place at Ellet St John The Evangelist Church of England Primary School and 11 secondary school places at Ripley St Thomas Church of England Academy.</p> <p><i>Following the amendments to the scheme, a reassessment has been requested and a verbal update will be provided.</i></p>
<b>Public Realm Officer (City Council)</b>	<p><b>No objections</b> subject to the provision and management of on-site amenity space, play provision and off-site contributions towards young people's facilities and outdoors sports facilities (Total: £121, 777).</p>

	Negotiations have been on going with the applicant, Officers and Public Realm Officer now reaching agreement to deliver a shared children's and young peoples natural play space on-site with an off-site contribution towards improvements to existing sports facilities at the existing recreation grounds in the village.
<b>Environmental Health Service (Noise)</b>	<b>No objections</b> or concerns on noise or vibration grounds subject to a condition securing a scheme for noise/vibration mitigation in line with the recommendation of the submitted report.
<b>Contaminated Land Officer</b>	<b>No objections</b> subject to a site investigation condition.
<b>Air Quality Officer</b>	Following a revised Air Quality Assessment and subsequent consultation, the Air Quality Officer maintains an <b>objection</b> contending the proposal would lead to a worsening impact on Galgate AQMA and that the submissions does not provide sufficient and effective mitigation to minimise the impacts.
<b>GMEU</b>	Following the submission of additional supporting information and amendments to the scheme, GMEU has <b>no objections</b> to the development, subject to mitigation against habitat loss (landscape buffers, retention of hedgerows/trees and comprehensive landscape plan at reserved matters stage) and the provision of ecological enhancement measures including the installation of features to benefit the conservation of Swifts. The proposal includes the retention of the farmhouse and barns. GMEU advises that if works are proposed to the farmhouse, further assessment in relation to bats would need to be secured. GMEU has confirmed that no mitigation for Barn Owls will be required given retention of barns and that the development will not cause undue harm to Otters.
<b>Natural England</b>	<b>No comments</b> – advises the LPA to refer to their standing advice in relation to protected species and indicated that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
<b>Royal Society for the Protection of Birds (RSPB)</b>	The RSPB has provided comments to encourage the developer to include bird nesting/housing opportunities as part of the development, to support the declining populations of Swifts.
<b>Ramblers Association</b>	<b>Objects</b> to the application on the grounds the PROW passes through the site and that despite Network Rail blocking this PROW some time ago it was never legally closed, and a new line was never created. The Ramblers Association also object on the grounds it brings the development closer to the University and Lancaster.
<b>Public Rights of Way (PROW) Officer</b>	Confirms that there is a definitive public right of way (PROW) running through the site that could be affected by the development proposals and that it is the responsibility of the landowners to ensure necessary procedures are followed for legal diversion. The PROW Officer has confirmed that the definitive PROW through the site has not been formally diverted despite there being an alternative path to the north of the application site crossing the WCML.
<b>Lancashire Archaeology Advisory Service (LAAS)</b>	Based on the additional Archaeological Report submitted, LAAS has confirmed that the site has significant archaeological potential. LAAS initially recommended that the extent of the developable area be pulled back towards the existing buildings at Ward Field Farm to preserve the curving earthworks which are remains of later medieval or early post-medieval systems of cultivation and for the remainder of the site LAAS recommends a formal scheme of archaeological field investigation and recording. Following further information in relation to the earthworks north of the site, LAAS no longer recommend alterations to the extent of the developable area indicated on the concept plan and does not object subject to condition securing a programme of archaeological work to be carried out in accordance with a written scheme of investigation.
<b>Conservation Officer</b>	Following the amendments to the scheme to retain the existing stone barn, the Conservation Officer raises <b>no objections</b> from a conservation and heritage perspective, adding that the village is predominately stone/render with slate roofs, therefore recommends the development reflects such materials.
<b>Tree Officer</b>	<b>No objections.</b> Recommends a full Arboricultural Implications Assessment (AIA) and landscape scheme to be submitted with a subsequent reserved matters application.
<b>Network Rail</b>	<b>No objections</b> but sets out several asset protection requirements in relation to construction works, excavation, landscaping, trespass fencing and drainage.



<b>Lancashire Constabulary</b>	<b>No objections.</b> Recommends that the new development is built to Secured by Design 'Homes 2016' criteria and sets out a number of design recommendations to in be included at reserved matters stage if planning permission is granted to mitigate the risk of crime. The Constabulary has also indicated that there have been a large number of reported thefts at construction sites across Lancashire and recommends that sites during construction are also secured with perimeter fencing/gates/CCTV.
<b>Fire Safety Officer</b>	<b>No objections.</b> Recommends that the development is designed to comply with Building Regulations, in particular access and facilities for the Fire Service.

## **5.0 Neighbour Representations**

5.1 At the time of compiling this report, there has been more than 90 representations received opposing the development. These representations are in response to the initial consultation of the application and several subsequent re-consultations following the submission of additional information and amendments to the scheme.

One of the objections was from the Local Residents' group CLOUD (Citizens of Lancaster opposed to unnecessary development).

The main reasons for opposition are summarised below:

### **Policy Matters:**

- the site is not identified in the emerging Local Plan. It is premature and amounts to poorly planned piecemeal development - approval of this development would be short-sighted;
- the proposal would erode the separation promised between the village and the proposed Garden Village boundary resulting in Galgate losing its village status;
- the village has had its fair share of new housing development (121 new houses) and additional development would affect its sense of character and village status.

### **Flood risk concerns:**

- the field floods severely (described as flood plain) and has poor drainage so any additional development will increase flood risk to the site itself, neighbouring property and the village downstream;
- the severe flood event that occurred on the 22/23 November 2017 where the site and surrounding property flooded (some 104 properties affected by one account) demonstrates the real risks and devastation associated with the development;
- a decision regarding future development should be delayed until mitigation works have been undertaken and existing drainage/flood risk problems are understood;
- inaccurate flood risk assessment (FRA) and concerns and criticism of subsequent FRA addendums following the flood event (many objectors reference the photographs presented in the FRA addendum as misleading – the extent of the flooding was worse during the night and the applicant's photo was taken the following morning when waters had receded);
- residents have provided photographs of the floods to counter the information presented;
- imprecise and inappropriate surface water drainage solutions to provide reassurances the development will not increase flood risk and that there will be no run-off into the River Conder/ catchment;
- increased contamination risks as a result of increased flooding given surrounding uses around the site (this affected some residents on Salford Road in November 2017);
- existing flood defences are inadequate and were not built to cope with increased rainfall experienced in the catchment or additional development;
- concerns over the blockage of an underpass affecting flood water flows;
- previous filling of ditches on the site has impacted flood water flows;
- existing drainage infrastructure unable to cope with increased development;
- slight reduction in dwelling numbers does not alter flood risk concerns;
- the development should include a reduction to the height of the western flood wall to ensure any increased water from the development does not increase flood risk to the east side towards property on Main Street;
- safety concerns for children playing in the proposed public open space alongside the Conder.

## **Access and traffic:**

- unsafe access located within the 50mph zone to an already highly congested highway at peak times;
- increase traffic congestion along A6 into the city centre and at the crossroad junction in the village, which are already considered to be at capacity;
- increase parking congestion;
- increase air quality problems in the village;
- poor and unsafe pedestrian facilities between site and local amenities/services;
- lack of consideration of the public right of way marked running through the site;
- proposed path to Salford Road is used as a garden to residents on Salford Road.

## **Impact on the village infrastructure**

- primary schools over-subscribed;
- doctor's surgery over-stretched;
- limited services within the village;
- deprive the tenant farmer of livelihood;
- loss of farm shop which is utilised by locals;
- insufficient drainage/sewerage capacity.

## **Amenity concerns:**

- loss of greenfield land;
- loss of open rural views to rear of existing properties (Main Road);
- erosion of village identity especially to the north;
- loss of quality of life to residents on Main Road backing the site (undeveloped open space to the rear makes it a bearable place to live given congested A6 to the front) and increased noise levels;
- loss of privacy to residents on Salford Road by virtue of the proposed footpath link;
- the amended density plan shows high density development which would be unsuitable;
- increased vehicles will contribute to poor air quality in the village.

## **Other matters:**

- proposed public open space (POS) is located in a hazardous position (accessed via 50mph road next to the railway embankment and River Conder);
- concerns over POS maintenance;
- poor consultation;
- property values affected by concerns over increased flood risk;
- inability for future residents to obtain insurance;
- concerns over risk of non-compliance of planning by developers and associated flood risks;
- lack of employment opportunities;
- amendments to the proposal fail to take account of concerns raised by various agencies and residents.

There has been 1 letter of support for the construction of houses on Ward Field Farm commenting there are no flooding problems.

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

### **6.1 National Planning Policy Framework**

Paragraphs 7, 11, 12 and 14 – Achieving sustainable development

Paragraph 17 – Core planning principles

Section 4 – Promoting sustainable transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

Paragraphs 100 – 104 – Flood risk

Paragraphs 120, 121, 123 and 124- Contamination, noise and air quality

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

Paragraph 144 – Mineral Safeguarding

## 6.2 **Local Planning Policy Overview**

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

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

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 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 2017, 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 relevant policies are:

SP2 – Lancaster District Settlement Hierarchy  
 SG1 – Broad Location for Growth - Bailrigg Garden Village  
 EN5 – The Open Countryside  
 T4 – Public Transport Corridors

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 **Development Management (DM) DPD (2014)**

DM8 – The Re-Use and Conversion of Rural Buildings  
 DM20 – Enhancing Accessibility and Transport Linkages  
 DM21 – Walking and Cycling  
 DM22 – Vehicle Parking Provision  
 DM23 – Transport Efficiency and Travel Plans  
 DM25 – Green Infrastructure  
 DM26 – Open Space, Sports and Recreational Facilities  
 DM27 – The Protection and Enhancement of Biodiversity  
 DM28 – Development and Landscape Impact  
 DM29 – Protection of Trees, Hedgerows and Woodland  
 DM32 – The Setting of Designated Heritage Assets  
 DM33 – Development affecting Non-Designated Heritage Assets  
 DM34 – Archaeological Features and Schedule Monuments  
 DM35 – Key Design Principles  
 DM36 – Sustainable Design  
 DM37 – Air Quality Management and Pollution  
 DM38 – Development and Flood Risk  
 DM39 – Surface Water Run-Off and Sustainable Design  
 DM40 – Protecting Water Resources and Infrastructure  
 DM41 – New Residential Development  
 DM42 – Managing Rural Housing Growth  
 DM48 – Community Infrastructure

## 6.4 **Lancaster District Core Strategy (2008)**

SC1 – Sustainable Development  
 SC4 – Meeting the Districts Housing Requirements  
 SC8 – Recreation and Open Space

6.5 **Saved policies Lancaster District Local Plan (2004)**

E4 – Countryside Area

6.6 **Waste and Minerals Local Plan (2013)**

Policy M2 Safeguarding Minerals

6.7 **Other Materials Considerations**

National Planning Practice Guidance

Technical Guidance to the NPPF

Meeting Housing Needs Supplementary Planning Document (2013)

Five Year Housing Land Supply Position (October 2017)

Housing Land Monitoring Report (August 2017)

Strategic Flood Risk Assessment (October 2017)

Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (2015)

Application of the Flood Risk Sequential Assessment Test and Exception Test Planning Advisory Note (February 2018)

Open Space Provision within New Residential Development Planning Advisory Note (2015)

Provision of Electric vehicle Charging Points for New Development Planning Advisory Note (2016)

Low Emissions and Air Quality Guidance for Development Planning Advisory Note (September 2017).

A Landscape Strategy for Lancashire (2000)

Expression of Interests for a locally-led garden Village (Lancaster City Council)

District of Lancaster Highways and Transport Masterplan (October 2016)

Housing White Paper: Fixing our broken housing market (February 2017)

**7.0 Comment and Analysis**

7.1 The main planning issues to be addressed are as follows:

1. Principle of development
  - a) Emerging Local Plan
  - b) Mineral Safeguarding
  - c) Housing Supply
  - d) Rural Housing
2. Flood risk considerations
3. Access, traffic and connectivity considerations
4. Design, landscape and heritage considerations
5. Amenity and environmental considerations

**1. Principle of Development**

7.2 **a) Emerging Local Plan**

As set out in section 6.0 of this report, the Council is in the process of preparing a new Local Plan for the district including a Strategic Policies and Land Allocations DPD and a Review of the Development Management DPD. Whilst the emerging Local Plan is gathering pace with the Publication versions due to be submitted to the Inspectorate in the forthcoming months, at the time of drafting this report, the policies contained in the emerging Local Plan can only be afforded limited to modest weight depending on unresolved objections to the policies contained therein and consistency with the Framework in accordance with paragraph 216 of the NPPF.

7.3 Some of the public objections received express concerns over the site being promoted in advance of the emerging Local Plan noting concerns over prematurity. The critical themes arising from the public representations relate mainly to the growth of South Lancaster, specifically the Bailrigg Garden Village (BGV) allocation, and the risk that this proposal would undermine the proposed areas of separation between BGV (strategic growth area) and Galgate village. It should be noted that since the submission of the application (and initial representations received) and reporting this application to the Planning Committee the proposed allocation associated with the BGV allocation has evolved, with the BGV allocation being represented in the emerging Strategic Allocations and Land Allocations DPD as a Broad Area of Growth. It is the Council's intention (subject to the outcome of the Local Plan Examination) to provide more detail on the locations for growth and the delivery of critical infrastructure through a separate BGV Action Plan DPD.

- 7.4 The matter of prematurity is discussed in the National Planning Practice Guidance (NPPG) where it states that a refusal of planning permission on the grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. If permission was refused on such grounds the local planning authority would have to indicate clearly how the grant of planning permission for the development would prejudice the outcome of the plan-making process.
- 7.5 The BGV allocation (under emerging policy SG1) currently clips the northern edge of the proposed application site, although the actual boundary of the BGV (marked by a blue dashed line) is outside the proposed site. The extended shading to the BGV allocation into the site is marginal and does not appear to form any functional purpose. The remainder of the proposed site is outside the BGV allocation and therefore is not considered necessary to the delivery of this proposed strategic growth area. The remaining parts of the site are identified in the emerging plan as Countryside Area (like the current Development Plan). This proposed Open Countryside designation extends north of the application site up to the suggested boundary of the BGV. It is understandable that objectors to the proposal have concerns that the development of the proposed site would threaten and potentially prejudice opportunities to secure appropriate areas of separation between the BGV allocation and the village. One of the key principles of Emerging policy SG1, will be to create sufficient areas of open space including distinct areas of separation between the BGV and Galgate (and South Lancaster). This is a requirement of that emerging policy whatever the outcome of this application. Whilst the proposal will result in an extension of the village northwards, there are no grounds at this stage, to argue the development would prejudice future growth of the district (delivery of the BGV) or indeed remove the ability and opportunities (through the emerging Allocations DPD and the future BGV Action Plan DPD) to provide and secure a suitable visual and functional gap between the village and planned areas of growth. The proposal would not at this time undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development central to the emerging Local Plan. Despite the objections to the contrary, there are no substantive grounds for refusing planning permission on prematurity.
- 7.6 b) Mineral Safeguarding  
The site and surrounding land is located within a Mineral Safeguarding Area under Lancashire's Waste and Minerals Local Plan. Policy M2 of the Waste and Minerals Plan states that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals. The policy sets out circumstances where incompatible development may be acceptable, for example where there is an overriding need for the development that outweighs the need to avoid mineral sterilisation. It requires proposals for development other than non-mineral extraction, to demonstrate that they will not sterilise the resource or that consideration has been given to prior extraction, on site constraints and the need for the proposed development. The NPPF states that local planning authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes. The application offers limited assessment and consideration of the mineral safeguarding designation. However, in accordance with guidance and having suitable regard to the nature, scale and sensitivity of the site and surrounding uses together with the site's close proximity to essential transport infrastructure and environmental assets, it is reasonable to judge that mineral sterilisation would not present a constraint to development and mineral extraction is highly unlikely to be regarded commercially viable nor environmentally appropriate in this location. On this basis, the use of the land for alternative development can be considered favourably, particularly having regard to the under supply of housing.
- 7.7 c) Housing Supply  
The NPPF requires local planning authorities to boost significantly the supply of housing taking account of full objectively assessed needs (OAN) for both market and affordable housing over the plan period. The NPPF also indicates that housing applications should be considered in the context of the presumption in favour of sustainable development and 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 deliverable housing sites.
- 7.8 The interpretation of what policies should to be judged 'out-of-date' has been the subject of recent case law. Most significant is a Supreme Court judgement in May 2017 (Suffolk Coast DC v Hopkins Homes and Richborough Estates v Cheshire East BC) which overturned a previous Court of Appeal ruling regarding the interpretation of "relevant policies for the supply of housing". The Supreme Court concluded that there was no reason "...to treat the shortfall (of a 5-year housing land supply) in the

particular (housing specific) policies as rendering out-of-date other parts of the Plan which serve a different purpose". The judgement re-emphasises the primacy of the Development Plan and the role of the decision-maker in assessing the weight to be attached to individual policies when considering the planning balance.

- 7.9 Given the requirement to significantly boost the supply of housing, housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. For decision taking this means approving development that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, grant planning permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.
- 7.10 It is well rehearsed that the City Council is currently unable to demonstrate a 5 year housing supply despite much improved delivery over the past few years (figures above the 400 dwellings per annum requirement set out in the Development Plan). This undersupply does therefore render relevant policies for the supply of housing out of date, triggering the engagement of what is now referred to as the tilted balance. It must be recognised that opportunities to address the undersupply of housing can only come forward through the approval of more housing proposals and the identification of further supply through the land allocation process. Notwithstanding the key issues to be discussed in the remaining sections of this report, there is no doubt that this proposal, which seeks to achieve up to 70 dwellings (including the conversion of the barn), will positively contribute towards the supply of housing in the district, including the provision of affordable housing. On the point of affordable housing, the applicant is agreeable to a 'policy compliant' provision of affordable housing (up to 40%) which would be secured by legal agreement. Due to the current undersupply of housing in the district and the acute need for more affordable homes, the delivery of market and affordable housing is a matter that carries significant weight and provides clear social benefits, to the village and the district as a whole.
- 7.11 d) Rural Housing  
Planning law requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the Development Plan as the starting point for decision making. The site is located on the edge of Galgate village and must be considered against saved local plan policy E4 (Countryside areas) and policy DM42 of the DM DPD (Sustainable Rural Settlements) in relation to the principle of developing the site for residential use.
- 7.12 Saved policy E4 relating to the 'Countryside Area' designation sweeps across the entire village and beyond. Fundamentally, this policy seeks to protect the intrinsic rural character of the countryside by resisting inappropriate development and limiting it to development essential to the needs of agricultural or forestry or other uses appropriate to the rural area. This policy does, however, identify that there are a wide range of other policies which would apply to development in the countryside area, including housing policies.
- 7.13 The Development Plan policies referred to in Section 6 requires new development to be as sustainable as possible, minimising the need to travel and making it convenient to walk, cycle and travel by public transport between the site and homes, workplaces and a host of facilities and services. Policy DM42 identifies several settlements where new residential development will be supported. Galgate is one of these settlements and offers a range of services including a primary school, nursery, doctor's surgery, churches, public houses, garages, convenience shop, employment sites, regular bus services, community centre and sports facilities making it more locationally sustainable than most rural settlements. The principle of housing in the village is therefore acceptable.
- 7.14 Policy DM42 supports the principle of new housing in Galgate provided it complies with the following requirements:
- i. be well related to the existing built form of the settlement;
  - ii. be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;

- iii. be located where the environment and infrastructure can accommodate the impacts of expansion, and;
- iv. demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape;

The above requirements capture a range of planning considerations which will be addressed throughout this report and link well to the core planning principles set out in the NPPF. Fundamentally this is about delivering sustainable development with inherent social, environmental and economic benefits.

- 7.15 The proposed site is located on the northern edge of the village immediately adjacent to the existing built environment, albeit separated by the channel of the River Conder and the WCML. The development seeks to extend the village in a northerly direction up to a point whereby the proposed development would align with edge of the existing settlement to the west side of the WCML. On plan or from a birds-eye view this may seem a logical extension to the village. However, taking account of the spatial distribution of the settlement and the transport infrastructure corridors that dissect the village, together with flood zones 2 and 3 to the southern end of the site, the proposal will appear somewhat disjointed from the existing settlement and built form. The proposed intra-sequential allocation of development within the site (due to flood risk) would present a visual and functional gap (circa 60m) between the existing and proposed built development. This 'open and undeveloped gap' forms a townscape feature that is arguably not typical of the existing built environment immediately adjacent to the site.
- 7.16 The issue is, however, one of harm, and whether this 'open and undeveloped' gap creates a significant adverse impact that would result in the development appearing significantly out of character with the existing built environment. This is a matter of judgement and is subjective but through the careful design and layout of the housing development (reflecting the linear character and pattern of development at reserved matters stage), the undeveloped gap between existing and proposed development is unlikely to result in significant adverse visual and townscape impacts. Indeed it could be viewed a positive addition to the village. This will provide public open space and landscaping offering enhanced green infrastructure within the centre of the village, which is currently lacking. The development of footways, a bus layby and pedestrian crossing facilities (discussed later in the report) will provide necessary infrastructure between existing and proposed development which all form typical features of built environments (rural and urban). It is also noted that between Ward Field Farm access and the edge of the existing village a stone wall forms the majority of the eastern boundary. By the incorporation of footways between the proposed buildings and the existing development on Main Street, the area of undeveloped land will very much form part of a wider site and will provide appropriate functional and visual connections to the village and as a consequence is not judged to be poorly related to the exiting built environment. Furthermore, it should be noted that the development does not seek to extend beyond the furthestmost northern edge of the settlement (on the west side of the WCML) and so its encroachment into the countryside (in principle) does not appear an unreasonable or illogical extension to the village.
- 7.17 In terms of point ii of policy DM42, and despite objections to the contrary, given the size of the existing village the development of up to 70 dwellings is not considered disproportionate to the existing scale and character of the village. It is acknowledged that the village has accommodated several housing proposals in the last 2 years and that cumulatively this will result in a sizable increase to the settlement. However, recognising that Galgate is one of the more sustainable rural settlements within the district, subject to all other considerations being addressed, it is considered an appropriate location to accommodate growth particularly given the requirement to significantly boost the supply of housing.

## **2. Flood Risk Considerations**

- 7.18 Planning policy and guidance aims to steer new development to areas at least risk of flooding. Policy DM38 of the DM DPD defines area which are vulnerable to flood risk as flood zones 2, 3a and 3b and local sources of flooding). Any new development vulnerable to flood risk must then meet the requirements of paragraphs 100 to 104 of the NPPF in relation to the sequential and exception tests and the production of a site specific flood risk assessment (SFRA).
- 7.19 The SFRA identifies the site within flood zones 1, 2 and 3a. Straddling the flood zones requires there to be consideration of the intra-sequential approach to the redevelopment of the site. Dwellinghouses are regarded a 'more vulnerable' use and therefore should not be located in areas

at risk of flooding. The applicant's position from the outset was for the proposed houses to be located in flood zone 1 in accordance with both national and local flood risk policy. This was set out in the initial site-specific flood risk assessment (FRA) and illustrated on the original concept plans (illustrative drawings). The remaining parts of the site are to incorporate significant areas of open space, landscaping and play provision. Such uses are acceptable in flood zones 2 and 3 and are regarded water-compatible development. This approach is deemed policy compliant and initially resulted in no objections from the Lead Local Flood Authority (LLFA) or the Environment Agency (EA).

- 7.20 The Parish Council and local residents raised a number of concerns over the quality of the applicant's FRA and genuine concerns over the potential risk the development would pose elsewhere (i.e. the village). A summary of the flood risk concerns received are set out in section 5.0 of this report. These concerns have been reaffirmed and the sensitivity to the application and the concerns of the impact on flood risk heightened significantly following the severe flood event that occurred on the evening of the 22 November into the morning of 23 November 2017. Members will be fully aware of the devastation this caused and the significant distress and disruption the flood event caused for residents and businesses across the district, including Galgate. Many properties in Galgate were affected by the floods, principally those within the flood risk areas.
- 7.21 Given the severity of the flood event, Officers sought updated positions from the flood risk statutory consultees and despite the applicant seeking to address the flood risk implications promptly after the flood event, the local planning authority later received formal objections to the application from the LLFA and the EA based on their evidence over the extent of flooding that occurred in November, the flood risk implications associated with the introduction of the bus layby (location affecting an underpass and earth works affecting flood storage areas) and the implications relating to flood water flows from a previously blocked underpass.
- 7.22 Whilst the precise cause of the flooding in the village has not been identified by the consultees (other than the significant intensity of rainfall that occurred), the EA provided confirmation that the extent of the flooding that occurred in November had encroached into land to the north, previously identified as flood zone 1. The EA confirmed that this flood extent is to be indicative of flood zone 2. This was contrary to the applicant's initial response to the flood event which suggested this was not the case but consistent with the comments received from local residents. In light of the evidence from the statutory consultees, the applicant submitted further supporting information in the form of a further FRA addendum and hydraulic assessment. This was also supported by the submission of amendments to the proposal reducing the developable area to ensure all the dwellings are located outside areas of identified flood risk.
- 7.23 The developable area has reduced marginally but demonstrates that the proposed housing development would not be at risk of flooding (located in flood zone 1) and the proposed bus layby has been reduced to avoid interference with the underpass but remains within flood zone 3. Due to the level differences between the A6 and the application site in the location of the proposed bus stop/layby, earthworks to fill land on the application site would be required. This clearly results in the loss of floodplain and therefore flood storage. The amount of earthworks is not significant and based on the submitted FRA amounts to 187 cubic metres. It is therefore necessary that this storage capacity is displaced elsewhere on site to compensate of its loss. It is envisaged such can be achieved through the lowering of ground levels which will clearly need to form part of a much wider surface water drainage strategy for the site. The hydraulic modelling assessment has been undertaken to more accurately assess the flood risk associated with the 'now open' A6 underpass. The submitted FRA not only assesses the impact on the development site itself but also addresses the flood risk off-site. This will relate mainly to the surface water drainage proposals for the site. Surface water drainage proposals will need to be designed and controlled to reflect the existing greenfield rate with an outfall to the River Conder. This approach is consistent with the SuDS hierarchy set out in national and local planning policy. Surface water from the development will not be designed to connect into public sewers. United Utilities supports this approach and has raised no objections to the development.
- 7.24 The FRA recognises that development can affect surface water run-off by virtue of the loss of permeable surfaces. The details contained in the FRA demonstrate that an unrestricted post-development run off rate to be significantly greater than its pre-development greenfield rate. There is no denying that this is the case. In order for the development to be acceptable (on flood risk grounds), the development must ensure the post-development run-off rate is restricted to mimic the



greenfield rate. This is a common scenario when developing greenfield sites. This can be achieved through appropriate surface water drainage solutions. In this case, there are opportunities to implement SuDS features within the wider greenspace and within the developable area too. SuDS features can be a combination of 'soft solutions', such as swales/ponds etc but can also comprise hard engineered solutions, such as holding tanks and oversized pipes. Any such drainage scheme will also need to have regard to the implications of the WCML embankment to ensure run-off from the railway is accounted for and that there are features along its length to prevent any significant pooling of water which may pose a flood risk to future residents. Network Rail has raised this point and recommend earlier engagement with their asset protected team. The LLFA is satisfied that the site can be drained and recommend that a surface water drainage scheme is a condition of the permission (if granted). This is considered necessary to make the development acceptable and would meet the requirements of paragraph 206 of the NPPF.

- 7.25 The revised FRA and hydraulic modelling assessment has been assessed and considered by the relevant statutory consultees dealing with such technical matters. Both the EA and LLFA have now removed their objections noting that the revised submission demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. Both consultees, however, state this will only be the case if there are specific controls imposed, securing the development is carried out in accordance with the FRA and mitigation therein and that conditions are secured relating to the precise details of the surface water drainage strategy, including the provision of necessary compensatory flood storage, limitations that the discharge rate to the River Conder does not exceed the existing greenfield rate (8.1 litres per second), safe access routes, flood water exceedance routes and timetables for implementation. Unlike other proposals, the LLFA has specifically recommended additional conditions in relation to the removal of permitted development rights to better manage flood risks and the creation of appropriate SuDS features (pertaining to an agreed surface water drainage scheme) to be constructed and operational prior to the commencement of any other development on the site. This in itself justifies the requirements for a phasing condition to ensure the development is delivered having due regard to the flood risk associated with the construction phases of the development too.
- 7.26 The proposed access to the site is located in flood zone 2. The determination as to the safety of a site's means of access/egress is a matter for the local planning authority. The NPPG states that "access considerations should include the voluntary and free movement of people during a 'design flood', as well as the potential for evacuation before a more extreme flood. Access and egress must be designed to be functional for changing circumstances over the lifetime of the development". Fundamentally, people should be able to safely access and exit their dwellings in 'design flood' conditions with vehicular access suitable for emergency services. Preference is for the access to remain 'dry'. The 'design flood' is categorised as the 1 in 100 year event (flood zone 3). Having the access within flood zone 2 therefore satisfies this criteria. It is noted that the Highway Authority raises no objection to the location of the access and the revised FRA.
- 7.27 It is acknowledged that residents and the Parish Council remain genuinely concerned over flood risk and that additional development is seen as an increased risk. Such concerns are particularly understandable given recent flood events and the difficulties and apprehension encountered for residents and business affected by the floods. However, the local planning authority in assessing planning applications and making planning decisions must have regard to the technical advice provided by the relevant statutory consultees and the relevant policies within the development plan, which forms the legal framework for making planning decisions. On this basis, there are no substantive reasons to resist the development on flood risk grounds.

### **3. Access, Traffic and Connectivity Considerations**

- 7.28 The application has been supported by a Transport Assessment with an amended technical note to address initial concerns raised by the Highway Authority (HA). The principle highway-related matters in this case relate to the safety and suitability of the access, the impact of the development on the efficiency of the highway network and accessibility between the site and village amenities.
- 7.29 The A6 forms part of the district's strategic transport network and forms an important public transport corridor running north-south between Lancaster and Preston, practically running parallel with the M6. It is also identified as diversionary route for the M6. The A6 is fully lit between the village and Lancaster and is subject to 50mph speed limit in the location of the application site. The 30mph limit starts slightly north of the bridge over the River Conder (c90m south of existing site access) through

the village. There is an existing footway on eastern side of the carriageway and verge to the western side. The proposed site access is located approximately 350m north of the signalled controlled crossroad junction A6/Salford Road/Stoney Lane.

- 7.30 Access to the site is proposed off the A6 north of the village and approximately 25m south of the existing access serving Ward Field Farm. The development has been amended and proposes a single point of access off the A6 to serve the development including the retained Ward Field farmhouse and stone barn. The access proposed is a simple priority-controlled junction arrangement and has a carriageway width of 5.5m with a 6m radius and 2m footways incorporated to both sides of the proposed junction. The access design (subject to separate agreement with the HA) shall secure the creation of a right turn southbound facility and the creation of a pedestrian refuge. The existing access should be closed off as part of the development. Such matters are capable of being suitably addressed by planning condition and will also need to be considered as part of the wider phasing of the development. The HA has raised no objection to the access design, position and proposed visibility spays (based on observed traffic speeds) and recommends that the existing 30mph speed limit is extended north beyond the proposed access to ensure traffic speeds are appropriate in the region of the access in the interests of highway safety.
- 7.31 Turning to traffic generation and highway efficiency, the applicant's position is that the traffic generated from the development would have a minimal impact on the operation of the local highway network and the Galgate junction in particular. The applicant states that the traffic generated from the development would add around 20 vehicles per hour at peak times. Concerns over traffic generation are understandable given the amount of traffic and congestion frequently experienced along the A6 and at key junctions along its length between the M6 and the city centre. The village crossroad junction does experience considerable queueing at peak times. The HA has considered the application and the potential impacts the development would have on the local highway network having regard to the key junctions along the A6 with and without committed development. Despite some deficiencies in the Transport Assessment, the HA (from its own informed assessment) is satisfied the development will not significantly impact the efficiency of the Hala Road junction and Pointer roundabout along the A6. Regarding the Galgate junction, the HA identified deficiencies concerning the saturation figures in the Transport Assessment, noting that the figures did not account for queue lengths during the A.M and P.M peaks. Notwithstanding this, given the site is situated to the north of the Galgate signals and the potential traffic egressing south from the site would be low (14 vehicles per hour (A.M peak) and 18 vehicles per hour (P.M peak)) which is well below the impact sensitivity of 30 vehicles movements per hour identified in the Department for Transport guidance), the HA concludes that the development is unlikely to impact established congestion problems through the village or residential queueing to the M6, or impact two way movements through the junction at peak times. There will be a slight impact at peak times through the village junction, but such that is not regarded significant. Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.
- 7.32 As for accessibility, the proposed site sits on the northern edge of the village and will be physically connected to the village pedestrian network via improved footway provision along the western side of the A6 carriageway. The development will also include provision for pedestrian crossing facilities between site and the school, which is situated within the eastern part of the village. These improvements will provide safe and suitable walking facilities between the site and the village facilities located along the A6 corridor and towards the school. Pedestrian connections to the western part of the village (such as shops on Salford Road and the doctors' surgery) are impinged by the elevated position of the WCML and the fact the site does not physically connect to the adopted part of Salford Road (in other words there is third party land intervening between the site and Salford Road). There is little opportunity to address this at this stage. If the development is supported, there will be an expectation that any subsequent application for reserved matters approval secures internal footway provision towards the far southern part of the site so potentially connections can be made in the future. Members will note that there is an objection to the application from the Ramblers' Association. This is because there is a legal public right of way (PROW) affected by the proposal, which runs between the A6 through the proposed site towards the WCML. Lancashire County Council's PROW Officer has confirmed that despite there being an alternative footpath to the north of the application site that crosses the WCML, the definitive PROW has not been formally diverted. It is understood that a railway operator closed the route over the WCML affecting the PROW. The alternative path north of the site has been in situ for many years and links to routes to the eastern

side of the A6. If the application is supported, there will be a requirement of the applicant to legally divert the PROW or incorporate the route into the subsequent layout at the reserved matters stage.

- 7.33 In addition to improvements to the pedestrian environment, access to public transport needs suitable consideration. The proposed development and improved footway provision will provide access to bus stops located on the A6 corridor. As part of the highway negotiations during the consideration of the application (in relation to the assessment on the impact on the village crossroad junction), the developer is also committed to secure improvements to the northbound bus stop situated close to Galgate Bridge. The improvements include the relocation of this bus stop and the incorporation of a bus layby into the site to the north of the bridge. This layby will be shorter than average to avoid the underpass under the bridge, but such is accepted by the HA. The provision of the bus layby will not only secure direct access to public transport but will provide opportunities to help relieve congestion at the junction by providing space for buses to pull in off the carriageway in the interest of relieving congestion. This also provides potential benefits to air quality as stalled traffic is a significant contributor to air quality problems in the village. Overall, the applicant has demonstrated that a safe and suitable access can be provided; that the traffic generated by the development would not lead to severe impacts and that there is suitable and safe pedestrian access to village services and public transport. On this basis there are no highway objections to the proposal.

#### **4.Design, Landscape and Heritage Considerations**

- 7.34 The application is in outline form with only the access being applied for in full. Matters pertaining to the layout, scale, appearance and landscaping of the site are reserved for subsequent approval. Whilst the precise details of the layout and appearance of the development are not up for discussion now, the local planning authority needs to be satisfied that the amount of development proposed is capable of being delivered whilst achieving a high standard of design. Requiring good inclusive design is a prerequisite of good planning and is about creating attractive places. This means new development should respond to local character, be safe and accessible, visually attractive, supports local facilities and transport networks, provides opportunities to create open space and integrate with surrounding uses/development and provides active and strong street frontages. The acoustic mitigation and boundary requirements from Network Rail have the potential to influence and affect the design and appearance of the development. Acoustic features will only be required in the areas where the dwellings are proposed but trespass fencing separating the site from Network Rail's land will be visually noticeable from the areas of open space. A condition is recommended to control the type and colour of this fencing in the interests of good design. New planting (to be agreed at reserved matters stage) could also help screen such fencing.
- 7.35 The application has been supported by amended concept plans and density plans – both are indicative to help illustrate what the site is capable of delivering. There are no policies within the Development Plan that specify what densities are required for development sites within identified rural settlements. Instead planning policy requires plan-making and decision-taking to significantly boost the supply of housing, use land efficiently, develop where the infrastructure can cope with the impacts of expansion and to ensure development promotes or reinforces local distinctiveness. The applicant's indicative density plan suggests a higher density towards the village (circa 36 dwellings per hectare), gradually lowering towards the northern boundary (circa 26 dwellings per hectare), which is also supported by a landscape buffer. There is no right or wrong answer to this. There are areas in the village where there is high density development (terraced development along the A6 corridor) and lower density on the periphery of the settlement. There would be general support for a mix of densities (and ultimately house types/sizes) across the developable part of the site with a preference to have lower density development at the northern end of the site (and some within the site facing the open space) to support the transition between the proposed built development and open countryside/open space. Higher density development ideally should front the A6 corridor to reinforce local distinctiveness (this also has benefits in terms of designing out noise impacts). The proposal seeks up to 68 dwellings plus the conversion of the stone barn up to 2 dwellings. Through careful design and depending on the eventual housing mix there are no grounds at this stage to suggest this level of development cannot be achieved.
- 7.36 In terms of landscape considerations, the site lies within the Carnforth-Galgate-Cockerham landscape character area (LCA) which forms part of the wider Low Coastal Drumlins landscape character type (LCT). The Landscape Strategy for Lancashire recognises that this LCA supports extremely high proportion of built development, particularly along key transport corridors including the A6. The landscape is not protected by any statutory designation nor does it lie within a

Conservation Area or land affected by local landscape designations, such as key urban landscape allocations. The site is situated within 'open countryside' and therefore enjoys a degree of landscape importance (saved policy E4). Policy DM28 states that the council will support development outside protected landscapes where it 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. This is echoed in policy DM42. The proposed site is situated alongside the established settlement boundary between two significant transport corridors and does not extend beyond the furthestmost northern boundary to the west side of the WCML. The proposed 'gap' between the built environment (the flood zones) will be incorporated into the development as open space and has a functional and integral purpose serving the development and the community. For these reasons, the development is not judged to have a significant adverse impact on the wider coastal drumlin landscape character area.

- 7.37 The development will result in the loss of 'open countryside' and this can be judged a negative impact associated with the development. Whilst there is significant areas of open space incorporated into the scheme (for reasons explained above), the development will result in the loss of greenfield land (except for the farmhouse). The development will result in the loss of a single highway tree to secure the access. The hedgerows and planting around the periphery of the site are capable of retention. There is equally ample scope to secure additional planting (or mitigation for any losses) within the development site. The council's Tree Officer does not raise an objection to the development and recommends that a fully detailed arboricultural implications assessment and comprehensive landscape strategy be provided at the reserved matters stage.
- 7.38 Regarding heritage implications, the application has been supported with a heritage assessment which principally sought to address the potential impacts of the proposal on the setting of nearby designated heritage assets including Galgate Old Bridge, Chapel Cottages, Galgate Silk Mill, Ellet House, Church of St John and 31 Chapel Street, together with the potential impacts of the proposal on the farmhouse (non-designated heritage asset). Planning policy stresses the desirability to sustain and enhance the significance of heritage assets. The development site is separated from a number of the designated heritage assets by the A6 corridor and therefore is not considered to contribute to the significance of the setting of a number of the designated heritage assets assessed. In terms of the farmhouse, the applicant initially contended that the removal of the stone barn and the proposed development would enhance the area and the setting of the farmhouse. Officers did not share this view and have negotiated amendments to the proposal to secure the retention and conversion of the original stone barn to the rear of the farmhouse. This has been supported by the council's Conservation Officer, who contends the barn should be regarded a non-designated heritage asset like the farmhouse. The layout and design of the development will need to carefully consider the impacts of the proposal on the setting of the retained non-designated heritage assets. In fact there is a real opportunity to enhance the buildings with the reinstatement of a formal courtyard and the removal of the large modern agricultural buildings attached to and surrounding the barn to better reveal its significance. The council's Conservation Officer has raised no objections to the development but has stressed that future development reflects the use of traditional materials that predominately prevail in the village.
- 7.39 Whilst the application satisfactorily addressed impacts on listed buildings and non-designated assets, it failed to address the potential impacts on archaeology. Lancashire Archaeology Advisory Service (LAAS) initially commented on the proposal and recommended that the application not be determined as it failed to address paragraph 128 of the NPPF. Specifically it failed to account for significant information held on the Historic Environment Record.
- 7.40 Subsequent to this, additional archaeological investigations and reporting have been provided with particular regard to the prominence of the lynchets (series of curving ridges (earthworks) likely to be the result of medieval and early post medieval agricultural activities) and potential for early occupation. LAAS has reviewed the additional information and whilst there was a preference for the northern boundary of the developable area to be pulled back towards Ward Field Farm to better reveal the existing earthworks, LAAS does not consider such amendments could be substantiated on heritage grounds, though recommend that an archaeological field investigation and recording is secured by condition.

## **5. Amenity and other environmental considerations**

- 7.41 Residential Amenity

Due to the sequential approach adopted to the allocation of the dwellings and open space within the application site, existing neighbouring residents surrounding the site will not be adversely affected by the built development (in terms of overbearingness, overshadowing and loss of privacy arising from the dwellinghouses themselves). The actual location of the built development (following amendments to the FRA) will be in excess of 70m from existing property. Neighbouring residents have raised concerns over loss of privacy and loss of tranquillity due to the use of the southern section of the site for open space including play provision. The indicative layout plan suggests a network of footpaths through the open space and the position of the play equipment. This is not fixed at this stage and would form part of the consideration of reserved matters. At that time, the relationship of the play area and footpaths will need to assess the relationship to neighbouring dwellings.

- 7.42 Given the legal easements required along the river and the landscape buffer recommended to form part of the ecological mitigation for the site, it is anticipated the position of play areas and footpaths can be in locations sufficient distance from existing residential property to avoid adverse impacts. There is no question that the use of land as amenity open space will result in increased activity and noise compared to the use of land for agricultural purposes. Some objectors comment this will adversely affect the enjoyment of their dwellings and their well-being. Whilst these concerns are acknowledged, there are no planning policy grounds to resist the use of this land as open space, given the benefits this would bring to the wider community. The eventual layout and landscaping of the development, including the areas of open space (to be determined at reserve matters stage), can through good design minimise impacts on neighbouring residential amenity. Officers also recommend a condition to control any proposed external lighting to ensure such would not adversely affect residential amenity and will support any future ecological mitigation. The wider benefits of the open space would outweigh the concerns raised by immediate neighbours over the loss of peace and tranquillity that would occur by the change in use of land from agricultural to open space.

7.43 Open Space

Public open space is disaggregated through the village with areas on land off Highland Brow, small play spaces within the Crofters Fold development, the new Story Homes scheme and the larger sports fields adjacent to the village hall south of the village beyond Skew Bridge. Access to these areas of open space (from this part of the village) is constrained by the transport corridors that dissect the settlement. Planning policy supports the provision of green space and formal open space within development proposals in the interests of good inclusive design and health and well-being. Such also mitigates the impacts of settlement expansion on local infrastructure. Policy DM26 requires development proposals in areas of recognised deficiency to contribute to the provision of on-site and off-site public open space. Any on-site provision should be fully accessible and should not adversely affect surrounding residential amenity (discussed above). In this case, the proposed development exceeds the thresholds for general amenity space on site and will secure a children play area in accordance with the Councils' planning advisory note (PAN) relating to open space provision in new development. There are identified deficiencies in the provision of young persons' provision in the village and recognised demand for improvements to the sports facilities at the recreation grounds adjacent to the village hall. Based on the thresholds set out in the PAN financial contributions would need to be sought towards these types of public open space. The applicant accepts a financial contribution towards outdoor sports facilities for improvements to the existing sports facilities at the recreation grounds. For the young person's provision, the applicant and the Council's Public Realm Officer have agreed that such could be provided on site instead as part of a more comprehensive, natural play offer. The provision of a central area of open space and play provision, which will be accessible to a large majority of the community and offers significant social and environmental benefits, weighs in favour of the proposal.

7.44 Air Quality Matters

The site is in close proximity to the Air Quality Management Area (AQMA) in the centre of the village at the main crossroad junction. The AQMA is due to exceedance in the annual mean air quality objection for nitrogen dioxide (NO<sub>2</sub>) derived from vehicle emissions. The Air Quality Assessment addresses air quality impacts during construction and the operational stages of development, recognising that the traffic generated from the development could have impacts on the existing AQMA and therefore exposure to receptors within it. The applicant's dispersion modelling concludes that the site is suitable for residential development without mitigation to protect future users from elevated NO<sub>2</sub> concentrations and concludes that the impacts are not significant and that air quality would not be a constraint to development. This was not a view shared by our Air Quality Officer. An amended Air Quality Assessment was provided and included the DEFRA damage costs calculation

to determine an emissions based impact of the proposed development. This produced a figure of approximately £78,000. The assessment conclusions were no difference from the original assessment but indicated that this damage cost figure should be used as an indicator to the level of mitigation measures required as part of the development and could include a combination of on and off site measures.

7.45 The Council's Air Quality Officer has considered the revised assessment and confirms that the impacts during the construction phases were capable of being mitigated through appropriate construction management measures. However, in relation to the operational impacts, despite the increase in pollutant concentration (from the development) not being large (the applicant judges 'not significant'), given the need to reduce pollutant levels in the AQMA, the Air Quality Officer maintains an objection based on the additional contributory worsening impact on the AQMA and the absence of high level effective mitigation to address the impacts. In an attempt to resolve this objection, the applicant has agreed to the provision of EV charging points for each household and, through the Travel Plan, the promotion of local car dealers that sell electric cars and the setting up of a car share scheme. Furthermore the provision of the bus layby will help to reduce stationary traffic in the village, which greatly contributes to the NO<sub>2</sub> levels. Officers are awaiting a position from the Air Quality Officer over the acceptability of this mitigation and so a verbal update will be provided.

7.46 Noise  
Paragraph 123 of the NPPF requires planning policies and decisions to aim to avoid noise from giving rise to significant adverse impacts on health and quality of life, along with policy DM35 of the DPD, which seeks to ensure existing and proposed residents benefit from a satisfactory standard of amenity. In this case, the proposed site sits alongside the A6 and the WCML. These transport corridors generate noise and therefore the development should, where necessary, mitigate against such impacts. The application has been supported by a Noise and Vibration Assessment, which having assessed the proposal, concludes that with appropriate design and layout and noise mitigation measures, the overall effect on the site due to surrounding noise sources is considered to achieve a no observed adverse effect level (NOAEL).

7.47 The suggested mitigation includes the implementation of a 2.8m acoustic barrier along the western boundary and, depending on the final layout, 1.8m fencing between dwellings nearer the A6. Higher specification glazing and ventilation systems will also be required (depending on the layout) for some properties within the development. More subtle mitigation can also be secured through good design and careful consideration of the position and orientation of dwellings, including the incorporation of landscape buffers where suitable.

7.48 The Council's Environmental Health Officer has considered the applicant's noise assessment and considered the proposal, concluding the assessment satisfactorily demonstrates the site is suitable for residential development if suitable noise mitigation measures are implemented to achieve internal and external sound criteria recommended within BS8233:2014 and WHO Guidelines. Policy recognises this can be achieved through the use of conditions. On this basis, a condition is recommended to secure appropriate mitigation to secure a satisfactory standard of accommodation for future residents in compliance with paragraphs 17 and 123 of the NPPF and Policy DM35 of the DM DPD. Given such will be dependent on the layout and design of the development, a pre-commencement condition is justified.

7.49 Contamination  
Planning policy and decisions should ensure the effects of pollution on health and the natural environment are taken into account. The application has been supported by a desk study assessment in order to address (amongst other issues) potential contaminated land risks. The Council's Contaminated Land Officer has reviewed the assessment and in general agrees with the risk assessment but recognises that the development will be very sensitive to potential contamination and that a site investigation assessment will be required to inform an appropriate remedial strategy. This is considered reasonable especially given the nature of some of the surrounding uses (in particular to the south).

7.50 Ecological Implications  
The application has been accompanied by a comprehensive ecological survey and assessment and further supporting information following the amendments to the scheme to secure the retention of the original stone barn. This sets out a number of ecological recommendations to ensure the loss of greenfield land can be appropriately mitigated to secure opportunities for biodiversity

enhancement across this site. This includes the retention and protection of landscape features (except for the tree to be removed for the access), enhancement of green infrastructure and habitat connectivity along the WCML embankment (such will need to be within the site) and the River Conder, new planting within and around the site with clear opportunities recognised within the flood zone areas, incorporation of bat and bird boxes, sensitive lighting scheme to be agreed to ensure no excessive artificial lighting towards the river (and other habitat corridors) and the provision of a habitat management plan.

- 7.51 GMEU, the Council's ecological advisors, are satisfied that the development will not adversely impact any designated nature conservation sites or protected species and states that the loss of species-poor agricultural land is not of substantive ecological value, though features around the boundaries of the site are of local conservation importance, including the river, embankment and hedgerows. GMEU supports the applicant's ecological recommendations and raises no objections to the development. A condition will be needed to secure appropriate ecological mitigation and enhancement measures to accord with the requirements of paragraph 118 of the NPPF and policy DM27 of the DM DPD. Ecological mitigation will determine and influence the layout and landscaping of the development, and therefore a pre-commencement condition is justified.

## **8.0 Planning Obligations**

- 8.1 Should the application be favourably considered, a planning obligation would be required to secure up to 40% affordable housing in compliance policy DM41 of the DM DPD, together with obligations to secure a contribution towards the provision of primary and secondary school places (to be verbally updated) to ensure the impacts of the proposal on local school infrastructure is suitably mitigated. An obligation is also required to secure amenity space, children and young persons' play provision on-site, together with an off-site contribution towards improvements to the existing outdoor sports facilities at the existing recreational fields within the village. Finally, provision for the long-term management of open space, landscaped areas and any un-adopted roads and drainage features would also be secured by obligation. All have been agreed with the applicant and are considered compliant with the requirements of the CIL regulations and paragraph 204 of the NPPF.

## **9.0 Planning Balance and Conclusions**

- 9.1 The thrust of planning policy is about achieving sustainable development, recognising that the environmental, economic and social dimensions of sustainable development are mutually dependant. Pursuing sustainable development is about place making and ensuring new development can integrate with the existing built, natural and historic environment.
- 9.2 The proposed site is located in all 3 flood zones and following recent flood events is understandably a contentious scheme. The above sections of this report have summarised the assessments of key planning considerations that have led to this recommendation of approval. In doing so, Officers are mindful of the presumption in favour of sustainable development and the engagement of the tilted balance which would apply to this application. In this case, it is contended that there are no specific policies in the Framework indicating the development should be resisted. Fundamentally, therefore, this means for decision-taking, development proposals should be approved unless the adverse impacts of doing so would significantly and demonstrable outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.3 There are a number of benefits associated with the proposal. Most significantly is that the development would positively contribute to a District wide need for market and affordable housing in one of the District's most locationally sustainable settlements. This carries significant weight in the determination of the application and provides clear economic and social benefits to the wider public. The scheme also proposes a large area of public open space with play provision to serve the development and the wider community. This space also provides opportunities for new landscaping and ecological enhancements as well as off-site contributions towards improvements to the existing sports facilities at the recreation grounds. This too carries significant weight and provides social and environmental benefits. The development also provides opportunities to support existing local services (through additional spend) and provides employment opportunities during construction and fit out stages of development. These are important economic and social benefits associated with the development and carry moderate weight (recognising the extent of employment opportunities are not for the lifetime of the development) in the determination of the application. The scheme has

been amended to retain the existing stone barn with appropriate assessment of the impacts on the historical environment concluding no heritage-related grounds to resist the development.

- 9.4 The applicant has satisfactorily addressed flood risk and highway related concerns provided the development is carried out in accordance with the mitigation identified. Despite the concerns to the contrary, the applicant has sufficiently demonstrated that the development would not be at risk of flooding or increase flood risk elsewhere and that the traffic generated from the development would not result in a severe impact on the operation of the highway. The development is not regarded a flood risk 'benefit' but equally it is considered to not result in negative impacts. The mitigation identified for both flood risk and highway matters bring other benefits, such as the provision of open space and opportunities for ecological enhancements and the requirements for off-site highway works to provide improvements to the pedestrian environment and the inclusion of the bus layby to alleviate congestion problems in the centre of the village. Such have environmental and social benefits that weigh in favour of the proposal. The 'gap' between the existing development and the proposed development (as a result of the sequential allocation of uses within the site) provides functional open space and will be connected to the proposed built development along the site frontage with new footways and a bus layby. Officers are satisfied this is not going to result in harmful townscape impacts which would weigh against the proposal. The applicant is also committed to providing an education contribution to mitigate the impacts of the proposal on the local school infrastructure.
- 9.5 The negative impacts of the development are those associated with the loss of the existing field that is designated as 'countryside area', loss of mineral safeguarding land and the potential impacts on the air quality management area. With regards the loss of countryside area, saved policy E4 and DM28 of the DMPD does not preclude development in areas of open countryside; instead it requires it to be in scale and in keeping with its surroundings. For the reasons set out in this report, this adverse impact is not such that would tip the balance against the development as the development can, through good design at reserved matters stage, address the requirements of our countryside policies. In terms of mineral safeguarding, again, the above report sets out a reasoned justification why the development would not compromise the mineral safeguarding allocation. Regarding air quality, the adverse impacts are small but nevertheless potentially significant. Whether the proposed mitigation is capable of resolving concerns is yet to be determined, so a verbal update is to be provided. This potential negative impact could weigh against the development but taking into account of the Framework taken as a whole, Members are advised that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits and therefore the development should be supported.

### **Recommendation**

That subject to the applicant signing and completing a legal agreement securing:

- the provision of up to 40% affordable housing (not less than 30%);
- the provision of amenity space, and children's and young person's play provision,
- the payment of an off-site financial contribution towards outdoor sports facilities;
- the payment of an education financial contribution; and
- the setting up of an appropriate management scheme to maintain open space, landscaping, unadopted roads and SuDS features,

Outline Planning Permission **BE GRANTED** subject to with the following conditions:

1. Time Limit (Outline)
  2. The proposed dwellings and associated gardens shall be limited to developable area
- Pre-commencement conditions**
3. Surface water drainage scheme
  4. Phasing of development (including infrastructure)
  5. Access details
  6. Scheme for off-site highway improvements including footway provision between the site and the village centre, a pedestrian crossing facility over the A6 and pedestrian improvements at the Tanhouse junction to provide links between the site and the school, an extension of the 30mph limit as part of a gateway treatment scheme
  7. Scheme for archaeological investigation and building recording
  8. Site investigation condition (contamination)



9. Arboricultural Implications Assessment to be submitted and agreed including tree/hedgerow protection measures
10. Noise and ventilation mitigation to be agreed
11. Scheme for the protection of the railway embankment
12. Scheme for ecological mitigation and enhancement to be submitted and agreed.
13. Finish floor levels of the dwellings and proposed finished ground levels for all external space (gardens, landscaping, open space, roads)  
**Before construction of the dwellings and associated roads**
14. Scheme for EV charging facilities for each household to be agreed
15. Details of external lighting to be agreed
16. Precise details of boundary treatments between the site and Network Rail's operation land to be agreed
17. Travel Plan condition  
**Control conditions**
18. Existing access to Ward Field Farm to be closed off in accordance with phased programme of implementation to be agreed with the Local Planning Authority pursuant to condition 4.
19. Development to be carried out in accordance with Flood Risk Assessment and addendum reports
20. Removal of permitted development relating to permeable surfaces
21. Hours of construction work and deliveries limited to Monday – Friday 0800-1800, Saturdays 0800 – 1400 and no working on Sundays and Bank Holidays.

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

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

Officers have made this recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in this 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	Committee Date	Application Number
A7	9 May 2018	17/01452/FUL
<b>Application Site</b>  Animal Care Sanctuary Blea Tarn Road Scotforth Lancaster	<b>Proposal</b>  Erection of a building comprising kennels, cattery and reception area for the existing Animal Care Centre and creation of new access road, car parking, steps, hard landscaping and retaining wall with associated re-profiling of land	
<b>Name of Applicant</b>  Animal Care (Lancaster & Morecambe)	<b>Name of Agent</b>  Mr Jake Salisbury	
<b>Decision Target Date</b>  16 April 2018	<b>Reason For Delay</b>  Committee cycle	
<b>Case Officer</b>	Ms Charlotte Seward	
<b>Departure</b>	N/A	
<b>Summary of Recommendation</b>	Approval	

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

- 1.1 The application site is currently a greenfield site within the designated countryside area. The site lies to the north west of the Animal Care reception/office building, the neighbouring residential property of Glen Tarn and Glen Tarn Caravan Park. The site is separate from the main cluster of buildings used for animal housing, and lies to the east of the M6 embankment separated by a track which leads to the agricultural fields to the north. A United Utilities trunk main lies within this track.
- 1.2 The site is accessed from Blea Tarn Road. There are three accesses within this junction. The western access is currently restricted by a locked gate. The middle access forms the current access to the Animal Care reception/office building, and eastern access provides access to the residential property of Blea Tarn, the Caravan Site and also forms a further access to the Animal Care site.
- 1.3 The proposal site is steeply sloping and is boggy. To the east and north the site is bounded by hedgerows. There are a number of trees which bound the access track and the section of the site between the reception building and the field. To the east is an enclosed exercise area. The site falls within the Lune Estuary Site of Special Scientific Interest (SSSI) Impact Risk Zone.

## **2.0 The Proposal**

- 2.1 This application seeks permission for a new 1,385 sq.m building to create a cattery for 30 cats and kennels for 32 dogs, in addition to a reception, meeting rooms and toilets at ground floor, and an office space at first floor. The proposal also includes a car park and court yard. Due to the profile of the site the scheme requires extensive excavation, profiling and subsequent build of retaining walls to secure the site. The proposal also includes a foul and surface water drainage scheme including the installation of a sewage package treatment plant, silage tank and surface water attenuation tank.

## **3.0 Site History**

- 3.1 The site of the existing kennels and cattery buildings has been used as a kennels since at least the 1970s. In 1985 the existing kennels to the east of this site were refurbished. From the 1990s there

has been a gradual increase in the development of the site to include new kennel and cattery buildings, dog runs, workshop, reception areas and foul treatment systems. In 2002 permission was granted for a warden's dwelling. The most recent application in 2010 was for the change of use of The Woodlands, a former residential dwelling, to offices and storage. There has also been a history of unauthorised development at the site which has been subject to investigation, and there is also existing unauthorised development at the site namely the café and one of the dog exercise areas. An illustrative section of the planning history has been provided below.

- 3.2 Separate to the development of the Animal Care Centre at the site, in 2010 permission (10/00325/CU) was granted for a caravan site for touring caravans for holiday purposes. This permission was subsequently amended in 2014 (14/01336/CU) to allow all year round use.

Application Number	Proposal	Decision
Animal Care Centre		
10/00644/CU	Change of use from residential to offices and change of use of the outbuilding to storage	Permitted
08/00261/UNAUTD	Erection of a stables, large outbuilding, dog exercise area	Not expedient to pursue
02/00783/FUL	Demolition of dwelling and erection of a new dwelling for warden	Permitted
94/00988/FUL	Erection of a new isolation kennel block and large animal shelter	Permitted
85/01159/HISTOR	Erection of cedarwood bungalow and refurbishment of kennels	Permitted
1/80/1402	Outline application for erection of a detached bungalow for person employed to help in the running of dog/kennels/nursey	Refused

#### **4.0 Consultation Responses**

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

Consultee	Response
<b>Highways England</b>	<b>No objection</b> subject to conditions relating to a detailed construction plan working method statement relating to earthworks and the protection of the United Utilities water main; no drainage to connect into the motorway drainage system, nor drainage run off from the site onto the M6; surface water and foul drainage system shall be watertight; no access onto M6 with fencing to be erected 1m behind the existing hedge on the developers land; noise mitigation measures to mitigate noise impacts from M6; no works to result in the closure of the M6. Subsequent comments state that the condition relating to closure of M6 is not required.
<b>United Utilities</b>	<b>No Objection</b> subject to conditions relating to foul and surface water shall be drained on separate systems with surface water to be drained in accordance with the drainage hierarchy. Where surface water is to be connected into the public sewer the rate of discharge shall be agreed with the statutory undertaker. Development is not permitted over or in close proximity to the water main that crosses the site with an access/easement strip to be provided.
<b>County Highways</b>	<b>No objection</b> subject to conditions relating to off-site highway improvement works relevant to influencing vehicle speeds along Blea Tarn Road at its junction with the application site including laying of traverse stop/give way and limited length of thermoplastic centre lines; secure cycle parking for 4 cycles; and temporary wheel wash facilities for during construction. Request for an informative for the review of signage and how this affects visibility, and for a scheme for the pruning and maintenance of vegetation in sight lines.
<b>Environmental Health – Air Quality</b>	<b>No Objection.</b> Traffic generation proposed would not trigger the need for an air quality assessment. However, it is recommended that measures to mitigate any impact are sought including electric vehicle charging points, facilities to promote cycling, and agreement of a travel plan.

<b>Environmental Health – Noise</b>	<b>No Objection.</b> Unlikely to be unreasonable noise impacts. Satisfied a robust assessment has been carried out. Proposal in siting, construction, layout, design and topography will assist in mitigating noise impact, in addition to the background noise of the M6. No complaints have been received to date in relation to the facility.
<b>Tree Officer</b>	<b>No Objection</b> subject to conditions requiring the implementation of the Arboricultural Implication Assessment and Tree Protection Plan, and a condition requiring an Arboricultural Method Statement to be agreed where works are proposed within the RPAs or 1m of protective barriers.
<b>Natural England</b>	No comments.
<b>Planning and Housing Policy Team</b>	<b>Comments.</b> The submitted Rural Exemption Statement is deficient in justification and scope, and it is not clear whether more suitable locations would generate more sustainable patterns of development. However, it is acknowledged that there are challenges with the locational requirements of such a scheme. In accordance with Policy DM7 for the scheme to be considered acceptable the benefits of the scheme must outweigh the impacts of the development. It will be for the case officer to balance the social and wider economic benefits of the proposal against local amenity impacts.
<b>Fire Safety Officer</b>	<b>Comments:</b> Scheme must meet all the requirements of Building Regulations Approved Document B Part B5 relating to access and facilities for fire service.

## **5.0 Neighbour Representations**

- 5.1 One letter of objection has been received. The material planning considerations raised include noise impact from increased number of cats and dogs, increased use of the shared access and lack of pedestrian access, and the septic tank for a third party is located within the development site.
- 5.2 15 letters of support have been received. The material planning considerations raised include support for the work of the charity identified as important to the community, development would support the existing and future operation of the charity, demand for kennels and cattery in the area, well-designed plan, proposal would not affect residential properties, noise and air quality will not be an issues due to close proximity to the M6.

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

### **6.1 National Planning Policy Framework**

- Para 7, 14 – Sustainable development
- Para 17 – Core planning principles
- Para 18 and 19- Sustainable economic growth
- Para 28 –Supporting a prosperous rural economy
- Para 30, 32, 34 – Promoting sustainable transport and highways safety
- Para 56, 61, 64 – Requiring good design
- Para 103 – Flood risk
- Para 186-187, 296-197, 203-206 – Decision making

### **6.2 Local Planning Policy Overview – Current Position**

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

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

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 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 2017, 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
- SC5: Quality in Design

### 6.4 Development Management Development Plan Document (DPD)

- NPPF1: Presumption in favour of sustainable development
- DM7: Economic Development in Rural Areas
- DM20: Enhancing Accessibility and Transport Linkages
- DM21: Walking and Cycling
- DM22: Vehicle Parking Provision
- DM23: Transport Efficiency and Travel Plans
- DM27: The Protection and Enhancement of Biodiversity
- DM28: Development and Landscape Impact
- DM29: Protection of Trees, Hedgerows and Woodland
- DM35: Key Design Principles
- DM37: Air Quality Management and Pollution
- DM39: Surface Water Run Off and Sustainable Drainage
- Appendix B: Car Parking Standards

## **7.0 Comment and Analysis**

### 7.1 The main issues area:

- Principle of development
- Scale, design and appearance and landscape impact
- Access, parking and traffic generation
- Foul water drainage
- Surface water drainage
- United Utilities trunk main and land stability
- Noise impacts
- Air quality
- Impact on trees and hedgerows
- Biodiversity

### 7.2 Principle of development

7.2.1 The NPPF seeks to achieve sustainable development and has a presumption in favour of sustainable development. An objective of the NPPF is to support economic growth in rural area by taking a positive approach to sustainable development. The NPPF seeks to reduce the need to travel, reduce congestion and greenhouse gas emissions.

7.2.2 At a local level the Core Strategy Policy SC2 seeks to concentrate development within the existing urban area of Lancaster, Morecambe, Heysham and Carnforth. Policy DM20 requires that proposals minimise the need to travel and maximise opportunities for walking. Policy DM7 supports economic development in rural areas that maintains and enhances the rural vitality and character and where it is demonstrated that the proposal improves the sustainability of rural communities by bringing local economic, environmental and community benefits. A preference should be given to previously developed land and the re-use of existing buildings. Development on greenfield sites within the open countryside will be supported where it is demonstrated that no alternative suitable locations exist

within the local settlement areas, and that the benefits from the proposal outweigh the impacts on the local amenity.

- 7.2.3 This proposal seeks to develop a greenfield site in the designated countryside area. Development of these sites can only be supported by exception and where the criteria of Policy DM7 is met. This application was submitted without any evidence or justification for the development of this greenfield site, other than that it fell within the ownership of the applicant. Following request, a sequential assessment was submitted. This statement briefly reviewed alternative locations through an internet search and concluded that the proposal site was the only option available for the development.
- 7.2.4 This statement has been assessed and identified as deficient in scope and justification. In order to corroborate the findings of the statement the Case Officer carried out a land and building search on the 16 March 2018. In addition assessment was made of the current land allocations and the sites within the Interim Strategic Housing and Employment Land Availability Assessment. This search identified limited feasible and available alternative options for the proposed development. On this basis, whilst the statement submitted is deficient, it is likely that its conclusions of no alternatives are valid.
- 7.2.5 Kennels and catteries are classed as Sui Generis and as such are not uses that would be readily supported in designated employment land for B1/B2/B8 uses. In addition, the character of employment sites are not necessarily conducive to the proposed use, which has a requirement for 24 hour management and needs outdoor space within which to exercise the animals. In addition, the nature of the use and the activity means that it is not a use which is readily compatible with residential uses. Furthermore, whilst the proposal site is greenfield, the use of the wider site for kennelling has been established since the 1970s and the Animal Care Centre has been established at the site for at least 30 years. It is acknowledged that, due to the specific buildings required for this use and the investment over the years, it would be difficult for the business to move to a different site or operate between two sites. As such, it is concluded that there are not likely to be any suitable locations within the local settlement areas. Given the specific justification for the development of the site linked to its proposed use, any development permitted would need to be restricted to be used for kennels and cattery only and that the building can only be used in conjunction with the existing animal care centre and not sold or let separately without the express consent of the local planning authority.
- 7.2.6 In accordance with policy this exception can only be supported where the benefits (economic, environmental and social) outweigh the impacts of the proposal, and the building is tied to the existing operation of the Animal Care Centre. In this case the benefits of the scheme include facilitating the expansion of a valued local charity into commercial activity which would help to sustain the charity in the long term, and support rural economic growth through the creation of 6 new jobs. Further assessment of the impacts of the proposal are considered below.
- 7.3 Scale, design and appearance and landscape impact
  - 7.3.1 The proposed building has a large footprint, and is part single storey and part two storey. The L shaped footprint of the building has been designed to respond to the shape of the site. In order to facilitate the development, extensive excavation and regrading has been proposed that would be secured by retaining walls which would form the majority of the west, north and east boundaries, and part of the south boundary too. The car parking and courtyard area would be sited between the proposed building and the retaining walls, with a stepped access up to the exercise area.
  - 7.3.2 The proposed building has a modern commercial design that would transform the rural character of the site. However, the design is not considered to be out of context with the existing kennels building, and the sheds of the former Kirkland's Poultry Farm. The existing site is relatively concealed from public views from Blea Tarn Road, and views from the motorway are intermittent through mature trees both in winter and summer. The excavation and regrading works would also result in the building being partly concealed by the resulting topography surrounding the site, with the car park and courtyard not being visible beyond the site. The topography, together with the physical separation of the site from the nearest neighbouring properties would mean that no adverse impact on residential amenity would result from the proposed buildings, and that any views from these properties would be limited to the roof slope of the proposed building.

7.3.3 Given the size and scale of the proposed roof, and it being the most visible part of the proposal, the roofing material used is critical to the final appearance of the building. Within the application the proposed material has been described as “insulated zinc profile roof” but no further information has been provided. A metal sheeting can be supported in this location, though the final detail, colour and profile would need to be agreed by condition. The proposed timber clad walling and powder coated aluminium windows can also be considered acceptable subject to the colours and finishes. No details have been provided in relation to the proposed materials for the retaining walls and given the extent of walling required a sample board would need to be agreed prior to first installation.

7.3.4 In summary, it is considered the site can accommodate a large building without adverse impact on the landscape and that the design of the building, subject to conditions to control the final materials, would be acceptable.

#### 7.4 Access, Parking and Traffic Generation

7.4.1 The proposal seeks to use the existing junction with Blea Tarn Road and the most westerly access within this junction. This access is currently locked and used infrequently. The access track is agricultural in character, has established vegetation either side of it and slopes down to the proposal site. Based on the maximum occupation of the kennels and cattery, it is estimated that the proposed development would generate between 17 and 26 trips per day to the site.

7.4.2 County Highways has not raised any objection to the intensified use of the junction, the access or the access track, and has advised that the proposed traffic generation would not adversely affect the highways network. The Case Officer has expressed concern to County Highways in relation to the lack of visibility splays at the junction with Blea Tarn Road and the lack of passing places on the access track. In addition, concern was raised that traffic entering the junction from Blea Tarn Road may potentially collide with a vehicle exiting the access track due to the lack of visibility to the right, or the vehicle entering may need to reverse back into the junction. In addition the confluence of the three accesses, together with the increased use, may result in vehicles having to wait on Blea Tarn Road before they can access the site. The Case Officer considered that this could be resolved by amending the proposal to have a one way system using the proposed access as the entrance and the middle access as the exit. This was put to both County Highways and the applicant.

7.4.3 County Highways does not share the concerns raised by the Case Officer, but has recommended, that visibility splays on the access and junction could be improved by pruning of the applicant's vegetation and a review of the location of signage. County Highways also advised that they would have no objection to a one way system, but that this was for the applicant to consider.

7.4.4 The applicant has advised that they do not wish to amend the proposals to include a one way system and would not want it as a requirement of any planning permission granted though they would not rule out consideration of this arrangement in the future, and they have advised that they are willing to agree a scheme, with County Highways, for the improvement and maintenance of visibility splays through the pruning of vegetation or the relocation of signage.

7.4.5 Whilst the Case Officer has concerns about the intensification of a poorly configured access these are not shared by County Highways. The NPPF states that development should only be prevent or refused on highways grounds where the residual cumulative impacts of the development are severe. In this case, and in light of the position of County Highways, whilst there are reservations about the potential highways safety impacts of the proposal, they are not severe and to refuse the application on this basis would be unreasonable. However, given the concerns that Officers have in relation to this and the willingness of the applicant to agree a maintenance scheme, it is considered that a condition to agree the details of any removal and pruning should be imposed on any permission granted.

7.4.6 Appendix B of the Development Management DPD sets out maximum parking standards for various uses. This proposal is Sui Generis, for which there are no specific parking requirements. County Highways has advised that 18 spaces, delineated for 3 disabled spaces, 5 staff spaces and 10 visitor spaces, would be acceptable for the proposed development. In addition, it is requested that secure cycle spaces for 4 bikes is secured by condition. Given the anticipated trips generated from the proposed development, it is considered that the provision of 18 spaces is likely to address this need although there may be instances when this is exceeded at peak times. The proposed plans show 18 spaces but with two of the spaces set out for cycles and motorbikes. In order to make the

proposal acceptable the plans need to identify a separate location for a secure and covered bicycle store. Amended plans will be sought from the applicant and a verbal update to Committee will be provided.

7.4.7 The proposal is located within the designated countryside area but is within 200m of the residential area of Hala. There is no bus routes operating on Blea Tarn Road, with the nearest bus stop being on Hala Hill some 500m away. Walking would be possible from parts of Hala, but this is unlikely to be an attractive option due to the lack of contiguous footways to the site. Furthermore, the nature of the business operation and the likely sphere of influence would mean that most trips will be vehicle dependent. The proposal is not in a location that is readily accessible by sustainable forms of transport and would increase the need to travel. This harm can be mitigated to an extent with provision for secure and covered cycle storage. However, the scale of the traffic generation arising from the the proposal is not of a scale that would warrant off site highways improvements in terms of footway improvements or bus service provision.

7.4.8 This proposal would result in an increased need to travel and has the potential to result in highway safety impacts. However, the impacts are not judged to be severe. Subject to the amendment of the plans to update the parking and cycle store provision, and the final details of the cycle store to be secured by condition, the proposal can be considered to not have any adverse highways implications.

### 7.5 Foul Water Drainage

7.5.1 Policy DM39 requires new development to demonstrate no increase in the on-site or off-site surface water run off rates, and where practical result in a reduction. Management and maintenance measures are required to be agreed by condition. Policy DM35 requires that proposals minimise their environmental impacts.

7.5.2 The initial proposal included a septic tank to deal with foul sewage. No supporting information was provided to justify the proposed system. NPPG requires that septic tanks are only used where it can be demonstrated that a package sewage treatment plant (PSTP) is not feasible. Following advice to the applicant, amended plans have been submitted to show a PSTP for 18 persons and a supporting product specification provided. The proposed PSTP is adequate for the proposed development.

7.5.3 Objection has been made in relation to the proposal as an existing septic tank for Blea Tarn House and for the caravan site is located within the application site. The agent has advised that it is their opinion that the septic tank only serves Blea Tarn House and not the caravan site. Whilst the PSTP is likely to be sufficient for Blea Tarn House (in addition to the proposed development) it would not be adequate for the proposal in addition to the Blea Tarn Caravan site. As such it is unclear whether there is adequate foul sewage capacity within the proposal scheme. The applicant has requested that this be dealt with via a pre-commencement condition. Where it is confirmed that the existing septic tank does not serve the caravan site the proposals are considered acceptable subject to condition to agree the final details. A verbal update will be provided to Committee on this matter.

### 7.6 Surface Water Drainage

7.6.1 The initial surface water scheme included pipes and a soakaway. Given the boggy condition of the site on the date of the site visit, concern was raised in relation to the feasibility of a soakaway on this site. In addition, Highways England raised concern in relation to the potential increased surface water run off to affect the stability of the motorway embankment and the potential for unacceptable risk to the trunk road. As a result, a revised scheme has been submitted which shows pipes and an attenuation tank connecting to the surface water drain at a rate of 5 litres per second. Given the site conditions and the lack of a watercourse nearby, it is considered that there is no alternative at this site other than to connect to the surface water drain. The principle of connecting to the surface water drain in this case can be accepted as being in accordance the drainage hierarchy, this falls in line with the recommendation of United Utilities.

7.6.2 However, no calculations have been submitted to estimate what the surface water run off rate would be, or to demonstrate that the proposed capacity of the pipes and the attenuation tank is sufficient to accommodate the potential run off generated at this site. In addition, it is unclear whether a mechanical pump will be required to connect to the surface water drain. Several requests have



been made to the agent to provide this detail but this has not been forthcoming. In addition to this Highways England has recommended that a condition be applied to any permission granted requiring that the system (pipes and tanks) for both the foul and surface water system are watertight and does not result in any infiltration into the ground.

- 7.6.3 In the absence of this information, it is possible to put a pre-commencement condition on any permission granted, which is the agent's preference. This would require the scheme to discharge into the surface water pipe at a rate no greater than 5 litres per second, require the scheme to be water tight and require the provision of pumping where required. It is preferable to be confident that the proposed system will be able to deal with the run off at the site, as this can have implications for site layout. However, in this case it is considered that this information can be left to condition because the size of the site means that there is likely to be sufficient space to ensure that the tanking and or pumping station would be able to be provided within the site. The proposed route of the piping fall partly outside of the application site but within the ownership of the applicant. A Grampian condition can be used to ensure that this is delivered.

## 7.7 United Utilities Trunk Main and Land Stability

- 7.7.1 The site lies adjacent to a United Utilities Trunk Main. United Utilities within the consultation response set out that the proposal must ensure a 10m easement (5m either side of the proposal) and any works must comply with the United Utilities "Standard Conditions for Works Adjacent to Pipelines" (Standard Conditions). In response to the consultation comments from United Utilities revised plans have been submitted moving the building to achieve the required 10m easement.

- 7.7.2 Where the proposal complies with the Standard Conditions, agreement would be made with United Utilities in relation to the manner of construction near or over the pipe including storage of materials, excavation, fences, ground levels, vehicle movements. Normally it would be considered adequate to apply an informative and to any permission to remind the applicant of the need for compliance with the Standard Conditions. However, Highways England is requesting that further details are required to be agreed through condition to protect the water main.

- 7.7.3 Highways England has also raised concern around the potential impact of the construction of the proposal on the stability of the motorway embankment and any subsequent impact on the United Utilities Water Main and the potential risk to the safe operation of the M6. An amended cross section drawing has been provided showing pile foundations for the retaining walls and the building. Highways England has advised that pile foundations would guard against lateral ground movement that would prevent sideways pressure on the land that may result in failure of the water trunk main. Highways England has requested a pre-commencement condition be applied to any permission granted that requires a detailed Construction Plan Working Method Statement relating to site earthworks and the protection of the water trunk main to be approved by the local planning authority. It is considered that a condition can be applied in relation to the construction of the building and retaining walls, including pile foundations, but the applicant would need to apply separately to United Utilities for agreement of works close to the water trunk main. Officers have therefore questioned Highways England's response but having taken internal legal advice the conditions are deemed to meet the tests set out in NPPF.

## 7.8 Noise Impacts

- 7.8.1 Kennels and catteries have a noise impact that has the potential to affect residential amenity. An objection has been raised by the neighbouring Blea Tarn House and on behalf of Blea Tarn Caravan Site. Blea Tarn House is the nearest residential property to the development situated (at its closest point) within 10m of the development site and 30m of the proposed building and external exercise area. The caravan site developed as a result of a permission granted in 2010 (10/00325/CU as varied by 14/01336/CU) is situated immediately to the rear of Blea Tarn House and is restricted for holiday use by legal agreement. Two other neighbouring properties of Highfield and Kirkland are located 50m and 95m from the edge of the development site.

- 7.8.2 An acoustic survey and assessment has been submitted with the application Environmental Health originally commented that there would be "no significant environmental health implications" arising from the proposal. However, following discussion, the Environmental Health Officer carried out a site visit and provided further advice. This stated that the assessment provided is robust and the methodology used to predict sound levels is satisfactory in relation to both cats and dogs. It is

advised that the topography of the site, design of the building and the background noise of the motorway will mean that the impact of the proposal is very likely to result in “no observed effect levels” within the internal areas of the receptors and at worst “lowest observed effect levels” to external amenity area. It has been advised that whilst it is their opinion that there is unlikely to be unreasonable noise impacts associated with the proposal, further mitigation could include controlling the times of use of the external exercise area and the maximum number of dogs using it at any one time, and controlling the drop off and pick up times of animals, as well as deliveries. In addition it is noted that the caravan site is within 15m of an existing exercise area and open fronted kennels which have not result in a complaint whilst Animal Care have been operating.

- 7.8.3 It is considered that given the close proximity of the site to Blea Tarn House that conditions should require the implementation of the mitigation to the proposed building and include the control of use of the external amenity areas and the drop off and pick up times. It is considered that together these conditions would sufficiently control the noise of the proposal to ensure that the residential amenity of the neighbouring properties, in particular Blea Tarn House would be mitigated.

### 7.9 Air Quality

- 7.9.1 On initial assessment, the Environmental Health Officer, requested further information in relation to the traffic generated by this major proposal in order to advise whether an Air Quality Assessment (AQA) is required in this case. A Highways Impact Technical Note was provided in response to this, setting out that the existing facility generates 28 to 38 vehicle movements a day and that the proposal would result in 9 extra two way traffic trips a day based on an assumption that approximately 50% of the new accommodation would be used as overspill for the existing care centre.

- 7.9.2 In assessment of the Technical Note together with Environmental Health, it is considered that there may be circumstances where the overspill may not occur, and therefore it can be considered that this anticipated number of trips could be doubled. It is considered that the proposal is more likely to generate 17 to 26 additional trips per day with the applicant arguing the lower of the cases. Notwithstanding this, it is considered that this level of increase is not sufficient to trigger the requirement of an AQA and as such the application can be determined without one. However, it is considered that this increase in traffic would not be insignificant on air quality and measures should be taken to try and reduce the potential increase in air pollution where possible. It is recommended by Environmental Health, in accordance with Lancaster's Low Emission and Air Quality Planning Advisory Note, that the proposal should include the provision of 2 fast electric vehicle charging points for staff, facilities to promote cycling and a travel plan.

- 7.9.3 Given the scale of the proposal, it is considered that the provision of one electric vehicle charging point, secure and covered cycle storage and a travel plan would be beneficial. Subject to appropriate conditions it is considered that the impact on air quality would be acceptable.

### 7.10 Impact on trees and hedgerows

- 7.10.1 The site is bounded by existing hedgerows and trees to the south, west and north. The access track is tree lined and there is a vegetation within the visibility splays for the access into the junction and the junction with Blea Tarn Road.

- 7.10.2 An Arboricultural Implications Assessment has been provided with the application. However, following assessment of the plans concerns were raised in relation to the impact of the proposal on the existing hedgerows to the west and north. The plans have been amended to show an increased gap between the west elevation and the existing hedgerow to ensure that there is sufficient space to allow its retention, with an updated typical retaining wall detail to show the distances between the hedge and the foundations of the building and the walls. To the north the plans have been amended to show no retaining wall with the building being built against the existing ground levels. A revised Tree Protection Plan has been provided to be updated to reflect these revised plans.

- 7.10.3 Following assessment of the revised information, the Tree Officer has advised that the proposal can be considered acceptable subject to conditions requiring the implementation of the Arboricultural Implication Assessment and Tree Protection Plan, and a condition requiring an Arboricultural Method Statement to be agreed where works are proposed within the Root Protection Areas or 1m of the protective barriers.

- 7.10.4 Subsequent to this Highways England has requested that that a close boarded timber fence be erected a minimum of one metre behind the existing motorway fence and hedge on the applicant's land. This would be adequately covered by a boundary treatment condition but where this work is within 1m of the hedgerow it will require an Arboricultural Method Statement to be submitted and agreed to ensure the protection and retention of the hedgerow.
- 7.10.5 Subject to the proposed conditions, including works to the vegetation to provide and maintain the visibility splays, the proposed development can be considered acceptable in relation to trees and hedgerows.
- 7.11 Impact on Biodiversity
- 7.11.1 This site is located within the Site of Special Scientific Interest impact risk zone for the Lune Estuary. However, the edge of this designated site, at its closest point, is 3.1km from the proposed development. It is considered that this development would not have a significant effect on the SSSI because of the distance of the site from the protected area, and the intervening developed area of Hala and the M6. The site itself is an agricultural field which is considered not likely to have any habitat or species that are protected. Natural England has no comments.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

- 9.1 The proposal would develop a greenfield site in the countryside area. It is considered that, due to the nature of the proposal, that there is unlikely to be a more sustainably located site that would be suitable and available for the proposed development. On this basis, where the benefits of the scheme outweigh the impacts, the proposal can be supported in principle. The benefits of the scheme include facilitating the expansion of a valued local charity into a commercial activity which would help to sustain the charity in the long term, and create 6 new jobs. The location of the site means that a large building can be accommodated without landscape harm, and the design of the building can be considered acceptable subject to conditions to control materials. Despite concerns raised, it is considered that the proposal would not result in any adverse highway safety impacts. Whilst an update to Committee is required in relation to foul treatment, it is likely that a resolution will be found to allow the adequate control of foul treatment on the site, and that an acceptable surface water drainage scheme can be designed within the application site and agreed prior to commencement of development. Subject to appropriate conditions, matters of noise, air quality and trees and hedgerows, can be adequately addressed. Overall, it is considered that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits and therefore the development should be supported.

## **Recommendation**

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

1. Standard time condition
2. Development to accord with listed plans
3. Site restricted to be tied to use for kennels and cattery
4. Site restricted to be used as part of existing Animal Care Centre
5. Details of all materials
6. Maintenance scheme of the vegetation at the access and junction with Blea Tarn Road to provide and retain the required visibility splays
7. Scheme for secure and covered cycle storage
8. Surface water drainage system. No drainage to connect to motorway drainage system, no run off from the site onto the M6, and scheme to be watertight
9. Foul drainage system, including how the system is watertight
10. Construction Plan Working Method Statement relating to earthworks and the protection of the United Utilities' trunk main
11. Details of boundary treatments, including restricting access onto the M6

12. Noise mitigation , including hours of opening, hours of use of the external exercise area, maximum number of dogs using the external exercise area at any one time, and hours of deliveries
13. Provision of electric vehicle charging point
14. Travel plan
15. Implementation of Arboricultural Implications Assessment and Tree Protection Plan
16. Arboricultural Method Statement for works within 1m of Root Protection Areas and within 1m of the tree protection fences

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

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

Officers have made this recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in this 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	Committee Date	Application Number
A8	9 May 2018	17/01502/FUL
<b>Application Site</b>  Heaton Hall Morecambe Road Lancaster Lancashire	<b>Proposal</b>  Change of use and conversion of the tavern into five dwellinghouses (C3) including the demolition of the existing conservatory and associated motel building and the erection of nine dwellinghouses (C3) with associated landscaping and vehicular parking	
<b>Name of Applicant</b>  Tom Hill	<b>Name of Agent</b>  Mr Scott Bracken	
<b>Decision Target Date</b>  2 May 2018	<b>Reason For Delay</b>  Committee Cycle and awaiting further information from the applicant	
<b>Case Officer</b>	Mr Mark Potts	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval (Subject to resolving an appropriate affordable housing contribution)	

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

- 1.1 The application site is located within the Scale Hall area of Lancaster and comprises a site area of approximately 0.35 hectares. To the north of the development lies the Babar Elephant restaurant, to the east Morecambe Road and to the south east lies Aldi Supermarket. To the south and south-west lies Derwent Court and other residential properties on Brindle Mews. The site is relatively level and consists of existing buildings in the form of the Tavern and associated former motel rooms, areas of hardstanding, trees and landscaped areas.
- 1.2 Farmhouse Tavern is a Grade II Listed building, and there are a number of trees that are covered by the Tree Preservation Order 214 (1993). There is an existing close boarded timber fence to the north of the development that separates the development from the playground associated with the Babar Elephant restaurant with some trees and hedgerows providing some screening to the south-east and south-west of the site. The site is well connected to public transport with bus stops on Morecambe Road and also the main Lancaster to Morecambe cycle route located to the west.

## **2.0 The Proposal**

- 2.1 A very similar proposal was refused by the Local Planning Authority in June 2017 for the reasons below:

- 1. It is considered that the development would not make a positive contribution to the area given inadequate separation distances between dwellings, coupled with a lack of appropriate garden spaces. It is therefore considered that the scheme has not demonstrated good design and the scheme as proposed would compromise the amenity of future and existing residents due to the over-developed nature of the site, and therefore the scheme would fail to conform to Policy DM35 of the Development Management DPD, Policy SC5 of the Core Strategy, and Section 7 of the National Planning Policy Framework.*

2. *The scheme would potentially adversely impact on a large mature preserved copper beach tree that is established close to the existing conservatory, and given the development has the potential to impact on the root protection area of this impressive, protected specimen, the relationship between the development and the tree is unacceptable. In addition the works to the large mature horse chestnut tree, in terms of the extent of pruning required is considered excessive and as such the development is contrary to Policy DM29 of the Development Management DPD.*
3. *There are concerns for the setting of the Tavern which results from the siting of Units 6 and 7 in front of the listed building. It is considered that the harm to the setting of this building has not been demonstrated to the satisfaction of the local planning authority, as there is a lack of clear and convincing justification, and therefore the scheme fails to comply with Policies DM30 and DM32 of the Development Management DPD and Paragraphs 132 and 134 of the National Planning Policy Framework.*
4. *The applicant is not proposing any affordable housing as part of the scheme. Whilst a viability appraisal has been submitted in support of the scheme to demonstrate that it is not viable to support any affordable housing contribution, in the opinion of the Local Planning Authority the applicant needs to reconsider costs put forward as part of the development appraisal as at present there is a lack of confidence in the applicant's assessment and therefore the scheme is considered contrary to Policy DM41 of the Development Management DPD.*
5. *The Tavern is a former public house, and would have previously provided the community of Scale Hall with a valuable local service. However it is considered that the applicant has failed to provide the necessary compelling and detailed evidence which is required under Policy DM49 of the Development Management DPD to enable the local planning authority to consider its loss is justified and appropriate.*

The applicant has attempted to resolve these reasons by reducing the proposal from 16 units to 14 units.

- 2.2 The proposal involves the change of use of the former Farmhouse Tavern into 5 apartments and the erection of 9 dwellings (following the demolition of the former motel buildings and associated conservatory). The 14<sup>th</sup> dwelling is proposed on the footprint of the existing conservatory.

The below gives a break-down of the property types;

- 1 bedroom property (Units 2 and 4);
- 2 bedroom property (Units 1, 3, 5, 6, 7, 10-14);
- 3 bedroom property (Units 9); and
- 4 bedroom property (Unit 8).

- 2.3 The Tavern would remain essentially the same with a small extension in buff render with natural stone quoins to the north east side of the Tavern. On the west elevation of the Tavern part of the outbuilding is proposed to be rebuilt. Unit 7 would be of single storey construction, utilising the existing built form with a small extension of stone coloured render with a new slate roof. Units 8 - 14 (including unit 6) would be two storey in height, and constructed in render with some stone, under slate roofs.

- 2.4 A new gravel surface car park is proposed on an existing grassed area to the south of the tavern, whilst the existing tarmac car park to the north east of the site is proposed to be resurfaced in gravel. The scheme proposes new soft landscaping and the creation of an oval shaped lawn to the south.

### **3.0 Site History**

- 3.1 Further to the Local Planning Authority providing pre-application advice in 2015, two applications were submitted in the subsequent 2 years - one was withdrawn in 2016 and the other refused in 2017:

Application Number	Proposal	Decision
17/01503/LB	Listed building application for internal and external works, comprising the insertion of partition walls and demolition of internal walls, provision of new windows, construction of a single storey extension to the north and east facing elevations and demolition of the existing motel units	Pending Consideration
17/00136/FUL	Change of use and conversion of the tavern into five dwellinghouses (C3) including demolition of conservatory and motel building and erection of 11 dwellinghouses (C3) with associated landscaping and parking	Refused
17/00137/LB	Listed building application to facilitate the conversion of the tavern into five dwellinghouses (C3) including demolition of conservatory and motel building and erection of 9 dwellinghouses (C3)	Split decision
16/00422/LB	Listed building application to facilitate the conversion of the tavern into twelve dwellinghouses (C3) including demolition of conservatory and erection of two storey extension, and demolition of motel building and erection of five 2-storey town dwellinghouses (C3)	Withdrawn
16/00421/FUL	Change of use of the tavern into twelve dwellinghouses (C3) including demolition of conservatory and erection of two storey extension, demolition of motel building and erection of five 2-storey town dwellinghouses (C3)	Withdrawn
15/01079/PRETWO	Conversion of existing tavern and motel accommodation with associated alterations and extensions to provide 17 residential units	Advice Provided

#### 4.0 Consultation Responses

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

Consultee	Response
<b>County Highways</b>	<b>No objection</b> subject to details of the car park surfacing/paving
<b>Conservation Officer</b>	<b>No objection</b> in principle although there will be some harm associated with internal and alterations and development within the immediate setting.
<b>Tree Officer</b>	<b>No objection</b> providing the Arboricultural Method Statement is updated to include the final treatment for all new surfaces within root protection and canopy areas and provision of a detailed landscaping scheme with an associated maintenance regime.
<b>Strategic Housing Officer</b>	<b>Raises concerns</b> with the contents of the viability statement.
<b>Environmental Health Department</b>	<b>No objection</b> on the provision that electric charging facilities are provided for together with a contaminated land assessment.
<b>Lead Local Flood Authority</b>	No observations received within the statutory timescales. However, previously no objection was raised.
<b>United Utilities</b>	<b>No objection</b> subject to a condition requiring a surface water drainage scheme to be submitted and foul and surface water drainage to be drained on separation systems.
<b>Greater Manchester Ecology Unit</b>	Initially recommended that the scheme was not determined until such time an updated bat assessment was provided and if necessary emergence surveys carried out. An updated assessment was provided and <b>no objection</b> raised on the provision that the mitigation as detailed within the applicant's bat survey is carried out.
<b>Planning Policy</b>	<b>No Objection</b> though the scale of development, the loss of community facilities, its relationship with the surrounding historic environment and resolving any highway concerns will be key considerations in this assessment.
<b>Lancashire Constabulary</b>	No observations received within the statutory timescales

<b>Lancaster Civic Society</b>	No observations received within the statutory timescales
<b>County Education</b>	<b>No Objection.</b> A financial contribution towards education provision is not required.
<b>Lancashire Archaeology</b>	<b>No Objection</b> on the basis that a written scheme of archaeological recording and analysis is provided.

## **5.0 Neighbour Representations**

- 5.1 There has been one letter of objection received which raises concerns over property values.

## **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 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

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

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 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 2017, 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**

SC1 – Sustainable Development  
SC4 – Meeting the District's Housing Requirements  
SC5 – Achieving Quality in Design

### **6.4 Development Management DPD**



DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM26 – Open Space, Sports and Recreational Facilities  
DM27 – Protection and Enhancement of Biodiversity  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM30 – Development affecting Listed Buildings  
DM32 – The Setting of Designated Heritage Assets  
DM34 – Archaeology  
DM35 – Key Design Principles  
DM38 – Development and Flood Risk  
DM39 – Surface Water Run-off and Sustainable Drainage  
DM41 – New Residential dwellings  
DM48 – Community Infrastructure  
DM49 – Local Services  
Appendix B – Car Parking Standards  
Appendix E – Flat Conversions

## 6.5 Other Material Considerations

National Planning Policy Guidance;  
Meeting Housing Needs Supplementary Planning Document;  
Open Space in New Residential Development Planning Advisory Note (PAN) (October 2015)  
Lancashire County Council Infrastructure and Planning Annex 2 Education (November 2017)  
Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990

## **7.0 Comment and Analysis**

The main considerations with the application relate to the following:

- Principal of the Development;
- Heritage Concerns;
- Amenity/Design and Layout;
- Ecology and Protected Species;
- Trees;
- Ecology;
- Drainage and Heritage Considerations; and
- Affordable Housing Provision

### 7.1 Principal of the Development

- 7.1.1 The site is located within the Scale Hall area of Lancaster and therefore a sustainable location for a development of this nature. The City Council cannot demonstrate a deliverable 5 year housing land supply, because of this, the lack of a five year housing land supply triggers the operation of the second part of the NPPF Paragraph 14, and therefore decision makers have to weigh the consequences of an undersupply of housing against other policies in the development plan that may have the effect of restricting that supply. The Tavern and associated motel rooms have been neglected for a number of years, and unfortunately they have fallen into a state of neglect, and vandalism has started to occur despite the applicant having erected fencing around the perimeter of the site. The site was a former public house and therefore it needs to be demonstrated that the public house no longer has a viable community use (as required by Policy DM49 of the DM DPD in terms of marketing the property for a period of 12 months at a realistic price). The advice shared with the applicant in terms of the refused application was that they should seek to demonstrate that the public house no longer has a viable community use. This does not necessarily have to be a public house (A4) use. The applicant in the refused scheme provided no evidence to suggest that the property was marketed but in the case of this planning application they have provided somewhat more justification than they did previously namely in the form of marketing details when the property was put up for auction. Whilst they have said that the site has been marketed since the applicant purchased the site, no information has been submitted to demonstrate that this is the case. These

concerns have been relayed to the applicant's agent but no additional information has been supplied other than demonstrating that there are a number of public houses within the immediate area.

- 7.1.2 Purely on the basis of the requirements of Policy DM49 of the Development Management DPD it is not considered that the proposal complies with this policy and is therefore not compliant with Development Plan policy.

### 7.2 Heritage Concerns

- 7.2.1 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.

- 7.2.2 The Grade II Farmhouse Tavern (formerly known as Scale Hall), was formerly a small manor house dating from c1700 and then later used as a country club and pub. It is constructed in sandstone rubble with ashlar dressings and a slate roof. There has been a modern alteration and addition to a stable block to the rear, which was converted into a motel. It is worthy of note that historically the use of the building was as a residential dwelling and therefore the principle of converting the building back to a residential use could be acceptable in principle as a way of sustaining its future.
- 7.2.3 The removal of the modern conservatory is an improvement, and would better reveal the significance of the building, though a detached property (Unit 6) would be sited in its place. Whilst this is an improvement over the previously submitted scheme, which included two buildings directly in front of the Tavern, unit 6 would cause some degree of harm to the setting of the Listed building and detract from its significance. The Tavern is readily visible from Morecambe Road, and the erection of unit 6 would obstruct this viewpoint and the main experience and view of the asset for the public. As the harm would be less than substantial it should be weighed against the public benefits of the scheme.
- 7.2.4 Overall, the proposal will bring a neglected and empty building back into use which will contribute to the conservation of the historic building. It is considered that the proposal will cause a degree of harm through internal alterations and development within its immediate setting. It is considered the harm to the significance of the building will be less than substantial as the historic plan form of the house has already been altered and lost through the conversion to a country club and the setting substantially altered and diminished in the 20<sup>th</sup> century. What remains of the building is the 17<sup>th</sup> century historic fabric of the outrigger and fine architectural detailing of the 18<sup>th</sup> century frontage, of which the proposal seeks to mitigate any harm by enhancing these features through appropriate repair and sensitive reinstatement of traditional features. Whilst there is a degree of harm in the proposed conversion of the building, these have been justified in terms of restoration and retention of this significant asset of Skerton (and later Morecambe's) past and the Conservation Officer has no objection to the proposal. Lancashire Archaeological Advisory Services have no objection to the proposal though advises that the building merits the creation of a full formal record to Level 3. This can be addressed by means of planning condition.

### 7.3 Amenity/Design and Layout

- 7.3.1 The development seeks to utilise the existing footprint of the Tavern and associated motel rooms with the exception of unit 6 that would be sited to the east of the former farmhouse (in a similar location to the lightweight conservatory that is proposed to be removed), and unit 14 on the far eastern edge of the site. The layout is essentially of a courtyard and the principle of this could work well in this urban setting. Officers raised significant concerns previously as garden sizes (only 18

sq.m) were significantly below the required 50 sq.m as endorsed by Policy DM35 of the DM DPD. The applicant has pushed units 8 to 13 further south, which now means that the garden sizes are a minimum of 41 sq.m. This is for a two-bedroom property and therefore a smaller type unit. Unit 8, which is a 4 bedroom property, would benefit from over 100m<sup>2</sup> of usable garden space. Unit 7, which is a 2 bedroom single storey dwelling, provides minimal landscaping along its frontage, which is more akin to communal landscaping as opposed to private garden space. However, it is considered that this could work well assuming appropriate boundary treatments and landscaping are implemented. The conversion element of the Tavern provides for communal landscaping with a new oval lawn enclosed by a gravel path, which is deemed to be acceptable.

7.3.2 Officers continue to feel that the proposal seeks to slightly over-develop the site, and it would be beneficial to remove plots 6 and 14 from the scheme. However, on balance, and subject to planning conditions controlling materials, landscaping and boundary treatments and giving great weight to the City Council's inability to demonstrate a 5-year housing land supply, Officers feel it would be unlikely to resist the scheme at appeal, given the sustainable location of the scheme and the harm that has already occurred to the setting of the Tavern.

7.3.3 Much of the scheme would provide for an adequate standard of outlook, though the some of the windows serving habitable rooms within the apartments of the converted Tavern are less than the required 21 metres away from the windows habitable serving habitable rooms of the adjacent off site properties by c2m. This is less of a concern in amenity terms given that the proposal brings a Listed building back into beneficial use. Therefore this aspect of the scheme is overall considered acceptable.

#### 7.4 Trees

7.4.1 There are a total of 23 trees that have been identified in relation to the proposed development, and some of these are protected in law under the Tree Preservation Order No 214 (1993); the most valued of which is a copper beech. This is established immediately adjacent to the dilapidated conservatory, which is proposed to be demolished. The canopy of this tree overhangs this structure, so minimal pruning works have been identified with a maximum loss of live branches not exceeding 10%, limited to secondary branches not exceeding 4cm in diameter. This is acceptable. Officers previously had concerns with how the demolition of the conservatory would affect this tree and how this would be handled, but the applicant has stated that this would be via a "top down, pull back" technique, which is acceptable to the Tree Officer. A new surface treatment is proposed within the root protection areas of the retained trees so only no dig methods and porous materials should be proposed. This can be addressed by means of planning condition.

7.4.2 Whilst a landscaping scheme has been submitted, a maintenance regime will be required. The applicant has therefore addressed those previous concerns relating to the impact on the health and integrity of trees and therefore the development is now considered acceptable from a tree and landscaping perspective, subject to an amended Arboricultural Method Statement, which the applicant is agreeable to providing.

#### 7.5 Ecology

7.5.1 A bat survey has been supplied in support of the scheme and the buildings assessed for their bat roosting potential. Given the works to the buildings that are to be converted would only result in temporary disturbance to the features where bats may roost, the applicant's ecologist considers that avoidance via the use of precautionary surveys should take place to avoid any offence under the Habitats Directive. An additional visit by the applicant's ecologist took place in April 2018 and subject to the imposition of a precautionary condition regarding bat surveys as recommended by Greater Manchester Ecological Unit it is considered that the scheme would be acceptable from an ecological perspective.

#### 7.6 Drainage and Highway Considerations

7.6.1 The site lies within Flood Zone 1 and therefore is at the lowest risk of flooding, and somewhere where the local planning authority would seek to support development proposals. The Lead Local Flood Authority has provided no observations on this application but raised no objection to previous, similar applications subject to conditions being applied to any permission including draining the site sustainably in-line with the SuDS hierarchy and maintaining the drainage scheme.

7.6.2 County Highways has not raised an objection to the development, though they have commented that the gravel surfacing of the car park should be a bonded surface such as tarmac or pavements. This issue could be addressed by planning condition should the scheme be supported. The scheme proposes 25 car parking spaces for the 14 units provided. Whilst this is under the car parking standards (maximum standards), this is acceptable given the application site's high level of accessibility, including its proximity to the cycle network, bus service provision, and other local facilities. Furthermore most of the dwellings proposed are smaller units, which demands less parking.

## 7.7. Affordable Housing Provision

7.7.1 The applicant has submitted a financial viability report in support of the scheme that has reached the conclusion that the scheme cannot support any affordable housing. Officers on the previous two planning applications had concerns regarding the content of the applicant's viability statements and these concerns continue to exist. Since this application was validated questions have been posed to the applicant's agent regarding the content of the viability statement which states that to develop the site the scheme would in fact make a significant loss (circa £400,000 loss). In line with National Planning Practice Guidance, a 'vacant building credit' should be applied where a vacant building is either converted or demolished and the credit will be equivalent to the gross internal area of the building to be demolished or brought back into use. Taking into account vacant building credit Officers consider that it would be more appropriate to seek a financial contribution towards affordable housing provision. Officers have concluded that the scheme can generate a reasonable profit (18%, or circa £400,000) and make a financial contribution to affordable housing. As it stands there is a significant disagreement between the parties, so should agreement not be reached in advance of Planning Committee, Officers reserve the right to amend the recommendation to refusal as it is considered that the scheme fails to conform to Policy DM41 of the Development Management DPD if a suitable level of contribution is not offered. Members will be updated verbally at Planning Committee.

## 7.8 Other Material Considerations

7.8.1 Environmental Health Officers have asked for a land contamination survey together with the provision of electric vehicle charging points. It is considered that both these issues can be addressed by means of planning condition, should the scheme be supported by Members. No education contribution has been requested by County Education and therefore it is considered that there is sufficient capacity within the local schools.

## 8.0 Planning Obligations

8.1 It is recommended that the following should be sought by way of legal agreement:

- The provision of an affordable housing contribution;
- Long term maintenance of landscaping, open space and non-adopted drainage and highways and associated street lighting.

These requirements are considered to meet the tests set out in Paragraph 204 of the NPPF. Given the scheme, there is a need for a number of highway related works that would be undertaken under Section 278 of the Highways Act. These works can be conditioned.

## 9.0 Planning Balance

9.1 Officers are keen to support the sensitive restoration of the former Farmhouse Tavern and the associated motel, which have been empty for over 5 years. The proposed scheme would enable the sensitive restoration of the Tavern, and whilst there would be some harm, the internal works would allow the restoration of the building back to its original use (albeit sub-divided). There is some harm to the setting of the building by virtue of the location of Unit 6 but this is considered to be less than substantial harm and the benefits associated with the scheme by bringing the Listed building back into use and the provision of new homes weighs strongly in the proposal's favour. It is worthy of note that none of the historic environment consultees raise an objection to the scheme.

- 9.2 The Tavern and motel rooms once served a valuable community asset and to date no compelling evidence has been provided by the applicant to suggest that since the property was purchased in February 2015 that any further marketing has been carried out in accordance with Policy DM49. This element weighs against the proposal, though Officers are mindful of the benefits associated with bringing this building back into a sustainable long term use, coupled with the urban location, which has bus stops, a cycleway, a supermarket and a restaurant within very close proximity of the site. From a nature conservation perspective it is considered that both the impacts on trees and protected species can be overcome by conditions and issues associated with drainage and highways can also be handled by means of planning condition. Electric vehicle charging points together with the provision for cycle storage will ensure that future occupiers have the opportunity to travel by sustainable modes of transportation.
- 9.3 The Local Planning Authority is unable to demonstrate a five year housing land supply and Paragraph 14 of the NPPF states that where relevant policies are 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 the policies in the NPPF as a whole. There is some limited harm caused to the setting of the Listed building, and the applicant has failed to supply the evidence to demonstrate that the building could not have an alternative use, but taking into consideration the sustainable nature of the site, it is considered that in the balancing exercise bringing the building back into a viable use weighs heavily in support of this proposal and it is recommended to Members to support this scheme subject to agreement over an appropriate affordable housing contribution.

### **Recommendation**

That, subject to the applicant signing and completing a legal agreement to secure:

- the provision of an affordable housing contribution (amount to be agreed prior to Planning Committee);
- the long term maintenance of landscaping, open space and non-adopted drainage and highways and associated street lighting.

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

1. Timescales
2. Approved Plans
3. Surface Water drainage details
4. Surface water management
5. Finished floor level
6. Contaminated land study
7. Details of all materials (elevation, roof, windows, doors, rainwater goods, surface and boundary treatments) including colours and finishes
8. Development in accordance with recommendations in the Ecological Appraisal
9. Submission of an amended Arboricultural Method Statement
10. Landscaping scheme
11. Details of cycle parking
12. Car parking shall be hard surfaced before development being brought into use, and at least one space allocated to each residential unit
13. Electric vehicle charging points
14. Permitted Development rights removal

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

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

### **Background Papers**

None

<b>Agenda Item</b> A9	<b>Committee Date</b> 9 May 2018	<b>Application Number</b> 17/01503/LB
<b>Application Site</b> Farmhouse Tavern And Motel Morecambe Road Lancaster Lancashire	<b>Proposal</b> Listed building application for internal and external works, comprising the insertion of partition walls and demolition of internal walls, provision of new windows, construction of a single storey extension to the north and east facing elevations and demolition of the existing motel units	
<b>Name of Applicant</b> Tom Hill	<b>Name of Agent</b> Mr Scott Bracken	
<b>Decision Target Date</b> 6 March 2018	<b>Reason For Delay</b> Committee Cycle	
<b>Case Officer</b>	Mr Mark Potts	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

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

- 1.1 The application site is located in the Scale Hall area of Lancaster and amounts to a site area in the region of 0.35 hectares. To the north of the development lies the Babar Elephant restaurant, to the east Morecambe Road and to the south east lies Aldi Supermarket. To the south and south-west lies Derwent Court and other residential properties on Brindle Mews. The site is relatively level and consists of existing buildings in the form of the Tavern and associated former motel rooms, areas of hardstanding, trees and landscaped areas.
- 1.2 The Farmhouse Tavern is a Grade II listed building and there are gate piers approximately 5 metres to the south west of the building and gate piers 15 metres to the east of the building which are also Grade II listed. There are a number of trees that are covered by the Tree Preservation Order 214 (1993). There is an existing close boarded timber fence to the north of the development that separates the development from the playground associated with the Babar Elephant restaurant with some trees and hedgerows providing some screening to the south-east and south-west of the site.

## **2.0 The Proposal**

- 2.1 The scheme proposes works to facilitate the change of use of the Tavern into 5 apartments (predominantly creation of new openings in existing walls, and removal and installation of partition walls), the demolition of the existing conservatory and the demolition of modern outbuildings and additions to the north and rear elevation. There would also be a removal of the northern section of the boundary wing of the motel units. The older part of the boundary outbuilding would be converted into an additional dwelling and there would be 7 new dwellings essentially acting as a terrace attached to the Tavern. The stone paving and balustrades would be repaired and there would be de-cluttering of the existing facades such as the fire escape stairs, air conditioning units and service installations. General repairs to the building using conservation led materials and techniques are also proposed and the west elevation is proposed to be improved by the removal of the existing render.

**3.0 Site History**

3.1 There is a relevant full application which is pending consideration which is noted below.

Application Number	Proposal	Decision
<b>17/01502/FUL</b>	Change of use and conversion of the tavern into five dwellinghouses (C3) including the demolition of the existing conservatory and associated motel building and the erection of nine dwellinghouses (C3) with associated landscaping and vehicular parking	Pending Consideration
<b>17/00137/LB</b>	Listed building application to facilitate the conversion of the tavern into five dwellinghouses (C3) including demolition of conservatory and motel building and erection of 9 dwelling houses (C3)	Split decision
<b>17/00136/FUL</b>	Change of use and conversion of the tavern into five dwelling houses (C3) including demolition of conservatory and motel building and erection of 11 dwellinghouses (C3) with associated landscaping and parking	Refused
<b>16/00422/LB</b>	Listed building application to facilitate the conversion of the tavern into twelve dwellinghouses (C3) including demolition of conservatory and erection of two storey extension, and demolition of motel building and erection of five 2-storey town dwellinghouses (C3)	Withdrawn
<b>16/00421/FUL</b>	Change of use of the tavern into twelve dwellinghouses (C3) including demolition of conservatory and erection of two storey extension, demolition of motel building and erection of five 2-storey town dwellinghouses (C3)	Withdrawn
<b>15/01079/PRETWO</b>	Conversion of existing tavern and motel accommodation with associated alterations and extensions to provide 17 residential units	Advice Provided

**4.0 Consultation Responses**

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

Consultee	Response
<b>Lancashire Archaeological Advisory Service</b>	<b>No objection.</b> Recommends a level 3 building survey should permission be granted.
<b>Historic England</b>	<b>No observations</b> to make on the proposals.
<b>Conservation Officer</b>	<b>No objection</b> in principle although there will be some harm associated with internal and alterations and development within the immediate setting.
<b>Lancaster Civic Society</b>	No observations received within the statutory timescales
<b>Ancient Monuments Society</b>	No observations received within the statutory timescales
<b>The Council for British Archaeology</b>	No observations received within the statutory timescales
<b>Georgian Group</b>	No observations received within the statutory timescales
<b>The Society for the Protection of Ancient Buildings</b>	No observations received within the statutory timescales
<b>The Victorian Society</b>	No observations received within the statutory timescales
<b>Twentieth Century Society</b>	No observations received within the statutory timescales

**5.0 Neighbour Representations**

5.1 To date no representations have been received in relation to this Listed building application.

## **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  
 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 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

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

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 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 2017, 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**

SC1 – Sustainable Development  
 SC4 – Meeting the District’s Housing Requirements  
 SC5 – Achieving Quality in Design

### **6.4 Development Management DPD**

DM30 – Development affecting Listed Buildings  
 DM32 – The Setting of Designated Heritage Assets  
 DM34 – Archaeology

## **7.0 Comment and Analysis**

7.1 The NPPF states that when considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the 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.



- 7.2 The Farmhouse Tavern (formerly known as Scale Hall), is an impressive Grade II Listed building. The building was formerly a small manor house dating from c1700 then later used as a country club and pub. It is constructed in sandstone rubble with ashlar dressings and a slate roof. There has been a modern alteration and addition to a stable block to the rear which was converted into a motel. It is worthy of note that historically the use of the building was as a residential dwelling and therefore the principle of converting the building back to a residential use could be found acceptable in principle.
- 7.3 It is commendable of the applicant to pursue a development proposal that could secure a potential long-term use for the Tavern, particularly given its historical significance. The previous application failed to fully assess the impacts of the proposal on the significance of the designated heritage asset, but this application has resolved the concerns by amending the site layout.
- 7.4 The removal of the modern conservatory is an improvement, and would better reveal the significance of the building. However, it is unfortunate that Unit 6 would be sited in a similar position, and although it is set back it is considered this may cause a degree of harm when viewing the building. The Tavern is readily visible from Morecambe Road, and the erection of unit 6 would obstruct this viewpoint and the main experience and view of the asset for the public. The harm would be less than substantial so should be weighed against the public benefits of the scheme, in terms of bringing the main building back into use.
- 7.5 The application is supported by a Heritage Statement and Impact Assessment, which considers that on balance all elements of the proposed scheme have a neutral or positive impact, with any isolated negative matters being readily mitigated by positive changes of a more significant magnitude and therefore considers that their significance would either be sustained or enhanced. The conversion of the building into residential units does inevitably have some impact though no objection has been received from the Conservation Officer regarding the internal works and the external fabric of the main building would have most of the external additions removed from it. The new elements are positioned more remotely, which goes some way to reduce the impact.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

- 9.1 The conversion of the Farmhouse Tavern into residential accommodation would seek to work with the fabric of the building and the removal of the conservatory, air conditioning units, fire escapes and unauthorised UPVC will all better reveal the significance of the building. No objections are raised by the Conservation Officer or Lancashire Archaeological Advisory Service subject to conditions relating to materials and a Level 3 Building Recording Assessment. These are considered reasonable, and it is recommended to Members that Listed Building Consent is supported (this is on the basis that 17/01502/FUL is also supported by Planning Committee).

## **Recommendation**

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

1. Standard Listed building consent
2. Works in accordance with the approved plans
3. Archaeology recording (level 3)
4. Notwithstanding the details on the approved plans, the following details to be provided and agreed in writing:
  - Repair methodology for historic plasterwork and detailing (where retained);
  - Methodology for stonework repair (including part rebuilding of outbuilding);
  - Details and schedule of window repair and upgrading (e.g. secondary glazing);
  - Schedule of repair for internal doors and any new internal doors;
  - Details of new windows (sections, material, colour and finish);
  - Internal wall and floor treatments (e.g. fire proofing and soundproofing);
  - Details of roof-lights;
  - Details of external doors;

- Details of vents and flues; and
- Details of balustrade and gate pier repairs.

### **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	Committee Date	Application Number
A10	9 May 2018	17/01575/FUL
<b>Application Site</b>  Green Farm Mewith Lane Tatham Lancaster	<b>Proposal</b>  Retrospective application for the change of use of existing stable and kennel to single storey dwelling (C3) for holiday use and erection of two front single storey extensions	
<b>Name of Applicant</b>  Mr Michael Harrison	<b>Name of Agent</b>	
<b>Decision Target Date</b>  11 April 2018	<b>Reason For Delay</b>  Committee Cycle	
<b>Case Officer</b>	Mr Andrew Clement	
<b>Departure</b>	None	
<b>Summary of Recommendation</b>	Approval	

**(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 Jane Parkinson for the application to be reported to the Planning Committee on the basis of concern that the proposal would have a detriment impact upon the protected landscape through the overdevelopment of the site within a small hamlet.

**1.0 The Site and its Surroundings**

- 1.1 The site is located on the south side Mewith Lane in Tatham, approximately one mile south of Low Bentham. It relates to an existing single storey stables building and external kennels, which was granted planning permission in 1992. Although no subsequent planning permission has been sought until the current application, the site has more recently been used as an office and domestic storage in association with the residential dwellinghouse Green Farm on the opposite side of Mewith Lane, which is under the same ownership as the application site. Within the immediate building group, the existing stables is the only building on the south site of Mewith Lane, with the five dwellinghouses on the north side predominantly two storeys in height, and all period properties with four of these being Grade II Listed buildings dating back to the 17<sup>th</sup> Century, including the associated Green Farm.
- 1.2 The site is located within the Forest of Bowland Area of Outstanding Natural Beauty (AONB); specifically within a landscape character type known as “K2 Tatham”, a drumlin field. This is within the wider Countryside Area, as identified on the Local Plan Proposals Map. Public right of way footpath no.23 links Mewith Lane with Lowgill Lane to the south, located approximately 30 metres west of the existing kennels building, offering viewpoints of the development, particularly the west side and south facing rear elevations.

**2.0 The Proposal**

- 2.1 Planning permission is retrospectively sought to change the use of the stables building to form a single storey dwelling (C3) for holiday use. The site is to use the existing access point, with a permeable tarmac surface for 6 metres into the site from the highway, and drystone wall reduced to 1 metres tall and hedgerow translocated at a setback to provide an eastward visibility splay from this

access point. The existing gate internal to the site is to be retained, with a gravel vehicle turning area and two parking spaces to be provided. A beech hedge is proposed to the western boundary along the adjacent stream. The existing land adjacent to the driveway and Mewith Lane is outside of the development site area, and is to continue to be used directly in association with Green Farm residential dwellinghouse.

- 2.2 To facilitate the proposed use, permission is retrospectively sought for the erection of two front single storey extensions, and development of the existing external kennel area to form part of the internal area of the building through a side extension over the footprint of the existing kennel structure. The large front extension is to project 5.38 metres beyond the existing front elevation at a width of 5.01 metres, with a matching ridge height of 4 metres tall and matching 2.65 metre tall eaves. The development to the kennel area is to have a matching ridge and eaves height, projecting to the side of the existing stable building by a between 2.54 metres and 5.02 metres, with the second smaller front projection beyond this projecting 4.61 metres from the front elevation of the stables at 3.75 metres wide with a subservient ridge height of 3.57 metres tall and matching eaves. A 1.05 metre wide internal walkway is to extend from the existing front elevation between the other two elements of the front extensions. The developments are to be finished in reclaimed sandstone, buff lime render and larch timber cladding, the latter of which is to be painted black to all elevation except to the rear elevation, which is to be a natural larch colour. The windows and doors are to be timber painted estate green colour, and the roof finished in natural slates to match existing.

### **3.0 Site History**

- 3.1 The most relevant planning application and enforcement case to the site is set out below:

Application Number	Proposal	Decision
92/00118/HST	Erection of a stable block	Permitted
18/00008/UNAUTU	Conversion of stables to holiday lets	Live case

### **4.0 Consultation Responses**

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

Consultee	Response
<b>Parish Council</b>	<b>Objection</b> to the extensive enlargement of the existing building, which is inappropriate to the open countryside location within the AONB. Question demand for tourism accommodation in this location.
<b>Conservation Section</b>	<b>Comments.</b> Requested various details regarding the proposal and a revised heritage statement to address inconsistencies between this document and the proposed plans. Requested details have been satisfactorily provided, however the heritage statement remains as originally submitted.
<b>County Highways</b>	<b>No objection</b> , subject to conditions relating to visibility splays, surfacing and turning area, which have been incorporated into amended proposed plans.
<b>Public Right of Way Officer</b>	<b>No objection</b>
<b>Forest of Bowland AONB</b>	<b>No objection</b> following receipt of amended plans changing the material of the rear elevation, which has addressed original concern regarding impact upon the protected landscape character.
<b>Ramblers Association</b>	No observation received within the consultation period
<b>Fire Safety Officer</b>	No observation received within the consultation period
<b>Tree Protection Officer</b>	No observation received within the consultation period

### **5.0 Neighbour Representations**

- 5.1 Two pieces of correspondence have been received, raising objections to the proposal and the following concerns:

- Unsafe vehicular access
- Impact of additional unit upon the underground water supply through boreholes, which existing neighbouring properties rely upon
- Discharge of treatment plant into adjacent stream and pollution of this and the underground water supply
- Visual impact of the proposed development upon the traditional hamlet, particularly following the removal of trees on site and scale of the extensions proposed
- Limited need for holiday units

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

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

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

Paragraph 17 – 12 core land-use planning principles

Section 3 – Supporting a prosperous rural economy

Section 7 – Requiring good design

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

### **6.2 Local Planning Policy Overview – Current Position**

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

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

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 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 2017, 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 Development Management Development Plan Document (adopted July 2014)**

DM8 – The Re-use and Conversion of Rural Buildings

DM13 – Visitor Accommodation

DM14 – Caravan Sites, Chalets and Log Cabins

DM21 – Walking and Cycling

DM22 – Vehicle Parking Provision

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerows & Woodland

DM32 – The Setting of Designated Heritage Assets

DM33 – Development affecting Non-Designated Heritage Assets or their Settings

DM35 – Key Design Principles

DM42 – Managing Rural Housing Growth

DM44 – Residential Conversions

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

SC5 – Achieving Quality in Design

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

E3 – Areas of Outstanding Natural Beauty

E4 – Countryside Area

## **7.0 Comment and Analysis**

7.1 The key considerations arising from the proposal are:

- Principle of holiday accommodation use in this location;
- Design, scale and impact upon the setting of Listed buildings and non-designated heritage assets;
- Landscape impact upon the Forest of Bowland Area of Outstanding Natural Beauty;
- Impact upon the highway; and
- Residential amenity.

## 7.2 Principle of holiday accommodation use in this location

7.2.1 The application relates to an existing stables building and external kennels currently used as an office and domestic storage in association with the residential dwellinghouse Green Farm in Tatham. Retrospective planning permission is sought to convert and extend this building to form a residential holiday unit. Policy DM14 of the Development Management DPD sets out that proposals for chalets, log cabins and purpose built holiday accommodation will be supported in principle within the District, subject to the following criteria:

- Be of a scale and design appropriate to the locality and does not have any detrimental impacts on the local landscape, particularly in Areas of Outstanding Beauty;
- Makes use of appropriate materials which are sympathetic to its locality;
- Priority is given to previously developed sites and, where greenfield sites are identified, it should be demonstrated that no alternative, suitable brownfield sites exist in the locality;
- The proposal does not have an adverse impact on surrounding residential amenity; and
- The proposal is in an accessible location and has no adverse impact on the capacity of the highway network or on highway safety.

7.2.2 Therefore, a holiday unit will be supported where they satisfy the above criteria, and this report now seeks to assess the characteristics of the proposal. It is acknowledged that the site is within the Forest of Bowland AONB, and involves the reuse and extension of an existing building. In terms of sustainability, the site is located in a remote rural location and would need to be accessed by private motor vehicle, which would be considered an unsustainable location for an unrestricted dwellinghouse. However, there is a good network of public rights of way in the vicinity of the site, which could be used by visitors staying in this location offering suitable visitor attraction. A single holiday unit would generate a relatively small level of additional vehicle movements in comparison to an unrestricted dwellinghouse, accessed by tourists via motor vehicles for temporary periods. As such, the principle of the use is considered acceptable and accords with policy, subject to the other considerations set out below.

## 7.3 Design, scale and impact upon the setting of listed buildings and non-designated heritage assets

7.3.1 The existing stables building and external kennel have been extended, with works to reduce the existing front boundary wall height and translocate the boundary hedgerow to create visibility splays from the vehicular access point. The existing stables has a footprint of 58sqm, with the adjoining kennels occupying a further 18.7sqm to the west side of the stables building. The proposed holiday

unit is to occupy a building footprint of 125.1sqm, incorporating the existing stable building, the footprint of the existing kennels and the extensions. The height is to remain single storey as existing, with a maximum ridge height of 4 metres maintained. Although the developments form a substantial increase in footprint in comparison to the modest existing stables, the majority of the extensions are to the front elevation, which is setback from the highway by over 16 metres. Land to the front combined with existing and proposed vegetation creates a relatively visually contained front aspect. Therefore, although 40% of the proposal is formed by the extensions, the design and location of these projections from the original building will appear relatively modest, and remain subservient within the locality of much larger predominantly two storey dwellinghouses.

7.3.2 The proposed materials of reclaimed sandstone, buff lime render and black painted larch timber cladding under a matching natural slate roof are considered to be appropriate and sympathetic to the locality. The existing front boundary wall to the application site is not much higher than the 1 metre maximum height, so the reduction of this will have no undue impact upon the streetscene. Although the translocation of the existing front boundary hedgerow is an unfortunate necessity, this will only temporarily remove this visually mitigative feature, and its setback, or replacement if required, can be controlled through planning condition. A beech hedge is proposed to the western boundary treatment along the adjacent stream, replacing trees and vegetation recently removed from this area, and although this will take time to establish, once fully grown this will also soften the appearance of developments within the site.

7.3.3 Although the proposal will result in an increased building in terms of footprint, and the translocation of the hedge will temporarily make this development more conspicuous than existing, the scale is considered to be subservient to the existing built form on the north side of Mewith Lane. Separated by over 40 metres from the nearest Listed building and 25 metres from the non-designated heritage asset, combined with sympathetic materials, the development will have no undue impact upon these heritage assets, and is considered to be acceptable from a design and scale perspective.

#### 7.4 Landscape impact upon the Forest of Bowland Area of Outstanding Natural Beauty

7.4.1 The most visible aspect of the proposed development from the perspective of the protected landscape is the rear elevation, which immediately abuts drumlin fields to the south, highly visible from a public right of way to the west of the site. The AONB consultee originally raised concerns with the proposal, and recommended that the application be refused. Amended plans were submitted, which included a larch timber cladding to the rear elevation with a natural finish. Despite these plans still including three new window openings and a c5 metre extension to the side elevation, the timber and reclaimed stone wall finishes are considered to be a visual improvement upon the existing rendered rear elevation. In the visual context of the existing built form, this is considered to preserve the protected landscape through improved materials mitigating the increased built form. This view is shared by the AONB consultee, whom concluded that the amended plans addressed the concerns previously raised.

#### 7.5 Impact upon the highway

7.5.1 The site benefits from an existing vehicular access point, which is to be retained for the proposed use, with the provision of a gravel turning and double parking area to be provided. Improvements are necessary to ensure the access is suitable for the intensified vehicular use of the site, namely the slight reduction in front wall height to 1 metre tall, a setback of the existing hedgerow to provide adequate visibility splay to the east, and permeable tarmac hardsurfacing within 6 metres of the highway. These were requested through the County Highway consultation response, which raised no objection subject to the provision of these requirements. Therefore, the proposal is considered to have no severe impact upon the highway, despite concerns raised regarding this access through the neighbour consultation process.

#### 7.6 Residential amenity

7.6.1 Although located outside of an identified settlement boundary, the site is not isolated, with five residential dwellinghouses located on the north side of Mewith Lane. The addition of a single holiday unit, with the building separated by 25 metres from the nearest residential neighbour, will have a negligible impact upon neighbouring residential amenity. There are no concerns regarding overlooking, overshadowing and overbearingness. The site retains an element of land to be used in association with Green Farm, and due to this adjoining use, the proposed holiday use should be tied

to the residential use of Green Farm, to protect the amenity of this existing residence and the retained land area.

- 7.6.2 The proposal is to be served by a package treatment plant, with water provision through a borehole, similar to neighbouring dwellinghouses. Although it is noted that water supply is finite, the addition of a single holiday unit is considered to have no detrimental impact upon this facility nor any other residential amenity impact.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

- 9.1 The proposal to convert an existing stables to a holiday unit, which has more recently been used as a domestic office and storage ancillary to a nearby residential dwellinghouse, is considered to comply with the relevant holiday accommodation policy. The associated developments to facilitate this use will preserve the protected landscape and setting of heritage assets through the improved external finishes and retained height, despite the increase built form to the north and west elevations. The impact upon the highway and residential amenity are acceptable and can be controlled through planning conditions. The proposal is therefore considered to accord with the provisions of local and national planning policy, and Members are advised that this application can be supported.

## **Recommendation**

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

1. Development in accordance with amended plan
2. Details of finishes/colours
3. Details of render and timber window frame
4. Landscaping scheme to be submitted incorporating the translocation of the existing hedgerow, retention of existing trees and new planting
5. Details of foul drainage system to be submitted (separate from surface water system), provided prior to use/occupation and retained/maintained thereafter for the lifetime of the development
6. Hardsurfacing, visibility splays, parking, and turning area to be provided prior to use/occupation and retained/maintained thereafter for the lifetime of the development
7. Holiday use restriction
8. Holiday use ancillary to main use
9. Remove permitted development rights (Schedule 2 Part 1, and Schedule 2 Part 2 Class A)

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

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

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

## **Background Papers**

None



Agenda Item	Committee Date	Application Number
A11	9 May 2018	18/00367/FUL
<b>Application Site</b> Car Park Cable Street Lancaster Lancashire	<b>Proposal</b> Regrading of land to incorporate one small car park into the adjacent larger car park	
<b>Name of Applicant</b> Mr David Hopwood	<b>Name of Agent</b> N/A	
<b>Decision Target Date</b> 23 May 2018	<b>Reason For Delay</b> N/A	
<b>Case Officer</b>	Mr Robert Clarke	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

**(i) Procedural Matters**

The proposed works would normally fall within the Scheme of Delegation. However, the land to which this application relates is in the ownership of Lancaster City Council, and as such the application must be determined by the Planning and Highways Regulatory Committee.

**1.0 The Site and its Surroundings**

- 1.1 The site that forms the subject of this application is a parcel of land measuring 250m<sup>2</sup> located to the east of the fire station on Cable Street in Lancaster. This area of land was most recently used as a private car park for the fire station. Immediately to the east of the site is the Cable Street/North Road pay and display car park. The two sites are presently separated by a 1.5m metal fence whilst the private fire station car park lies approximately 60cm higher than the adjacent public car park.
- 1.2 The application site lies immediately to the north of Lancaster Conservation Area. The site also lies within a flood zone 2 location and is identified as being susceptible to surface water flooding. Finally the site is located within a city centre location and partly lies within the Lancaster Air Quality Management Area.

**2.0 The Proposal**

- 2.1 This application seeks consent for the regrading of land to facilitate the incorporation of the former fire station car park into the adjacent Cable Street pay and display car park. The existing metal fencing which currently separates the sites will be removed, and the land below will be regraded to allow for a gradual rise between the 2 sites. The proposed development will facilitate a further 10 parking spaces within the pay and display public, including an additional disabled parking space, though overall there is a net loss of parking spaces.

**3.0 Site History**

- 3.1 The local planning authority has no planning history relating to this particular site.

**4.0 Consultation Responses**

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

Consultee	Response
County Highways	No objection
Environmental Health	No response received at the time of compiling this report

**5.0 Neighbour Representations**

5.1 No responses received during the statutory consultation period

**6.0 Principal National and Development Plan Policies****6.1 National Planning Policy Framework (NPPF)**

Paragraph 14 - Presumption in favour of sustainable development

Paragraph 17 - 12 core planning principles

Section 7 - Requiring Good Design

Section 12 - Conserving and Enhancing the Historic Environment

**6.2 Local Planning Policy Overview – Current Position**

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

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

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 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 2017, 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 Development Management DPD**

**DM20:** Enhancing Accessibility and Transport Linkages

**DM22:** Vehicle Parking Provision

**DM32:** The Setting of Designated Heritage Assets

**DM35:** Key Design Principles

**Appendix B:** Car Parking Standards

**7.0 Comment and Analysis**

7.1 The key considerations arising from the proposal are:

- Scale, design and impacts on the character of the Conservation Area;
- Vehicle parking provision and highway impacts; and
- Flood risk

**7.2 Scale, design and impacts on the character of the Conservation Area**

7.2.1 The application site lies adjacent to the Lancaster Conservation Area. Lancaster Fire Station, which is currently in the process of being redeveloped, lies immediately to the west. The application site is a large open car park and features associated infrastructure such as lighting columns, fencing and payment machines. The regrading works are considered a minor intervention and will facilitate a more usable space. The extended section of public car park will also be finished in tarmac whilst the existing galvanised steel boundary fence will be removed and the new boundary with the fire station formed by a 2.4m high natural stone wall (part of application 15/01510/FUL to redevelop the station). To the frontage of the site onto Cable Street, the existing black railings will be extended to enclose the car park and the existing pedestrian access point retained. Finally an existing lighting column will be relocated and a further column provided.

7.2.2 The proposed development will result in minor alterations to the wider street scene, the most notable of which will be the addition of an extended section of railing to the Cable Street frontage and an additional lighting column. The section of regraded land will be largely obscured by the trees which line the boundary of the site. In the context of the existing character of the area and the redevelopment of the adjacent fire station the proposal will not alter of the current character of this area of the city centre or cause harm to the surrounding historic environment.

**7.3 Vehicle parking provision and highway impacts**

7.3.1 The proposed development will provide 9 standard parking spaces and 1 mobility parking bay therefore improving the existing parking provision of this pay and display car park. The County Highways Department have no objections to the proposed alterations. Although the development will remove parking spaces that have formally been used by the adjacent fire station, as part of the redevelopment of the fire station site, sufficient parking has been provided within that complex.

7.3.2 The application site is located within a city centre location and part of the site is located within the Lancaster Air Quality Management Area (AQMA). The proposed development will increase vehicular movements within the city centre associated with the public car park, but reduce them in association with the fire station. As overall there is a net loss of spaces, it is considered that there is no adverse impact on the AQMA.

**7.4 Flood Risk**

7.4.1 The application site is located within flood zone 2 and is identified as being susceptible to surface water flooding, and as such a flood risk assessment accompanied this application. The application site is identified as being most at risk from fluvial flooding and lies at an average of approximately 7.00m AOD. During the December 2015 flood event the site and the wider area suffered from severe flooding, which reached a maximum of 7.90m AOD. However, the use of the application site as a car park is classified as a less vulnerable use which is considered appropriate in flood zone 2 as per National Planning Practice Guidance.

7.4.2 The application site currently benefits from existing drainage infrastructure for surface water dissipation, which would be adapted and extended to serve the additional area of car parking. At present an existing hollow within the pay and display car park is susceptible to collecting and holding surface water, so the regrading of the land will remove this hollow and allow surface water to be more effectively discharged to the existing drainage system.

7.4.3 Given that the site is currently used as a car park and is currently finished with tarmac surfacing, the regrading of land and incorporation of the former fire station car park into the adjacent public car park is considered not to increase the risk of flooding to the wider vicinity.

**8.0 Planning Obligations**

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

**9.0 Conclusions**

9.1 In conclusion, due to the existing use of the site as two individual car parks, the amalgamation of the two sites to create a larger parking area and the regrading of the land to facilitate a more level site is considered not to result in harm to the adjacent Conservation Area. The use of the site as a car park within flood zone 2 is considered appropriate, whilst the regrading of the land and adaptation of existing surface water drainage will facilitate more effective surface water dissipation.

**Recommendation**

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

1. Standard three year timescale
2. Works to be carried out in accordance with the approved plans
3. Provision of car parking spaces – as set out on the approved plan

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

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

**Background Papers**

None

## LIST OF DELEGATED PLANNING DECISIONS

## LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
17/00201/DIS	Land South Of, Low Road, Halton Discharge of conditions 3-15 on approved application 14/01344/OUT for c/o Agent (Lower Lune Valley Ward 2015 Ward)	Split Decision
17/01142/FUL	Land North Of Hornby Park School , Melling Road, Hornby Erection of 80 dwellings with associated access, internal roads, car parking, landscaping, public open space and foul drainage pumping station for Mr Martin Nugent (Upper Lune Valley Ward 2015 Ward)	Application Withdrawn
17/01352/ADV	Post Office, Main Road, Nether Kellet Advertisement application for the retained display of a non-illuminated hanging sign, one externally illuminated fascia signs, one window graphic, two posters and a board signs for Booker Retail Partners (Kellet Ward 2015 Ward)	Application Permitted
17/01457/FUL	The Grange, Carr Lane, Middleton Retention of an agricultural storage building and erection of a new agricultural storage building for Messrs SJ&AL Hargreaves (Overton Ward 2015 Ward)	Application Permitted
17/01492/FUL	Greenfold Farm, Old Moor Road, Wennington Change of use of use of agricultural barn to dwelling (C3) and change of use of agricultural land to form domestic curtilage. for Mr Dennis Lund (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/01507/CU	Flat, 32 Northumberland Street, Morecambe Retrospective application for the change of use of first and second floor maisonette (C3) to offices (B1) for Mr Nigel Borrás (Poulton Ward 2015 Ward)	Application Permitted
17/01563/FUL	20 Wood Street, Lancaster, Lancashire Demolition of existing building and erection of three storey building comprising ground floor shop (A1) or restaurant (A3) with 14 student studios on upper floors for A H B Property Holdings (Bulk Ward 2015 Ward)	Application Permitted
18/00012/CU	Johnson House, Burrow Road, Burrow Change of use of a former milking parlour and agricultural land to a holiday let (C3) and associated garden with installation of septic treatment plant for Messrs David Middleton (Upper Lune Valley Ward 2015 Ward)	Application Permitted
18/00015/DIS	The Tractor Yard, Capernwray Road, Capernwray Discharge of conditions 3, 5, 6, 7 and 8 on approved application 17/00731/FUL for Mr S Wightman (Kellet Ward 2015 Ward)	Split Decision
18/00016/DIS	Land To The Rear Of 2 And 2A , Silverdale Avenue And, 37 Heysham Mossgate Road Discharge of conditions 3, 4 and 5 on application 16/00997/FUL for Mr Lee Ogley (Heysham South Ward 2015 Ward)	Split Decision

## LIST OF DELEGATED PLANNING DECISIONS

18/00017/FUL	Land Adjacent To 11 Cavendish Road, Heysham, Lancashire Erection of 2 storey dwelling and detached garage for Mr Mohammed Usman (Heysham North Ward 2015 Ward)	Application Refused
18/00020/FUL	Land Adjacent, Campbell Drive, Lancaster Installation of external plant including two air conditioning units, a refrigeration compressor pack and condenser for Co-operative Group (Bulk Ward 2015 Ward)	Application Permitted
18/00023/DIS	Lane House Farm, Kirkby Lonsdale Road, Arkholme Discharge of conditions 5, 6, 8, 9, 10, 11, 12, 13 & 14 on approved application 14/01007/OUT for Mr & Mrs Cornall (Kellet Ward 2015 Ward)	Split Decision
18/00023/FUL	Land Adjacent To, Warton Grange Farm, Farleton Close Creation of a temporary bund with a maximum height of 2m to be sited for a period of up to 2 years for Mr Bleasedale (Warton Ward 2015 Ward)	Application Permitted
18/00025/DIS	St Leonards House, St Leonards Gate, Lancaster Discharge of condition 9 on approved application 16/01155/FUL for Refer to Agent (Bulk Ward 2015 Ward)	Application Permitted
18/00026/DIS	St Leonards House , St Leonards Gate, Lancaster Discharge of conditions 3 and 4 on planning permission 16/01156/LB for Refer to agent ( Ward)	Application Permitted
18/00028/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 24 (Phases 1 and2) on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	Application Permitted
18/00030/DIS	Riverside Caravan Park, Lancaster Road, Heaton With Oxcliffe Discharge of conditions 3, 4, 5, 6, 8, 9, 10 and 11 on approved application 17/00805/FUL for Tom Hill (Overton Ward 2015 Ward)	Split Decision
18/00032/DIS	Dennison Trailers, Caton Road, Lancaster Discharge of condition 3 on approved application 17/01312/FUL for Mr James Dennison (Bulk Ward 2015 Ward)	Application Refused
18/00032/FUL	87 Fulwood Drive, Morecambe, Lancashire Erection of a single storey rear extension for Mr J. Brown (Torrisholme Ward 2015 Ward)	Application Permitted
18/00034/FUL	Brookhouse Old Hall, Brookhouse Road, Brookhouse Conversion of attached rear barn and garage to create additional living accommodation and installation of a raised roof on existing garage and a glass canopy for Mr & Mrs Horner (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/00037/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 33 (Phases 1 and2) on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	Application Permitted
18/00038/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 33 (Phases 1 and2) on approved	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

	application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	
18/00038/FUL	Old Hall, Kirkby Lonsdale Road, Over Kellet Erection of a 2-storey dwelling and creation of a vehicular access for Mr Metcalfe (Kellet Ward 2015 Ward)	Application Permitted
18/00040/DIS	Hill Top Farm, Farleton Old Road, Farleton Discharge of condition 3 on approved application 17/01068/REM for Mr Russell Towers (Upper Lune Valley Ward 2015 Ward)	Application Permitted
18/00040/FUL	Storey House White Cross Industrial Estate, South Road, Lancaster Replacement of 51 existing white painted single glazed timber windows with new Heritage style white uPVC sliding sash double glazed windows for Janet Nielsen (Scotforth West Ward 2015 Ward)	Application Permitted
18/00041/CU	Rivendell, Westbourne Road, Lancaster Change of use of vacant land into domestic garden at Rivendell and erection of a boundary wall and fence for Dr And Mrs Elliott (Marsh Ward 2015 Ward)	Application Permitted
18/00042/DIS	Land Adjacent To 20 Emesgate Lane, Silverdale, Carnforth Discharge of conditions 2 and 4 on approved application 12/01189/OUT for Mr Richard Sykes (Silverdale Ward 2015 Ward)	Application Permitted
18/00043/DIS	Orchard House, Uggle Lane, Lancaster Discharge of conditions 3, 4 and 5 on approved application 17/01120/FUL for Mr Paul West (Scotforth West Ward 2015 Ward)	Split Decision
18/00047/DIS	15 Caton Green Road, Brookhouse, Lancaster Discharge of condition 3 on approved application 17/00527/FUL for Mr & Mrs S+R Smithson (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/00047/FUL	16 Clarence Street, Morecambe, Lancashire Retrospective application for the replacement of timber windows with UVPC windows to the front and side elevations for Mrs Kimberley Marshall (Poulton Ward 2015 Ward)	Application Refused
18/00051/FUL	207 Marine Road Central, Morecambe, Lancashire Change of use of three retail units to a mixed use scheme comprising restaurant (A3), bar (A4) gaming area (D2) with associated office area, and a 2 bed apartment (C3), erection of a glazed link building and first floor extension, creation of first floor roof terrace, external alterations to 207 Marine Road and Pleasureland including replacement parapet and finial detail, new glazing and cladding, removal of existing roof over walkway and resurfacing of footway, provision of raised seating area and entrance steps and refuse store at rear for Mr Solomon Reader (Poulton Ward 2015 Ward)	Application Permitted
18/00054/OUT	Land Adjacent To Low Abbey, Bay Horse, Lancaster Outline application for the erection of 2 dwellings with associated access for Mr Gordon Elliot (Ellel Ward 2015 Ward)	Application Permitted
18/00058/FUL	19 Schoolhouse Lane, Halton, Lancaster Erection of a two storey side and rear extension and erection of a single storey side extension for Mr & Mrs Smith (Halton-with-Aughton	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS Ward 2015 Ward)

18/00068/LB	Arkholme Church Of England Primary School, Main Street, Arkholme Listed building consent for replacement of the boiler room door for Mr Sam Johnson (Kellet Ward 2015 Ward)	Application Permitted
18/00079/HLDC	The Barracks Building, White Cross Business Park, South Road Certificate of Lawfulness for proposed works to a Listed Building to remove existing mortar and repoint with lime mortar and to replace two missing stone blocks to the rear elevation with similar sandstone blocks for Mrs Janet Nielson (Scotforth West Ward 2015 Ward)	Lawful Development Certificate Granted
18/00087/FUL	Old Hall Farm, Kirkby Lonsdale Road, Over Kellet Demolition of agricultural buildings, change of use and conversion of three agricultural barns into four 4-bed dwellings (C3) and erection of four 2-storey detached dwellings (C3) with associated access for Mr Stephenson (Kellet Ward 2015 Ward)	Application Permitted
18/00088/LB	Old Hall Farm, Kirkby Lonsdale Road, Over Kellet Listed Building application for works to facilitate the change of use and conversion of three agricultural barns into four 4-bed dwellings (C3) and alterations to the access for Mr Stephenson (Kellet Ward 2015 Ward)	Application Permitted
18/00096/RCN	South Lakeland Caravans, Milnthorpe Road, Yealand Redmayne Demolition of existing office building, erection of a new office building and the reconfiguration of the site to allow for the continued display of and sale of caravans (pursuant to the removal of conditions 14 and 15 on planning permission 17/00596/FUL in relation to office and customer opening times) for Pure Leisure Group (Silverdale Ward 2015 Ward)	Application Permitted
18/00098/PLDC	46 Seaborn Road, Morecambe, Lancashire Proposed lawful development certificate for the demolition of existing garage, erection of a single storey rear extension and erection of a detached outbuilding for Mrs Judith Kellet (Bare Ward 2015 Ward)	Lawful Development Certificate Granted
18/00100/PLDC	19 Portland Street, Lancaster, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension, installation of new windows in the existing rear extension, installation of a velux window to the front elevation and replacement of all other windows and door for Mr & Mrs T Brunwin (Castle Ward 2015 Ward)	Lawful Development Certificate Granted
18/00102/FUL	The Sports Centre, Lancaster University, Bigforth Drive Erection of a projecting first floor extension to existing sports centre with plant room at roof level for Lancaster University (University And Scotforth Rural Ward)	Application Permitted
18/00105/ELDC	Valley View Pets Hotel, Hazelrigg Lane, Ellel Existing Lawful Development Certificate for the change of use of agricultural land to boarding kennels and an animal refuge centre for Mr & Mrs Wakelin (University And Scotforth Rural Ward)	Lawful Development Certificate Granted
18/00111/FUL	14 Clarksfield Road, Bolton Le Sands, Carnforth Demolition of	Application Permitted



## LIST OF DELEGATED PLANNING DECISIONS

	existing garage, erection of two storey front extension, erection of a part two storey, part single storey rear extension, installation of a raised replacement roof, cladding and rendering of existing elevations and construction of a patio to rear for Mr Lawrence Young (Bolton And Slyne Ward 2015 Ward)	
18/00112/FUL	Old Cove Lea, Cove Lane, Silverdale Erection of a single storey orangery to rear and replacement garden room for Mrs Loch (Silverdale Ward 2015 Ward)	Application Permitted
18/00113/FUL	23 Coastal Road, Hest Bank, Lancaster Erection of a single storey rear extension and two storey side extension for Mr Mark Jordan (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/00115/FUL	34 Main Street, Heysham, Morecambe Installation of a replacement front door for Mrs Lorraine Wilkinson (Heysham Central Ward 2015 Ward)	Application Permitted
18/00116/FUL	Unit 1, Kingsway Retail Park, Caton Road Subdivision of existing retail unit (A1) into 2 retail units (A1), installation of windows to the front elevation, erection of bollards to the front, infill of panels with render to the side elevation and replacement render to the rear elevation for Accrue Capital Limited (Bulk Ward 2015 Ward)	Application Permitted
18/00118/LB	10 - 12 Market Street, Lancaster, Lancashire Listed Building application for installation of new fascia sign and hanging sign and repainting of shopfront for Mr Andy Singleton (Castle Ward 2015 Ward)	Application Permitted
18/00119/FUL	75 Church Street, Lancaster, Lancashire Change of use of the first and second floor managers accommodation (C3) to student accommodation comprising of one 7-bed flat (sui generis) and one 4-bed flat (C4) for Mister Capital Holdings Mister Capital Holdings Mister Ca... (Castle Ward 2015 Ward)	Application Withdrawn
18/00120/LB	75 Church Street, Lancaster, Lancashire Listed Building application for the removal of a partition wall, installation of new partition walls and internal doors on the first floor, installation of partition walls and roof lights and infilling of external doors on the second floor and installation of ventilation inlet to roof for Mister Capital Holdings Mister Capital Holdings Mister Ca... (Castle Ward 2015 Ward)	Application Withdrawn
18/00127/FUL	45 Dutton Drive, Lancaster, Lancashire Conversion of attached garage to form study/sensory room and installation of 3no. rooflights to the rear elevation for Mr Martin Lancaster (Bulk Ward 2015 Ward)	Application Permitted
18/00128/OUT	29A Stanhope Avenue, Morecambe, Lancashire Demolition of existing bungalow and garage and erection of four residential dwellings for Mr & Mrs P Hodgson (Torrisholme Ward 2015 Ward)	Application Permitted
18/00129/ADV	10 - 12 Market Street, Lancaster, Lancashire Advertisement application for the display of externally illuminated fascia sign and non-illuminated hanging sign for Mr Andy Singleton (Castle Ward 2015 Ward)	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

18/00131/OUT	Land To The Rear Of, 5 Bazil Grove, Overton Outline application for the erection of three dwellings including access and foul drainage details for Mrs June Kilby (Overton Ward 2015 Ward)	Application Withdrawn
18/00133/FUL	8 Charlbury Grove, Heysham, Morecambe Erection of a single storey rear and side extension for Mr & Mrs B. Crane (Heysham South Ward 2015 Ward)	Application Permitted
18/00136/FUL	55 Stankelt Road, Silverdale, Carnforth Removal of roof, bay windows and verandas, installation of a replacement roof, and erection of a two storey front extension, two storey side extension and a single storey rear extension for Mr Paul Holgate (Silverdale Ward 2015 Ward)	Application Permitted
18/00139/FUL	Mellishaw North Development Site, Mellishaw Lane, Heaton With Oxcliffe Erection of four buildings comprising of a total of 20 units (B1a and B1c use class) with associated access and parking for Mr Cox (Westgate Ward 2015 Ward)	Application Withdrawn
18/00153/REM	Land Adjacent 20 Emesgate Lane, Silverdale, Carnforth Reserved matters application for the erection of a detached dwelling for Mr Richard Sykes (Silverdale Ward 2015 Ward)	Application Permitted
18/00157/FUL	154 Heysham Road, Heysham, Morecambe Change of use of hairdressers (A1) to one bedroom ground floor flat (C3) and erection of a single storey front extension for Mr B Long (Heysham North Ward 2015 Ward)	Application Permitted
18/00159/LB	10 - 12 Market Street, Lancaster, Lancashire Listed building application for internal alterations including the opening up of a section of flooring for construction of staircase and moving partition walls for Mr Andy Singleton (Castle Ward 2015 Ward)	Application Permitted
18/00160/FUL	43 Sand Lane, Warton, Carnforth Erection of single storey rear and front extensions for Messrs John & Jack Benson (Warton Ward 2015 Ward)	Application Permitted
18/00163/FUL	92 South Road, Morecambe, Lancashire Erection of a single storey rear extension and rear conservatory to replace existing for Miss Lorna Nisbet (Bare Ward 2015 Ward)	Application Permitted
18/00165/FUL	7 Beech Grove, Slyne, Lancaster Demolition of existing swimming pool and conservatory and erection of a single storey rear extension with associated regrading of land for Mr & Mrs V. Sharma (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/00176/FUL	58 Norton Road, Heysham, Morecambe Erection of a first floor side extension over existing attached garage for Mr & Mrs Drummond (Saunders) (Heysham Central Ward 2015 Ward)	Application Refused
18/00177/FUL	Old Hall, 59 Yealand Road, Yealand Conyers Erection of a single storey rear extension, creation of terraced areas to the rear and installation of a replacement gate to the front for Mr Robin Proctor (Warton Ward 2015 Ward)	Application Permitted
18/00178/LB	59 Yealand Road, Yealand Conyers, Carnforth Listed building application for the erection of a single storey rear extension,	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

	creation of a terrace, replacement window and door frames, alterations to and removal of existing window and door openings and creation of new window and door openings, removal of fireplace and chimney stack, installation of a canopy to western elevation, installation of insulated plasterboard and replacement of concrete floor with insulated slabs and underfloor heating, installation of new partition walling and installation of a new gate with amendments to the southern boundary wall for Mr Robin Proctor (Warton Ward 2015 Ward)	
18/00186/FUL	41 Lordsome Road, Heysham, Morecambe Erection of a detached garage to the front for Mr And Mrs Norman (Heysham North Ward 2015 Ward)	Application Permitted
18/00187/FUL	Field 9759, Kellet Lane, Over Kellet Extension to existing agricultural building to provide covered midden for Mr ANDREW THOMPSON (Kellet Ward 2015 Ward)	Application Permitted
18/00188/FUL	8 The Rise, Bolton Le Sands, Carnforth Demolition of existing conservatory and erection of a single storey rear extension and construction of a hip to gable extension with dormer extensions to front and rear elevations for Mr James Metcalf (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/00192/FUL	12 Monkswell Avenue, Bolton Le Sands, Carnforth Demolition of existing garage and porch, erection of a two storey side and rear extension and construction of dormer extension to the front elevation for Mr & Mrs Steve Slater (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/00194/FUL	1 Station Buildings, Warton Road, Carnforth Change of use from an estate agents to a mixed use scheme comprising of a ground floor office with one 1-bed and one 2-bed self - contained flats above (C3) for Mr N. Palamountain (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
18/00200/FUL	119 Cleveleys Avenue, Lancaster, Lancashire Erection of a first floor side and rear extension for Mr And Mrs A Odon (Skerton West Ward 2015 Ward)	Application Permitted
18/00201/FUL	24 Betony, Morecambe, Lancashire Erection of a single storey rear extension for Mr Paul Prouse (Bare Ward 2015 Ward)	Application Permitted
18/00203/VCN	Land Adjacent, Campbell Drive, Lancaster Demolition of existing maintenance buildings and erection of 42 houses, 20 flats and a retail unit (use class A1) with associated parking, landscaping and access (pursuant to the variation of conditions 8 and 9 on planning permission 17/01377/VCN in relation to the timing of the off site highway works) for Mr Richard Wilshaw (Bulk Ward 2015 Ward)	Application Permitted
18/00204/FUL	Land Adjacent, Campbell Drive, Lancaster Installation of automated teller machine (ATM) for Mr Richard Wilshaw (Bulk Ward 2015 Ward)	Application Permitted
18/00205/FUL	Brantholme, Hasty Brow Road, Slyne Erection of a first floor extension to detached garage to create ancillary accommodation for Mr & Mrs Rogerson (Bolton And Slyne Ward 2015 Ward)	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

18/00208/FUL	Lancaster Girls Grammar School, Regent Street, Lancaster Replacement of existing timber access gate with a metal, vertical bar gate for Mrs Jane Mason (Castle Ward 2015 Ward)	Application Permitted
18/00209/LB	Lancaster Girls Grammar School, Regent Street, Lancaster Listed building application for the replacement of existing timber access gate with a metal, vertical bar gate for Mrs Jane Mason (Castle Ward 2015 Ward)	Application Permitted
18/00211/FUL	Land North Of, Yenham Lane, Overton Demolition of existing church hall and erection of a new dwelling (C3) and detached garage with associated landscaping for Mr A Hoyle (Overton Ward 2015 Ward)	Application Permitted
18/00214/FUL	12 Brentlea Crescent, Heysham, Morecambe Erection of a single storey rear extension to replace existing conservatory for Mr & Mrs G. Richardson (Heysham South Ward 2015 Ward)	Application Permitted
18/00216/PLDC	58 Slyne Road, Lancaster, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension to replace existing for Mr M. Grundy (Skerton East Ward 2015 Ward)	Lawful Development Certificate Granted
18/00218/FUL	32 Longlands Lane, Heysham, Morecambe Erection of a first floor rear and side extension for Hayley McClean (Heysham Central Ward 2015 Ward)	Application Permitted
18/00222/FUL	1 Burlington Grove, Morecambe, Lancashire Erection of a part two storey part single storey side extension, a single storey rear extension, construction of a pitched roof to the two storey rear elevation and creation of an area of hardstanding to the front for Mr Jason Coombs (Bare Ward 2015 Ward)	Application Permitted
18/00223/PLDC	27 Coulston Road, Lancaster, Lancashire Proposed Lawful Development Certificate for the demolition of existing garage and erection of a single storey rear extension for Mr C. Pickthall (John O'Gaunt Ward 2015 Ward)	Lawful Development Certificate Granted
18/00229/FUL	320 Heysham Road, Heysham, Morecambe Demolition of existing garage and lean to extension and erection of a part single part two storey rear extension including installation of two Juliet balconies and erection of a detached garage for Mr Donnell (Heysham Central Ward 2015 Ward)	Application Permitted
18/00231/FUL	52 Middleton Road, Heysham, Morecambe Demolition of storage building to rear, change of use of Post Office (A1) to residential ground floor flat (C3) and erection of fence to front boundary for Mr Jasin Thind (Heysham South Ward 2015 Ward)	Application Permitted
18/00244/FUL	Nottage House, Hornby Road, Claughton Conversion of garage into ancillary living accommodation and erection of a detached triple garage to the side for Mr Morrell (Lower Lune Valley Ward 2015 Ward)	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

18/00247/FUL	10 Woodgate, Morecambe, Lancashire Erection of extension to existing industrial unit for Mr A Brakewell (Westgate Ward 2015 Ward)	Application Permitted
18/00250/FUL	Aldcliffe House, 50 Aldcliffe Road, Lancaster Change of use of drug rehabilitation centre (C3B) to a residential living support unit for 8 people (sui generis) for Mr Alan Thomas (Castle Ward 2015 Ward)	Application Permitted
18/00254/PLDC	24 Long Marsh Lane, Lancaster, Lancashire Proposed Lawful Development Certificate for the erection of a single storey rear extension and construction of a dormer extension to the rear elevation for Mrs Kerena Kyne (Marsh Ward 2015 Ward)	Lawful Development Certificate Granted
18/00255/FUL	14 Hayfell Avenue, Morecambe, Lancashire Erection of a single storey side extension for Mr & Mrs P. McNally (Westgate Ward 2015 Ward)	Application Refused
18/00258/FUL	38 Ashton Drive, Lancaster, Lancashire Erection of a first floor front extension for Mr S. Leeming (Skerton East Ward 2015 Ward)	Application Permitted
18/00271/HLDC	Barclays Bank, 38 - 42 Market Street, Lancaster Application for a Certificate of Lawfulness for proposed works to a listed building to include re-roof using existing slates, replacement lead flashing, repair and replacement of gutters and rain water pipes, repointing and cleaning of stonework for Mr Martin Crews (Castle Ward 2015 Ward)	Lawful Development Certificate Granted
18/00281/NMA	Mulberry Manor, Low Road, Halton Non-material amendment application to planning permission 17/01416/FUL to relocate the flue for Mr & Mrs R Whitaker (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
18/00289/FUL	44 Austwick Road, Lancaster, Lancashire Erection of a single storey rear extension for Mr Ronald Humpage (Skerton West Ward 2015 Ward)	Application Withdrawn
18/00291/FUL	4 Hawthorn Road, Morecambe, Lancashire Erection of a two storey side extension and erection of a single storey rear extension for Mr & Mrs Nicholson (Torrisholme Ward 2015 Ward)	Application Permitted
18/00293/PAA	Cockshotts Barn, Lodge Lane, Wennington Prior approval for the change of use of agricultural building to a dwelling (C3) for Mr J Holt (Upper Lune Valley Ward 2015 Ward)	Prior Approval Granted
18/00303/PLDC	5 Sunnybank Road, Bolton Le Sands, Carnforth Proposed Lawful Development Certificate for the erection of a single storey rear extension for Mr And Mrs J And H McEwan (Bolton And Slyne Ward 2015 Ward)	Lawful Development Certificate Granted
18/00321/PAH	248 Torrisholme Road, Lancaster, Lancashire Erection of a 4.3 metre deep, single storey rear extension with a maximum roof height of 3.20 metres and a maximum eaves height of 3 metres for Roger Charles And Ruth Matthews (Skerton West Ward 2015 Ward)	Prior Approval Not Required
18/00327/NMA	Lune Valley Lawnmowers, Sylvester Street, Lancaster Non	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

	material amendment to planning permission 16/01150/FUL to reconfigure internal layouts of the flats for Mr K Jayousi (Castle Ward 2015 Ward)	
18/00328/FUL	15 Endsleigh Grove, Lancaster, Lancashire Erection of a first floor rear extension for Mrs J Kelly (Skerton West Ward 2015 Ward)	Application Permitted
18/00341/NMA	Aldi, Marine Road West, Morecambe Non material amendment to planning permission 17/00534/FUL to remove louvre cladding along the front and rear elevation for Mr Stuart Parks (Harbour Ward 2015 Ward)	Application Permitted