



**Committee:** PLANNING AND HIGHWAYS REGULATORY COMMITTEE

**Date:** MONDAY, 25 JUNE 2018

**Venue:** LANCASTER TOWN HALL

**Time:** 10.30 A.M.

## A G E N D A

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

### 1 Apologies for Absence

### 2 Minutes

Minutes of meeting held on 4<sup>th</sup> June, 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 18/00308/FUL</b>	<b>1 Downham Cottages, Chapel Lane, Galgate</b>	<b>Ellel Ward</b>	<b>(Pages 1 - 4)</b>
		Erection of a two storey side extension.		
6	<b>A6 18/00075/FUL</b>	<b>Land To The North Of, Foundry Lane, Halton</b>	<b>Halton-with-Aughton Ward</b>	<b>(Pages 5 - 13)</b>
		Change of use of agricultural land to a gypsy/traveller site comprising 2 static caravans and 3 touring caravans, 2 utility blocks, a septic tank and a 2.1m boundary fence.		
7	<b>A7 17/00945/FUL</b>	<b>Land South East of Lancaster Leisure Park, Wyresdale Road, Lancaster</b>	<b>John O'Gaunt Ward</b>	<b>(Pages 14 - 24)</b>
		Erection of 44 dwellings with associated access and landscaping.		
8	<b>A8 18/00491/CU</b>	<b>Thortindale Cottage, Coastal Road, Bolton Le Sands</b>	<b>Bolton and Slyne Ward</b>	<b>(Pages 25 - 31)</b>
		Change of use of dwelling (C3) into residential care home for children (C2) and alterations to existing access.		

- |    |  |  |                      |                        |
|----|--|--|----------------------|------------------------|
| 9  | <b>A9 18/00154/FUL</b>                         | <b>Land Off Imperial Road, Heysham</b>   | <b>Overton Ward</b>  | <b>(Pages 32 - 42)</b> |
|    |  | Erection of an industrial unit (B2) with associated offices (B1), storage and distribution (B8), creation of new access and car parking, provision of surface water attenuation ponds, regrading of land, erection of retaining walls, cycle and smoking shelters and waste compactors |                      |                        |
| 10 | <b>A10 17/00848/OUT</b>                        | <b>Land South Of Playing Field Trumacar Lane, Middleton Road, Heysham</b>  | <b>Overton Ward</b>  | <b>(Pages 43 - 50)</b> |
|    |  | Outline application for the erection of up to 75 dwellings with associated access  |                      |                        |
| 11 | <b>A11 18/00234/FUL</b>                        | <b>Bay Scaffolding, Northgate, White Lund Industrial Estate, Morecambe</b>   | <b>Westgate Ward</b> | <b>(Pages 51 - 59)</b> |
|    |  | Demolition of factory building and erection of 4 industrial units, installation of a raised replacement roof and erection of a single storey infill extension to the front and first floor side extension to existing industrial unit  |                      |                        |
| 12 | <b>Delegated Planning List (Pages 60 - 66)</b> |  |                      |                        |

## **ADMINISTRATIVE ARRANGEMENTS**

### **(i) Membership**

Councillors Carla Brayshaw (Chairman), Helen Helme (Vice-Chairman), June Ashworth, Jon Barry, Stuart Bateson, Alan Biddulph, Eileen Blamire, Dave Brookes, Abbott Bryning, Ian Clift, Jane Parkinson, Jean Parr, Robert Redfern, Sylvia Rogerson and Susan Sykes

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

Councillors Claire Cozler, Sheila Denwood, Mel Guilding, Tim Hamilton-Cox, Andrew Kay, Geoff Knight and Malcolm Thomas

### **(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 Tuesday 12<sup>th</sup> June, 2018.

Agenda Item A5	Committee Date 25 June 2018	Application Number 18/00308/FUL
<b>Application Site</b> 1 Downham Cottages Chapel Lane Galgate Lancaster	<b>Proposal</b> Erection of a two storey side extension	
<b>Name of Applicant</b> Mr & Mrs J Barnes	<b>Name of Agent</b> Greg Gilding	
<b>Decision Target Date</b> 8 May 2018	<b>Reason For Delay</b> Committee Cycle	
<b>Case Officer</b>	Mr Sam Robinson	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Refusal	

(i) **Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, Councillor Helen Helme has requested that the application be reported to the Planning Committee on grounds of the proposal would not harm the adjacent Listed building. The application as deferred at the Planning Committee meeting of 4 June to allow for a site visit to occur. This was duly undertaken on Monday 18 June.

**1.0 The Site and its Surroundings**

- 1.1 1 Downham Cottages is a domestic end terraced property comprised rendered walls underneath a slate roof with uPVC windows and doors installed throughout. It forms part of the Crofter's Fold development, though fronts onto Chapel Lane. The property features a front, side and rear garden circa with a detached outbuilding located towards the southern elevation. A small stone boundary is located at the front with timber fence panels making up the rear boundaries.
- 1.2 The local area comprises the Methodist Church, the Grade II Listed Galgate Silk Mill, and a number of residential properties, including the Grade II Listed Chapel Cottage immediately to the south of the site on land about 1m lower than that of 1 Downham Cottages.
- 1.3 The site is designated as Countryside Area in the Land Allocations DPD which forms part of the emerging Local Plan.

**2.0 The Proposal**

- 2.1 The proposal is for a two storey side extension. It is proposed to feature a splayed footprint and gable roof and measures approximately 4.15m in width when measured from the front elevation, 6.45m in depth with a maximum height of 6.65m. It would be finished with rendered walls, underneath a slate roof with uPVC windows. Landscaping, boundary treatments and access to the site will remain the same.

### **3.0 Site History**

3.1 A number of relevant planning applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
17/01540/FUL	Erection of a two storey side extension	Refused

### **4.0 Consultation Responses**

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

Consultee	Response
Parish Council	No Objection
Conservation Officer	Objection – The proposal would have an over dominant effect on the immediate setting of the heritage asset.

### **5.0 Neighbour Representations**

5.1 One objection has been received citing that the reasons for refusal on the previous application have not been addressed.

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

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

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

Paragraph 17 – 12 Core Principles

Paragraph 56 and 57 – Requiring Good Design

Paragraph 132 – Impact on Designated Heritage Asset

Paragraph 134 – Less Than Substantial Harm to the Designated Heritage Asset

#### **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

**DM 30** – Development Affecting Listed Buildings  
**DM 32** – The Setting of Designated Heritage Assets  
**DM 35** – Key Design Principles

### 6.4 Lancaster District Core Strategy

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

## **7.0 Comment and Analysis**

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

- General design
- Impacts upon residential amenity
- Impacts upon listed building

### 7.2 General Design

7.2.1 In terms of design, Policy DM35 of the DM DPD states that new development should make a positive contribution to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palette of materials, separation distances, orientation and scale. DM35 carries on to say that development should make a positive contribution to the surrounding landscape or townscape and that it should ensure that there is no significant detrimental impact in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.

7.2.2 When considering that the existing dwelling measures approximately 4.7m in width and that the proposed extension measures 4.15m, the dwelling is almost doubling in width. The proposed extension features a 0.6m set down from the ridge and 0.8m set back from the front elevation and whilst it is appreciated that the proposal has been scaled down since the previous application it is considered that the reduction would still significantly unbalance the row of four terrace properties. Whilst there may be some merit in pursuing a single storey side extension, the site is considered too narrow for the siting of a two storey side extension and is not thought to be appropriately sited or to be of an appropriate scale, and is tantamount to overdevelopment of the site.

### 7.3 Impacts Upon Residential Amenity

7.3.1 The proposed extension will be approximately 2.8m away from Chapel Cottage and 8m from the nearest property on Teesdale (no.8) and is approximately set in 1m from the southern boundary. Due to the siting of the proposed extension, it is considered that it would be located uncomfortably close to Chapel Cottage creating an overbearing and over-dominating feature especially when considering the higher land level of the application site. The separation distance to 8 Teesdale, whilst further than that of Chapel Cottage, is still within close proximity and the addition of a first floor window would allow for overlooking towards the private amenity space. As such it is considered that the proposal by reason of its siting, scale, separation distances and orientation would have a detrimental impact on the residential amenity of nearby residential occupiers.

### 7.4 Impacts Upon Listed Building

7.4.1 Policy DM32 (The Setting of Designated Heritage Assets) of the DM DPD states that the Council recognises the significance of setting to a heritage asset and proposals that fail to preserve or enhance the setting of a designated heritage will not be supported by the Council. This reflects the provisions of the Town and Country Planning (Listed building and Conservation Area) Act. This is further reinforced by Paragraph 132 of the NPPF which states that when considering the impact of

a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

7.4.2 As referenced above, to the south of the site is the Grade II Listed Chapel Cottage that is approximately 1m lower than the application site with the proposed extension approximately 2.8m away. When considering the combination of the distance from the proposed extension to the Listed building and the elevated position of the application site, the proposed extension is thought to have an over-dominant (detrimental) effect on the immediate setting of the heritage asset and this view is shared with the Conservation Officer.

7.4.3 Furthermore, paragraph 134 of the NPPF goes on to state where the proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. This scheme as proposed would have a detrimental impact on the designated heritage asset by reason of its proximity and over-dominating effect without any public benefit to outweigh this harm. In fact, as discussed above, there is further harm.

### **8.0 Planning Obligations**

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

### **9.0 Conclusions**

9.1 For the reasons outlined above, it is considered that the proposal is contrary to policies DM30, DM32 and DM35 of the Development Management DPD, and to NPPF paragraphs 56 (good design), 57 (high quality inclusive design), 132 (impacts on designated heritage assets) and 134 (less than substantial harm to the designated heritage asset) and as such is recommended for refusal.

### **Recommendation**

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

1. The application site is considered to be too narrow for the siting of a 4.15m wide, two storey side extension and by reason of this excessive width and overdevelopment of the site, the proposal would significantly unbalance the row of four terraced properties leading to an incongruous dwelling when viewed from the wider area. As such it is considered that the proposed development is contrary to Policy DM35 of the Development Management DPD and the provisions of the National Planning Policy Framework (NPPF), paragraphs 17 and 56.
2. The proposed two storey extension would be inappropriately sited adjacent to the neighbouring properties, including the Grade II Listed Building of Chapel Cottage, by reason of its separation distance and elevated position of the application site. Consequently the development proposal is thought to have an over-dominant and overbearing effect on the immediate setting of the Listed Building and nearby residential occupiers. As such it is considered that the proposed development is contrary to Policy DM30, DM32 and DM35 of the Development Management DPD and the provisions of the NPPF, paragraphs 17, 56, 132 and 134.

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

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council has provided access, via its website, to detailed standing advice for householder development in the Lancaster District (the Householder Design Guide), in an attempt to positively influence development proposals. Regrettably the proposal fails to adhere to this document, or the policies of the Development Plan, for the reasons prescribed in the Notice. The applicant is encouraged to consult the Householder Design Guide prior to the submission of any future planning application.

### **Background Papers**

None



<b>Agenda Item</b> A6	<b>Committee Date</b> 25 June 2018	<b>Application Number</b> 18/00075/FUL
<b>Application Site</b> Land To The North Of Foundry Lane Halton Lancashire	<b>Proposal</b> Change of use of agricultural land to a gypsy/traveller site comprising 2 static caravans and 3 touring caravans, 2 utility blocks, a septic tank and a 2.1m boundary fence	
<b>Name of Applicant</b> Mr & Mrs F and J Varey	<b>Name of Agent</b> Mrs Alison Heine	
<b>Decision Target Date</b> 19 March 2018	<b>Reason For Delay</b> Request for further information and Committee	
<b>Case Officer</b>	Mrs Petra Williams	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approve subject to conditions	

- (i) This form/scale of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Frea for the application to be determined by the Planning Committee. The reason for the request reflect those outlined in the Parish Council's response which include change of use from agricultural land, drainage/flooding issues and proximity to M6 causing health risks.

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

- 1.1 The application site is a paddock located on the western edge of the village of Halton, to the north of Lancaster. The site is accessed via an existing track off Foundry Lane which descends into the site in a north-westerly direction for a distance of approximately 50 metres before turning sharply back on itself to run in an easterly direction for approximately 35 metres where there is a gated access into the main site area. The site is set at a lower level than Foundry Lane and there is a significant tree belt which provides screening. There is a small stable and two metal containers sited on the land which is surfaced with crushed hard-core. The track is surfaced with a mix of crushed material and old tarmac. The site itself is level but falls away to the east (outside the red edge of the application).
- 1.2 The M6 abuts the western part of the site close to the access track and Cote Beck runs in a roughly north/south direction 35 metres beyond the eastern edge of the site. The land to the north and immediate east of the site is agricultural. To the south of the site, on the opposite side of Foundry Lane, there are a small number of properties which include residential dwellings and a children's nursery. In the same manner as the application site, these properties are screened from the adjacent highway by a significant tree belt.
- 1.3 The site lies outside the Halton Conservation Area which is located approximately 100 metres to the south-east of the site. The site is allocated as Countryside Area in the Local Plan. Land to the west of the site on the opposite side of the M6 is designated as Green Belt. The trees which screen the site to the south and east are subject of a Tree Preservation Order (TPO 647(2018)).

## **2.0 The Proposal**

2.1 The application seeks consent for the change of use of agricultural land to form a gypsy/traveller site for two families comprising two static caravans and three touring caravans, two utility blocks, a septic tank and a 2.1m boundary fence. The scheme would utilise the existing access off Foundry Lane. The two statics would be sited within the most westerly part of the site with one touring pitch located 7 metres away from each static pitch respectively. The two utility buildings would each have footprints of 5 metres by 4 metres and would be 3.56 metres high with a pitched roof. An additional touring pitch would be accommodated within the lower part of the access into the site. The scheme would provide accommodation for two families.

## **3.0 Site History**

3.1 There is no planning history associated with this site.

## **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>Conservation</b>	<b>No objection</b>
<b>Housing Policy Officer</b>	<b>No objection</b> though suggests that consideration should be given to the imposition of a temporary consent.
<b>County Highways</b>	<b>No objection.</b> Conditions are recommended in relation to appropriate surfacing and width of the site access.
<b>Highways Agency</b>	<b>No objection</b> in principle. Conditions are recommended in relation to appropriate surfacing of the access and that the boundary with the motorway at this location is screened a close-boarded fence of at least 2 metres in height as well as a vehicle restraint barrier to prevent any vehicles from breaching the motorway boundary fence.
<b>Environmental Health – Noise</b>	<b>No objection.</b> The submitted noise assessment satisfactorily demonstrates the noisescapes at this location and potential noise impacts to future receptors.
<b>Environmental Health – Air Quality</b>	<b>No objection</b> as air pollution levels would be not prohibitive in this location but recommends the provision of an electric vehicle charging point
<b>Tree Protection Officer</b>	<b>No objection.</b> Satisfied with the submitted Arboricultural Implications Assessment. Requests conditions in relation to the Tree Protection Plan and the submission of an Arboricultural Method Statement.
<b>Lancashire Constabulary</b>	No comments received
<b>Lead Local Flood Authority</b>	<b>No comment</b> to make in respect of this scheme.
<b>Environment Agency</b>	<b>No objection.</b> The site is wholly within Flood Zone 1
<b>Parish Council</b>	<b>Strong reservations</b> – Express sympathy to the needs of the applicants but raise concerns regarding the hard-core which has been laid on the land, change of use from agricultural land, drainage/flooding issues, proximity to M6 causing health risks and highway safety

## **5.0 Neighbour Representations**

5.1 62 pieces of correspondence have been received in relation to the proposal.

5.2 56 of these items are objections and raise the following concerns:

- Possibility of flooding
- Loss of agricultural land
- Safety of access
- Health grounds due to the proximity of the motorway
- Hard-core already placed on site raising pollution concerns regarding Cote Beck to the east.
- Highway safety as Foundry Lane is subject to the national speed limit adjacent to the site
- Noise pollution for occupants

- Increase in crime and disorder
- Public nuisance and fly tipping
- Excessive traffic
- Lack of schools
- Devaluation of properties
- Application should be supported by an otter and water vole survey due to proximity to Beck
- Where is confirmation that the applicants comply with criterion i of DM47
- Area of planting removed from motorway boundary
- Discrimination against Gypsies and Travellers as it is forcing them to live in an inhospitable place next to the motorway
- Insufficient police resources to provide safety and protection to existing residents
- Development will be an unsightly distraction from the motorway
- No provision for the site in the neighbourhood plan
- Insufficient consultation with residents
- The application is not in-line with the local plan
- The track, stable block and containers all appeared after August 2017
- Village is getting too big and there are problems with drugs and crime
- All planning of new homes of any description should not be allowed
- Concerns that caravan numbers may increase on the site
- Concerns regarding the proximity of a nursery and scout hut
- Proposal would not be beneficial for the applicant, the community or the environment.

- 5.3 6 items of public comment offer support to the scheme. Comments make the following points:
- Need to provide such sites across the country, and the one proposed for Halton is well chosen.
  - Welcomes the opportunity to demonstrate a respect for people whose lifestyles are different from their own.
  - Support for a small private Gypsy site development as there is a real shortage of successful applications for Gypsy site developments

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

### 6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles  
Paragraph 32 – Access and Transport  
Paragraphs 49 and 50 – Delivering Housing  
Paragraphs 56, 58 and 60 – Requiring Good Design  
Paragraph 109 – Protecting and enhancing valued landscapes  
Paragraph 118 – Conserving and enhancing biodiversity

### 6.2 Planning Policy for Traveller Sites (PPTS) -2015

This document sets out the Government's planning policy for traveller sites and should be read in conjunction with the NPPF. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

### 6.3 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.

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

SC1 – Sustainable Development

SC4 - Meeting the District's Housing Needs seeks to ensure that housing needs are met through housing Allocation and the planning process in a way which builds sustainable communities. Gypsy and Travellers provision is considered to be part of the housing provision.

SC5 – Achieving Quality in Design

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

E4 – Countryside Area

### 6.6 Development Management Development Plan Document (adopted July 2014)

DM20 – Enhancing Accessibility and Transport Linkages

DM27 – Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerows and woodland

DM35 – Key Design Principles

DM39 – Surface Water Run-off and Sustainable Drainage

DM42 – Managing Rural Housing Growth

DM47 – Accommodation for Gypsies and Travellers and Travelling Showpeople

### 6.7 Lancaster Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2017) This document analyses the latest available evidence to identify the accommodation needs of Gypsies, Travellers and Travelling Showpeople from across the area.

## **7.0 Comment and Analysis**

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

- Principle of the development
- Gypsy and traveller pitch provision
- Landscape and visual impact
- Highway impacts
- Impacts on residential amenity
- Tree and ecology implications
- Flood risk, drainage and utilities

### 7.2 Principle of the Development

7.2.1 In evaluating the principle of this proposal full consideration and appropriate weight must be given to whether or not the proposal would represent sustainable development in terms of satisfying the requirements of the NPPF and in particular, if the site is considered to be sustainably located to support a residential use.

7.2.2 The site is located on land outside of the main urban area and is identified as 'Countryside Area' in the adopted Local Plan. The Council, via the Spatial Strategy described in the District's Core Strategy and continued in the emerging Land Allocations document, would generally look to direct development to the main urban areas of the District. Whilst not precluding development outside

such locations it would need to be demonstrated how the proposal complies with other policies within the Development Plan and ultimately the delivery of sustainable development.

7.2.3 Although the site is within the “Countryside Area” it is located approximately 1 km from the village centre which can be accessed via a highway footpath which runs along the southern side of Foundry Lane. Halton, which is identified in DM42 as a sustainable rural settlement, has a wide range of services which include general grocers, newsagent, primary school, post office, pharmacy, doctor’s surgery, public house, village hall and public transport facilities. Furthermore, the site is also very well located for access to junction 34 of the M6 Strategic Road Network. It is also worth noting that a larger residential scheme on land identified as “Countryside Area” on the northern edge of the village was recently approved. In light of the site’s proximity to local services and transport routes it is considered that the proposal can be viewed as a sustainable form of development in locational terms. However, other key points must also be assessed as part of the overall planning balance and are discussed below.

### 7.3 Gypsy and Traveller Pitch Provision

7.3.1 Policy DM47 sets out that the Council will support proposals for new Gypsy and Travellers and Travelling Showpeople within the District providing they are in accordance with the general principles and locational requirements set out within that policy as well as all other development management policies. The general principles of DM47 are that such proposals would be supported where they:

- i. Demonstrate that the intended occupants meet the of definition of Gypsy and Travellers and Travelling Showpeople;
- ii. Provide no more than 15 permanent residential Gypsy and Traveller pitches; and
- iii. Area located within the urban area of Lancaster, Morecambe, Heysham or Carnforth. Sites in other locations will only be considered if it can be demonstrated that appropriate sites cannot be provided within the specified urban areas.

7.3.2 In terms of locational requirements DM47 sets out that proposals for new Gypsy and Travellers and Travelling Showpeople sites are expected to take the following locational requirements into account:

- iv. Located within 1 mile of a motorway or Class A Road
- v. Located within 1 mile (or 20 minute walk) of public transport facilities and services
- vi. Located where they will not cause significant nuisance or impact upon the amenity of neighbouring properties;
- vii. Not located in areas defined as Flood Zone 2 or 3 on the Environment Agency Flood Maps; and
- viii. Not located in areas where there are potential amenity issues (e.g. proximity to tips, electricity pylons, and industrial areas). Individual risk assessments must be carried out in such cases.

7.3.3 In addition to DM47, the submission must be considered against the national Planning Policy for Traveller Sites (2015) (PPTS) which has been published since the adoption of the Development Management DPD in 2014 and runs parallel to the NPPF. This document sets out that the Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. Annex 1 of the PPTS policy provides the following definition for “Gypsies and Travellers” as follows:

*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

7.3.4 Paragraph 27 of Planning Policy for Traveller Sites (2015) states:

*‘if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).’*

- 7.3.5 In terms of current provision of accommodation for Gypsies and Travellers, the Lancaster Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2017) identifies, there is a current unmet need of 4 pitches for those with PPTS 2015 definition. Although the Council has committed to bring forward a Site Allocations DPD for Gypsy and Traveller Accommodation to plan for needs over the lifetime of the plan, at this time the Council cannot demonstrate an up to date five year supply of suitable sites and consequently, great weight must be given to the level of unmet need in the context of the current application.
- 7.3.6 The application sets out the personal circumstances of the applicant and from the information contained within the submitted Planning Statement it is considered that the two families who would be accommodated within the proposed caravans meet the definition of Gypsy and Traveller under the current definition for planning purposes identified in Annex 1 of the PPTS (2015). Furthermore the scheme clearly accords with criterion (ii) as less than 15 pitches are proposed. As such the proposal accords with criterion (i) and (ii) of DM47. In respect of location, it is acknowledged that the proposal does not strictly accord with criterion (iii) as the site lies outside of the main urban areas of Lancaster, Morecambe, Heysham or Carnforth. However, as highlighted above, an unmet need currently exists and this is a key factor in the balancing exercise when considering this proposal. While it is accepted that the site is on the fringes of a rural settlement it is considered to be readily accessible from Lancaster, with the city centre being accessible by bus and major employment facilities on Caton Road only 2km away by road. Motorway connectivity via junction 34 of the M6 is close by and Halton also provides for a range of local facilities within 1km of the site.
- 7.3.7 In terms of the locational requirements highlighted within policy DM47, the site is within close proximity of a Class A road (A683) and is within easy access of a bus stop and other services within the village. It is considered that the proposal within the identified location would not cause significant nuisance or impact upon the amenity of neighbouring properties and therefore meets criterion (vi) of DM47. The site is within Flood Zone 1 and the Environment Agency has raised no objections to the scheme. In terms of residential amenity of the occupants, the application has been considered by the Environmental Health Team in respect of noise and air quality. With regards noise, the Environmental Health Officer considers the submitted Noise Assessment to be robust and given that the static caravans would be sited 80 metres away from the motorway coupled with the proposed mitigation of a 2.1m acoustic fence, there would be no adverse noise impacts to the occupants. Notwithstanding the points raised within the public comments regarding possible adverse health implications on people living on this site, the Air Quality Officer has considered the submission and is of the view that air pollution levels would not be prohibitive in this location.
- 7.3.8 In terms of location, consideration is also given to paragraph 25 of the Planning Policy for Traveller Sites (2015) which cautions local planning authorities to strictly limit new Traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the Development Plan. Paragraph 25 goes on to advise that local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community and avoid placing an undue pressure on local infrastructure. Whilst it is accepted that the site is located within a rural area, it is considered that the proposal respects the scale of, and would not dominate the, settlement of Halton, nor would it place an undue pressure on local infrastructure.
- 7.3.9 The Housing Policy Officer has offered broad support for the scheme but in light of the Council's commitment to bringing forward a Site Allocations DPD for Gypsy and Traveller Accommodation suggests that consideration be given to a temporary permission for a period of three years to allow for this document to come forward. National Planning Practice Guidance advises that temporary permissions should not be granted in cases where development complies with the Development Plan. While the imposition of a temporary consent may be a reasonable proposition in the case of a larger scheme, given the small scale nature of the proposal coupled with the fact that the scheme meets an identified need and is acceptable in terms of sustainability, it would be unreasonable (as it would not pass the test of necessity) to impose such a condition in this instance.
- 7.3.10 Policy DM47 also considers design principles which include consideration of landscaping; the avoidance of contaminated land; provision for access, vehicular parking and turning areas; provision of safe and acceptable living conditions; access to sanitation facilities, a mains water supply and drainage; and stable and level land suitable for caravans.
- 7.3.11 It is concluded that given current unmet need for the type of accommodation proposed, coupled with the significant degree of sustainability that the site offers, the provision of pitches for Gypsies and

Travellers in this location is acceptable on balance in terms of the general principles and locational requirements of DM47.

## 7.4 Landscape and Visual Impacts

7.4.1 Policy DM28 considers landscape impacts of development and saved Local Plan policy E4 takes account of development within the Countryside Area. DM28 sets out that outside protected landscapes the Council will support development which is in scale and keeping with the character and natural beauty of the landscape; appropriate to its surroundings in terms of siting, scale, materials, external appearance and landscaping and this reflects the approach taken within saved policy E4.

7.4.2 The visual impacts of the proposal will be restricted by the significant tree belt which wraps around the southern and eastern edges of the site. This screening provision is safeguarded by the Tree Preservation Order which covers this tree belt. The site is located at a lower level in relation to the highway and is adjacent to an embankment of trees. Consequently the site is not highly visible when traveling along Foundry Lane. The fact that two containers have remained on the site without the benefit of planning consent for a number of years without raising complaints is testament to the sheltered nature of the site. There are of course transient views of the site from the M6 but there is ample hedge screening along the northern approach of the motorway boundary and a solid timber fence (14 metres) at a height of 2.1 metres is proposed to the most westerly part of the site boundary adjacent to the M6. Notwithstanding the limited views of the site it is considered appropriate to seek the removal of the two unauthorised containers from the site and this could be achieved through a suitably worded condition if Members are minded to approve this application.

7.4.3 It is considered that this is not a prominent site from surrounding vantage points and as such it is considered that the proposal would not result in any significant visual harm upon the landscape or the character of the immediate street scene. The two proposed static caravans and two modest toilet blocks would be enclosed within the remainder of the site by a proposed 2.1m high panel fencing to be installed along the northern and western boundaries. The eastern boundary of the site would be enclosed with 1.2m high post and rail timber fence. The site would also be enhanced by additional landscaping in accordance with the design criteria of policy DM47.

7.4.4 On balance it is considered that due to the location of the site and surrounding screening the proposal will have limited landscape and visual impacts subject to conditions regarding fencing and appropriate surface materials.

## 7.5 Highway Impacts

7.5.1 As highlighted earlier within this report, the scheme will utilise the existing access into the site. In addition, parking provision for 4 vehicles has been indicated on the submitted plans. Notwithstanding public concerns which have been raised in respect of highway safety, County Highways has raised no objections to the scheme subject to conditions to ensure appropriate surfacing and width. With regards the latter this would require only a marginal increase to the existing width.

7.5.2 Due to the proximity of the site to the motorway Highways England were consulted and responded accordingly. They raise no objections to the principle of the scheme subject to conditions. It is highlighted by the Highways England consultee, the direction of vehicles entering the site would be down the sloping track and roughly at right angles to the motorway itself. At the foot of this slope, vehicles must then make a sharp right turn into the wider site immediately beside the motorway boundary. The suggested conditions relating to the erection of fencing along the boundary with the motorway are considered reasonable along with the installation of a vehicle restraint barrier.

7.5.3 Overall the scheme is considered acceptable from a highways perspective.

## 7.6 Impacts on residential amenity

7.6.1 The application site lies approximately 50 metres to the north of the nearest neighbouring properties. As previously highlighted the site is set down from the adjacent highway and screened by trees. Notwithstanding the objections raised by local residents it is considered that the scheme would not result in detrimental impacts on neighbouring amenity.

7.7 Tree and Ecology Implications

7.7.1 No trees are to be removed to accommodate the proposal but surfacing of the site and underground utility services do raise possible implications on the root protection areas of off-site trees within the embankment to the south of the site, which are subject to a Tree Preservation Order due to their important amenity value. At the request of the Tree Protection Officer an Arboricultural Implication Assessment has been submitted. This document acknowledges the amenity value of the off-site trees and a tree protection plan has been included accordingly. Furthermore an Arboriculture Method Statement will be conditioned to the satisfaction of the Tree Protection Officer. Overall it is considered that the proposal can be carried out without undue impacts on surrounding trees.

7.7.2 The site is not covered by any ecological or landscape designations and as Cote Beck is over 25 metres away from the site an Otter and Water Vole survey is not required. However, it is considered prudent to condition details of site drainage to ensure the beck is not impacted by run-off.

7.8 Flood Risk, Drainage and Utilities

7.8.1 The site is within Flood Zone 1 and notwithstanding this enquiries have been made to the Environment Agency due to the concerns raised by objectors. The Environment Agency has considered the scheme and raised no objections but has advised regarding possible permit requirements in respect of site drainage. The Lead Local Flood Authority were consulted due to the presence of Cote Beck 35 metres from the site. However, due to the small scale nature of the scheme they did not provide comment.

7.8.2 The submission sets out that the site can be connected to a water supply and mains electricity. As the site is below the level of Foundry Lane there is no means of connecting to existing mains sewerage and as such a septic tank with an associated drainage field would be installed in the adjacent field close the most northerly of the two utility blocks. Full drainage details would be conditioned to ensure that run off is directed away from Cote Beck.

7.9 Other Matters

7.9.1 It is noted that some of the public comments raise concerns regarding possible increase of nuisance and litter as a result of the scheme. However, such issues, should they arise, would be dealt with by regulatory bodies other than the local planning authority.

7.9.2 As highlighted earlier in this report, the site has already been surfaced with hardcore. This raises slight concerns regarding possible contamination given the proposed sensitive end user and as such it is considered reasonable to include a contaminated land condition.

**8.0 Planning Obligations**

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

**9.0 Conclusions**

9.1 Notwithstanding the location of the site in the countryside area, the site is considered to have a significant degree of sustainability. There is an identified shortfall in the provision of Gypsy and Traveller pitches within the District and as such this modest scheme would meet an identified need. In respect of wider policy issues it is considered that the proposal would not result in adverse impacts upon amenity in terms of visual impacts and highway safety or that it presents any other significant planning impacts that would sustain refusal of planning permission.

**Recommendation**

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

1. Standard timescale
2. Development in accordance with approved plans
3. Appropriate surfacing of access prior to use.
4. Access from the site to Foundry Lane shall be constructed to a (minimum) width of 5.5 metres
5. Precise details of boundary treatments and surfacing



6. Acoustic fencing
7. Details of lighting
8. Samples of external materials for the utility blocks
9. Removal of two containers
10. Use of the site limited to Gypsies and Travellers
11. Landscaping (hard and soft)
12. Submission of Arboricultural Method Statement
13. Implementation of tree protection plan
14. Foul and surface water drainage
15. Submission of drainage management plans
16. Contaminated land
17. Details and installation of vehicle restraint system (adjacent to motorway)
18. Limited to number and location of units shown on plan

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

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

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

**Background Papers**

None

<p align="center"><b>Agenda Item</b></p> <p align="center">A7</p>	<p align="center"><b>Committee Date</b></p> <p align="center">25 June 2018</p>	<p align="center"><b>Application Number</b></p> <p align="center">17/00945/FUL</p>
<p align="center"><b>Application Site</b></p> <p align="center">Land South East of Lancaster Leisure Park Wyresdale Road Lancaster Lancashire</p>	<p align="center"><b>Proposal</b></p> <p align="center">Erection of 44 dwellings with associated access and landscaping</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Mr Gareth Haslam</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">Miss Olivia Carr</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">20 November 2017</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">Viability and Flood Risk Considerations</p>	
<p><b>Case Officer</b></p>	<p>Mr Mark Potts</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval</p>	

**(i) Procedural Note**

A site visit was arranged for Members, and was undertaken on 18 July 2016. This was in relation to the withdrawn planning application 16/00591/FUL that proposed 44 dwellings.

**1.0 The Site and its Surroundings**

- 1.1 The application site is located circa 1.5km to the south east of Lancaster City Centre with the M6 motorway circa 0.5km to the west of the development site. To the north west of the site lies Lancaster Leisure Park with Lancaster Brewery being located 30 metres north of the application boundary, and to the north east lies the Potteries new housing development by Miller Homes. To the east lies open countryside and to the south lies properties on Colchester Avenue and Chelmsford Close and also the Exeter Avenue Allotment Gardens.
- 1.2 The site is currently grazed farmland occupying an area of 1.95 hectares, with a substantial tree belt running through the centre of the site. There is also a tree belt that runs along the western boundary of the site and beyond this is Burrow Beck. To the north lies established poplar trees and along the eastern boundary is a mix of trees and hedgerow. To the south lies a combination of fencing and trees and also a culvert is present here, which accommodates an unnamed tributary (eventually leading to Burrow Beck).
- 1.3 The site is broadly speaking unconstrained. It does not fall within a designated protected landscape nor benefits from any statutory ecological designation. The very southern tip of the site falls within Flood Zones 2 and 3 with the remainder of the site falling within Flood Zone 1. However, the site is known to suffer from surface water flooding issues, especially along the southern half of the site and also within the central belt. All trees that surround the boundaries of the site (to the east and west) are protected under a Tree Preservation Order (No.583 2016). The trees to the north are covered by a Tree Preservation Order from 2011 (No.484 2011). There are a number of pipelines that run across the southern periphery of the site and the site is unallocated within the adopted Local Plan.

## 2.0 The Proposal

2.1 The application proposes a residential scheme comprising:

- 4 x one bedroom apartments;
- 4 x two bedroom houses;
- 19 x three bedroom houses;
- 5 x four bedroom houses; and
- 12 x five bedroom houses.

The scheme proposes to construct the dwellings with Marshalls Cromwell Pitched Weathered Stone and Marley Edgemere tiles to match Phase 1.

2.2 Open space is provided to the south of the site and a play area is proposed on the northern boundary of the site. Surface water is proposed to be controlled on the site and released into Burrow Beck at a controlled rate.

## 3.0 Site History

3.1 The previous application (16/00591/FUL) essentially proposed the same development but was withdrawn as the applicant had concerns it could not fulfil its obligation to deliver 40% of the units as affordable homes. Members should also consider the previous approval for residential development to the north of the application site and the applicant has engaged in the Council's pre-application advice service.

Application Number	Proposal	Decision
12/01109/FUL	Erection of 71 dwellings including associated parking and landscaping (Phase 1)	Approved
15/00840/PRETWO	Erection of 45 residential units (Phase 2)	Advice Provided
16/00591/FUL	Erection of 44 dwellings with associated access and landscaping (Phase 2)	Withdrawn
17/00344/PRETWO	Erection of 44 dwellings and associated works (Phase 2)	Advice Provided
17/00732/VCN	Erection of 71 dwellings including associated parking and landscaping (pursuant to the variation of condition 2 in relation to boundary treatments, condition 6 in relation to the phasing of the highway works, condition 14 amending the timescales for the implementation of on-site play and fulfilling the requirements of condition 19 (contaminated land) and condition 23 (cycle stores/refuse) on planning permission 16/01183/VCN) (Phase 1)	Approved

## 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> though recommends that it would be prudent to establish a new pedestrian route from the site to the local service centre of Bowerham; raises concerns about the design of the internal spine road, the size of the garages (should be 3m x 6m), and the lack of progress on the off-site measures associated with Phase 1.
<b>Lead Local Flood Authority (LLFA)</b>	Initially objected to the proposal (October 2017) and requested additional information as the LLFA considered that there was a lack of robust evidence to demonstrate the scheme would not result in a flood risk within or outside of the site. In May 2018 an amended Flood Risk Assessment was supplied (which contained hydraulic modelling) and the LLFA has <b>no objection</b> subject to a condition concerning the final surface water drainage scheme to be submitted, a surface water

	lifetime management and maintenance plan and a construction phase surface water Management Plan .
<b>Environment Agency</b>	<b>No objection</b> though recommend that the LLFA's views are sought on any flood risk that may arise from surface water and/or the adjacent non-main watercourse.
<b>Tree Protection Officer</b>	<b>No objection</b> though advises that the Planting Plan lacks provision for large native species and therefore there is scope for this to be re-visited. No objection is raised to the submitted Arboricultural Implications Assessment, the Arboricultural Method Statement or the Landscape Management Plan.
<b>Environmental Health (Noise)</b>	<b>No objection</b> though recommends that more reliable information/data is obtained to ensure that a robust mitigation scheme can be implemented.
<b>Environmental Health (Air Quality)</b>	Recommends that measures to reduce the associated transport impact are incorporated; in particular the provision and operation of an on-site car club using electric/low emission vehicles. With respect to odour, considers that the abattoir can be a source of odour and needs to be further assessed. With respect to the brewery considers that there would be a low risk to future occupiers.
<b>Greater Manchester Ecological Unit</b>	<b>No Objection</b> subject to conditions concerning protection of Burrow Beck, provision of a landscape management plan and protection of trees.
<b>Contaminated Land Officer</b>	No observations received within the statutory timeframes.
<b>United Utilities</b>	<b>No Objection</b> though recommends standard conditions associated with surface water management and highlights that a water main/trunk main crosses the site.
<b>Lancashire Police</b>	<b>No Objection</b> however recommend that secured by design principles are carried out across the site.
<b>Public Realm Development Manager</b>	<b>No Objection</b> though recommends 820 square metres of amenity space is provided on site with a play area for under 6s is recommended containing a mixture of natural and equipped play facilities. In terms of off-site contributions, a contribution of £49,751 is requested for drainage and soft landscaping at Farr Moor Recreation Ground, £22,400 towards phase 2 of the play area at Williamson Park and £14,064 towards Williamson Park for its parks and gardens.
<b>County Education</b>	No request for an educational contribution to be made
<b>Natural England</b>	No observations to make.
<b>Lancaster Civic Society</b>	<b>No Objections</b> though recommends that building materials could be amended, and raises concerns with flooding and access issues.

## **5.0 Neighbour Representations**

5.1 40 letters of objection have been received (both to the planning application and the re-consultation (May 2018) on the amended Flood Risk Assessment.

The reasons for objection are noted below:

**Principle of Development / Sustainability Credentials** – The site should not be developed given the landscape impact associated with the scheme and there are significant concerns that no affordable housing is now being proposed by the applicant. There are concerns that the local area cannot accommodate further development given the local service provision (such as schools and doctor surgeries).

**Surface Water Drainage** – There is already a problem downstream given the flooding in November 2017 in Bowerham and Hala and this scheme will only compound the issue; the site should not be developed and surface water should be allowed to soak into the ground naturally; Burrow Beck is at capacity and the catchment cannot accommodate the increased number of dwellings which this scheme proposes; there are concerns that the flood risk assessment is based on theory and no recognition of the actual flooding events that have occurred on this site or the wider catchment have been taken into consideration; the fact remains that the site floods and has done for a number of years.

**Highways** – There is insufficient parking and residents already have to park on the spine road; there will be increased traffic past residents on Phase 1 of the Estate; the site is isolated and so there is no option other than to use a car.

**Trees** – The large trees on Phase 1 need to be better managed to allow light into gardens; the trees adjacent to Burrow Beck and the brewery should remain as these assist in screening the brewery site.

**Noise** – New properties would be located close to the noisy brewery site.

**Amenity** – The properties along Colchester Avenue currently have uninterrupted views from the rear of their properties and this will be lost should this scheme proceed; there is also concern that some may use a shortcut via Colchester Avenue in order to access amenities in Bowerham and therefore pass through private garden spaces.

**Ecology** – The site benefits from protected species and no development should be permitted which adversely impacts them.

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

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

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles  
Paragraph 32, 34 and 38 Access and Transport  
Paragraphs 49, 50 and 55 - Delivering Housing  
Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design  
Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities  
Paragraph 103 – Flooding  
Paragraphs 109, 115,117,118 – Conserving the Natural Environment  
Paragraphs 128-134 – Conserving and Enhancing the Historic Environment

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

SC1 – Sustainable Development  
SC4 – Meeting the District’s Housing Requirements

### **6.3 Development Management DPD**

DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM23 – Transport Efficiency and Travel Plans  
DM26 – Open Space, Sports and Recreational Facilities  
DM27 – Protection and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM30 – Development affecting listed buildings  
DM32 – The Setting of Designated Heritage Assets  
DM34 – Archaeology  
DM35 – Key Design Principles  
DM37 – Air Quality Management and Pollution  
DM38 – Development and Flood Risk  
DM39 – Surface Water Run-off and Sustainable Drainage  
DM41 – New Residential dwellings  
DM48 – Community Infrastructure  
DM49 – Local Services

## 6.4 Other Material Considerations

- National Planning Practice Guidance
- Meeting Housing Needs Supplementary Planning Document;
- Surface Water Drainage, Flood Risk Management and Watercourses (May 2015);
- Open Space Provision in new residential development (October 2015);
- Provision of Electric Vehicle Charging Points New Developments (September 2017);
- Affordable Housing Practice Note (September 2017);
- Low Emissions and Air Quality (September 2017);
- Local Plan Viability Assessment Stage One (May 2018)

## 7.0 Comment and Analysis

The key material considerations arising from the proposal are:

- Principle of development;
- Market and Affordable Housing;
- Design considerations;
- Drainage matters;
- Trees;
- Highways;
- Noise;
- Odour and air quality;
- Open Space.

### 7.1 Principle of Development

7.1.1 The site is located on land on the eastern edge of Lancaster. The Council, via the spatial objectives described in the Core Strategy and continued in the emerging Land Allocations document would generally direct development to the main urban areas of the district, including Lancaster. It is important to note that this does not preclude development outside such locations but it would need to demonstrate how the proposal complies with the other policies within the Development Plan and ultimately lead to the delivery of sustainable development.

7.1.2 The Local Planning Authority cannot demonstrate a 5 year housing land supply and therefore Paragraph 14 of the NPPF is engaged which sets out the presumption in favour of sustainable development. It goes on to say that Local Planning Authorities (LPAs) should approve development proposals which accord with the development plan without delay, and that where a development plan is absent, silent or relevant policies are out-of-date the LPA should grant permission unless:

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

In considering this proposal significant weight has been attached to the above and therefore unless material considerations imply otherwise schemes promoting new sustainable housing should be considered favourably.

7.1.3 In terms of the emerging policy position (Strategic Policies and Land Allocations DPD), the site is allocated under Policy H5 as a residential allocation which covers the Lancaster Leisure Park and Auction Mart. However, Policy SC4 also covers this part of the site which is for the protection of open spaces along the Burrow Beck Valley. Officers are liaising with colleagues in policy as the area is not an accessible green space at present and it is hard to see how the proposal fits in with the wider H5 allocation, given it is not referenced within the main body of the text for H5. The site has no protection under the extant local plan and therefore the Council on balance considers that the site is considered sustainable and therefore the principle of development on this site could be found acceptable.

### 7.2 Market and Affordable Housing

- 7.2.1 The need for open market housing in Lancaster is predominantly made up of 2 and 3 bedroom properties and this is evidenced in the Meeting Housing Needs Supplementary Planning Document (SPD). The scheme does propose to offer fifteen 3-bed, five 4-bed and twelve 5-bed houses. Whilst strictly speaking not entirely in accordance with the demand as evidenced within the SPD, Officers are supportive of the high number of three bedroom properties and the mix proposed is deemed acceptable. It is also similar to the mix on Phase 1.
- 7.2.2 In the withdrawn application the applicant proposed 40% affordable housing, but withdrew it on viability concerns. They then re-submitted a scheme on the basis of providing no affordable housing, though through an independent process of viability testing it was concluded that the scheme can accommodate in the region of 6 shared ownership properties and 6 affordable rented units and this equates to 27.2% of the total provision. The ground conditions on the site are not conducive to using standard foundation designs and there are additional abnormal costs associated with the scheme. Officers consider that through negotiation (bearing in mind the applicant submitted a scheme providing for no affordable housing) that the provision of 12 units on the basis of affordable rented and shared ownership is considered acceptable, and can be secured by means of legal agreement and this weighs in support of the proposal.
- 7.3 Design Considerations
- 7.3.1 The applicant engaged in the Council's pre-application advice service, and the layout has been the subject of a number of different iterations to address officer concerns, and this has resulted in a reduction from 46 to 44 units. The applicant is proposing to utilise essentially the same house types that were utilised on Phase 1 of the development and the same materials. Whilst the choice of materials lacks local distinctiveness these are akin to Phase 1, and would be located in a less publicly visible location and therefore could be supported.
- 7.3.2 One weakness of the scheme is the clustering of the affordable units (and smaller units) within the north eastern corner of the site and in design terms this feels rather uncomfortable especially when viewed against the remainder of the development which in layout terms works well. Officers feel there could have been some merit in terms of mixing the unit types within the development. Paragraph 50 of the NPPF seeks the delivery of a wide choice of homes and the creation of sustainable, inclusive and mixed communities, and paragraph 61 of the NPPF advises that high quality and inclusive design goes beyond aesthetic considerations to include the connection between people and places. Officers consider that the delivery of affordable housing (as opposed to direct or indirect off-site provision) is the most significant element in the site's contribution to a mixed community in the area. Tenure blind development is a function of design, and there would be a range of house types across the site but all would recognisably belong to a consistent design language. Whilst the layout is uncomfortable this would not be sufficiently harmful to outweigh the general positive outcomes of the proposed affordable housing provision.
- 7.3.3 The remainder of the layout works in a way that allows the Council's adopted standards to be adhered to. The relationship to the offsite dwellings on Colchester Avenue is in the region of 36 metres from plots 38 and 35 which exceeds the Council's required separation distance of 21 metres. Concerns in respect of loss of visual amenity for those residents on Colchester Avenue are noted, but no-one has a right to a view and whilst the change is a significant one (from open field to residential housing estate) the separation distances proposed are sufficient enough to prevent overlooking and privacy concerns. On balance the scheme complies with the requirements of Policy DM35 of the Development Management DPD.
- 7.4 Drainage Matters
- 7.4.1 The developable area of the site all lies within Flood Zone 1. However, there is a very small parcel of land that is located to the far south west of the site that lies within Flood Zones 2 and 3 (no development is proposed in this location area). It is worth noting that Burrow Beck and its un-named tributary from the western and south-eastern boundaries of the site, converge at the southern extent of the site before flowing south. Burrow Beck, via Hala, flows to its confluence with the River Lune estuary approximately 4.2 km south west of the site. The site is in the region of 1.95 hectares and the application proposes approximately 0.73 hectares of impermeable areas.
- 7.4.2 The flood risk assessment submitted with the withdrawn planning application was found to be lacking in detail insofar as it related to surface water drainage. This attracted an objection from the Lead

Local Flood Authority on the basis of building within 8 metres of the watercourse and inadequate information to assess the planning application. The applicant amended the layout removing any dwellings from within the 8 metre easement, though there are gardens within it. However, provision has been made for a drainage and easement access point between plots 36 and 37.

- 7.4.3 It is considered that soakaways are not feasible to use (given the nature of the ground conditions) and therefore discharge of surface water to Burrow Beck is likely to be used with a gravity fed discharge being possible to the lower southernmost extent of the site. This will require attenuation storage which could consist of cell storage together with the use of oversize pipes.
- 7.4.4 An objection was raised by the LLFA in October 2017 (before the localised flooding in November 2017) as there was a lack of evidence to show how off-site flood risk will be mitigated (despite the submission being fundamentally the same as the withdrawn application). The applicant submitted an amended Flood Risk Assessment in May 2018 to address the issues raised by undertaking extensive hydraulic modelling of the site to provide accurate flood zone mapping to inform any mitigation. The results of the modelling conclude that the proposed development will remain flood free during all events up to the 0.1 AEP event (Annual Exceedance Probability – 0.1 AEP is deemed as the most extreme event considered) and not increase flood risk off site. The recommendations within the FRA and drainage strategy set out that finished floor levels should be 150mm above surrounding ground levels and that the garden of plot 13 should remain free of built structures such as sheds/outbuildings. Any fence on the western boundary of the site must be of post and wire or post and rail construction. It is also recommended that the attenuation volumes are calculated for the detailed drainage design. The scheme proposes to attenuate all surface water on site (probably in underground storage containers and would be connected to Burrow Beck via a gravity discharge at the lower southernmost extent of the site). The applicant's hydrologist recommends that the discharge is controlled to the existing greenfield run off rate of 10.5 litres per second.
- 7.4.5 Officers share local resident concerns regarding the increased risk of flooding off-site and also for future residents on this site. In May 2018 Planning and LLFA Officers met with the applicant and their consultants to discuss surface water drainage matters. The purpose of the meeting was to review the amended Flood Risk Assessment submitted in May 2018 and to allow the LLFA to visit the site to understand the site characteristics. Following the meeting, the LLFA withdrew their objection to the scheme on the understanding that conditions have to be attached to any planning permission to control the final drainage details, the associated management proposals and also how surface water would be managed during the construction phase. Officers have sympathy for those residents who have experienced flooding in 2017 and the City Council is working proactively as part of a multi-agency team to try and limit any future re-occurrence of this occurring. The LLFA proposed a higher discharge rate into Burrow Beck compared to the applicant's own assessment. Whilst taking on board the comments of the LLFA, Officers feel that given the applicant's assessment to drain the site based on greenfield rates that this is the standard that should be conditioned.
- 7.4.6 A number of local residents have drawn Officers' attention to incidences of flooding both on the site and also further downstream notably in Bowerham and Hala. There is no denying that the southern portion of the site does suffer from surface water drainage issues and Officers are aware that the site did flood during the heavy rainfall event in August 2016 and again during the November 2017 flooding episode. The case officer has visited the site on a number of occasions and found the lower portion of the site to be quite saturated. The applicant has responded to this concern in part by removing a combination of leaves and general debris from the outfall.
- 7.4.7 The framework is clear in that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Fundamentally there is nothing before Officers to suggest the situation would be made worse off-site and given the statutory consultees (the LLFA, the Environment Agency and United Utilities) it would be very difficult to sustain a reason for refusal on flooding/drainage grounds. Officers have concerns that the submitted scheme does not show how the surface water will be contained on the site but notwithstanding this point it is considered that this can be controlled by means of planning condition.

## 7.6 Trees

- 7.6.1 The site does have a high proportion of tree cover with the bulk being located around the boundaries, and a strip that crosses the entire site. Hybrid poplar dominate the site with other trees such as oak, common alder, beech, cherry, willow and alder. The scheme proposes the loss of 80 stems with the



majority of these being of moderate value. Therefore there will be a loss of arboricultural value across the site. Many of the trees are large specimens incapable of being replaced in the short term.

7.6.2 Ideally all the trees would have been retained. However, in order to develop this site it was inevitable that there would be some loss of trees. The pre-application advice to the applicant was to retain as many trees as possible including the band which crosses the site as in the opinion of Officers this could have served to include open space and/or drainage proposals. Notwithstanding this, there has been significant improvements made to the layout to accommodate trees within the development (notably those along the western boundary of the site – adjacent to Burrow Beck most of the trees are to be retained) and it is considered that subject to planning conditions this element of the scheme can be found acceptable. A more refined landscaping proposal catering for larger native species notably within the south east and south west corner and also north west corner should be proposed. This can be controlled by means of planning condition. Overall the Tree Protection Officer raises no objection to the scheme.

### 7.7 Highways

7.7.1 Access to the site would be afforded utilising the existing access for Phase 1 until the new point of access to the site was reached. The scheme looks to provide a standard carriageway width with 2 metre footways on either side of the road on the majority of the carriageway. However, does contain a relatively long spine road, which lacks any chicane features or priority narrowing which could help curb excessive vehicle speeds. A condition is therefore recommended to secure some works to the spine road to ensure that vehicle speeds are curtailed. It is noted that there is concern from residents on Phase 1 that there is insufficient parking and this leading to problems. The scheme generally complies with the *maximum* (our emphasis) parking standards but with regard four of the 2-bed units only 50% of this maximum provision is provided. Nevertheless, overall this is considered acceptable. County had concerns with garage sizes but the applicant has increased the size of these to provide for a 3m by 6m internal width. The concerns of residents on phase 1 are understood. However, the scheme is within a sustainable location with the ability to use sustainable modes of transportation to access work and leisure in Lancaster and Morecambe. A condition is recommended that requires that garages remain for use for the storage of vehicles only (i.e. not converted to habitable rooms or used for business purposes) and the provision to be made for appropriate facilities to store bicycles.

7.7.2 Whilst Officers consider that the site to be sustainably located (with a bus service, farm shop and open space and recreational facilities all within a very short walk), the applicant was asked to investigate means of providing greater linkages to Bowerham. It would be beneficial for there to be a pedestrian/cycle link to the south of the site, but due to third party land ownership this was not possible. A further option crossing Burrow Beck and the allotment was explored but given the nature of the land use here this was not considered a viable solution.

7.7.3 On Phase 1 there was a requirement for off-site highway works to occur prior to occupation of the first dwelling and Members will note from the consideration of application 17/00732/VCN that all the off-site highway works were to be completed in their entirety by no later than 24 May 2018. Clarification has been sought from the applicant and County on timescale for the implementation as at the time of consideration of planning permission 17/00732/VCN the applicant was confident all the works would have been implemented. Officers are working with the applicant to ensure that the off-site works are implemented as soon as is practicably possible and reasons for the delay will be reported to Planning Committee. Officers are recommending £45,000 is secured towards the continuation of the local bus service that serves East Lancaster from the city centre.

### 7.8 Noise

7.8.1 The application site is in region of 425 metres from the M6 and from the closest proposed dwelling it is 32 metres to the Lancaster Brewery (which host parties, weddings and live music). The applicant initially provided a noise survey including background monitoring from an event at the Brewery in January 2016 (where the brewery was catering for a retirement function). This was considered not to be entirely reflective and therefore a further noise survey was carried out between 1930-0000 on 19 August 2016 which was for a wedding breakfast. Given this was in the summer, the doors of the brewery were open allowing noise breakout. The overall conclusion of the noise report is that assuming double glazing and trickle ventilators are used for bedrooms in a line of sight of the brewery then this will afford background ventilation without the need to open windows.

- 7.8.2 Environmental Health did raise concerns with the original noise survey submitted in support of planning application 16/00591/FUL, which was undertaken in January 2016 and felt that there was insufficient information to determine whether the scheme could be harmful to the amenity of future residents and also could lead to actionable noise complaints. Historically, there has been a number of complaints regarding music noise emanating from the brewery, though the brewery has been proactive in dealing with issues and installed a double door system and improvements to windows and doors. Residents on the Potteries (Phase 1) and also on Colchester Avenue have complained about low frequency noise associated with a bass event (such as nightclub noise, or a live music event) which has been described as annoying but not always intrusive.
- 7.8.3 Lancaster Brewery appointed an acoustic engineer to undertake their own assessment of the scheme and noise measurements were undertaken on the evening of Saturday 18<sup>th</sup> June (the objector states this was 2015 but we are assuming it was 2016), and the event was a wedding reception with a catering operator in a marque outside. The overall findings showed that the results exceed the noise level criteria adopted by the applicant's acoustician. No response has been received from Lancaster Brewery regarding the amended noise survey (undertaken in response to the previous application) to take account of the wedding breakfast and furthermore no response has been received from Lancaster Brewery on this planning application.
- 7.8.4 The applicant's latter report fails to identify how impacts from music noise can be reduced to acceptable levels within external amenity areas. The measured LAeqs in respect of music noise levels (without motorway noise present) are broadly similar to those when the motorway noise is present. However, due to the low frequency component of the noise, at 63Hz for example, measured noise levels are 61dB, 4dB above the highest measured residual sound level. So whilst motorway noise is likely to be the most dominant noise source at this location the low frequency components of music noise will make this sound more noticeable above anything else. Acoustic boundary treatment around the site, which will have the effect of mitigating sound to more acceptable levels within external amenity areas but again detail of this has not been provided and is required so that suitable mitigation can be agreed. There is a requirement for a post and wire boundary (to ensure the site does not suffer from flooding) for plot 13. Given the location of this property (to the north of the site, and 20 metres from properties within Phase 1, where no such acoustic fencing was needed) the building would act as the main form of attenuation to the garden space and therefore can be found acceptable. Whilst music noise may remain audible, within external areas, observed effect levels are not likely to remain significant with mitigation in place. Furthermore, it should also be borne in mind that the Brewery do have obligations under the licensing regime to prevent public nuisance from their business activities and implement suitable noise management procedures to prevent this from occurring. Whilst it is considered that noise impacts can be suitably mitigated against, a condition is required to ensure that more reliable information/data is obtained to ensure that a robust mitigation scheme can be implemented and it is considered that this can be addressed by means of planning condition. The applicant has confirmed in writing they are amenable to such a planning condition.

### 7.9 Odour and Air Quality

- 7.9.1 The site does not lie within an Air Quality Management Area but it is close to the Lancaster Abattoir which is sited 160 metres to the north of the site. There was much debate during the consideration of Phase 1 regarding the odour associated with the abattoir leading to odour complaints to the Local Planning Authority. However, it was considered that odour would not cause nuisance. Phase 2 is further removed from the abattoir and given the principle has been found acceptable previously it would be unreasonable to suggest that a detailed assessment of the abattoir is required. There is some concern of odour emanating from the brewery which may occur as a result of the brewing process which can give off a distinct yeasty smell. The applicant has supplied an odour assessment in support of the application from January 2017 which concludes that odour from the brewery is likely to have a negligible impact on housing development to which the Air Quality Officer concurs. However, it is highly likely that future residents will pass through the air quality management areas in Galgate and Lancaster and therefore it is recommended that electric vehicle charging points and secure, covered cycle storage are provided.

### 7.10 Open Space

- 7.10.1 The scheme does provide a generous amount of landscaped open space (in the region of 2,000m<sup>2</sup> - this is namely due to the presence of underground services which restricts the development of this

part of the site. This far exceeds the 871m<sup>2</sup> which the Public Realm Officer has suggested is required. The applicant initially sought to provide no on-site play equipment, but the latest iteration of the plan shows that an under 6 facility is to be provided, as requested by the Public Realm Officer. A request has been made towards the improvement of drainage at Farr Moor Sports pitches totalling £52,807 (and these are located circa 1km to the north of the site) and £24,880 towards Young Persons Facilities. A further off-contribution is sought towards Williamson Park of £14,928. There is a deficiency for young person's facilities in Lancaster, but given the provision of a generous area of open space coupled with the provision for an under 6s facility (both on-site) then it is considered unreasonable to require the applicant to commit to provide anything further. Also for the purposes of viability and in line with the recommendations within the Planning Advice Note on Open Space Officers have prioritised affordable housing provision over off-site open space contributions.

### 7.11 Other Matters

7.11.1 There has been concern locally that local school provision is at capacity and to permit further homes in South Lancaster would put further pressure on the local primary and secondary schools. The County Council has responded to the planning application that there is no requirement for an education contribution and therefore it is considered that the school provision can accommodate this development. The site lies within a mineral safeguarded zone however in reality given the proximity of the dwellings on Colchester Avenue it is unlikely it would be commercially worked for mineral. Furthermore given the results of the ground conditions which the applicant supplied in support of the viability assessment it is unlikely that the site contains any mineral deposits of note.

### **8.0 Planning Obligations**

8.1 As part of this application the applicant has offered the following obligations, which should be secured by legal agreement:

- Provision of 12 affordable units (four 1-bed apartments and two 2-bed houses as affordable rented and three 3-bed houses and three 2-bed houses as shared ownership);
- Contribution of £45,000 towards local bus service provision;
- Long term maintenance of sustainable drainage systems, non-adopted highways, open space including on-site play provision and Management Company.

### **9.0 Conclusions**

9.1 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. The development would make a valuable contribution towards meeting the need for market and affordable homes, and given the enclosed nature of the site views into it are only going to be visible from those residents on the Potteries, Chelmsford Close and Colchester Avenue. Whilst there are concerns regarding drainage impacts, the relevant statutory consultees raise no objection to the development and therefore this neither weighs in support or against the scheme.

9.2 As part of the planning balance Officers conclude that the delivery of affordable (27.2%) and market homes outweighs the negatives associated with the localised landscape impact. It is considered that the proposal does represent a sustainable form of development, and for the reasons given above, and taking other matters into consideration it is recommended that Members support the scheme subject to the conditions and obligations listed.

### **Recommendation**

That Planning Permission **BE GRANTED** subject to the signing and completing of a Section 106 agreement to secure the following obligations:

- Provision of 12 affordable units (four 1-bed apartments and two 2-bed houses as affordable rented and three 3-bed houses and three 2-bed houses as shared ownership);
- Contribution of £45,000 towards local bus service provision;

- Long term maintenance of sustainable drainage systems, non-adopted highways, open space including on-site play provision and Management Company.

and the following conditions:

1. 3 year timescale
2. Approved plans
3. Surface water drainage scheme
4. Surface water management scheme
5. Construction phase surface water management plan
6. Foul water drainage scheme
7. Submission of building materials and boundary materials
8. Garage use restriction
9. Implementation of the submitted FRA
10. Implementation of the submitted Arboricultural Implications Assessment
11. Requirement for an amended landscaping scheme (to include provision of bat and bird boxes on retained trees and full details of the wildflower grassland seed mix)
12. Provision for electric vehicle charging points
13. Contaminated land assessment
14. No vegetation clearance between 1<sup>st</sup> March and 31<sup>st</sup> August unless a detailed bird survey has been provided by an experienced ecologist concluding the site is clear of nesting birds
15. Scheme for the protection of Burrow Beck
16. Scheme for lighting (trees T78, T105 and a poplar in G8 to be protected from light spillage)
17. Finished floor and site levels (to include dwellings, garden spaces and open space)
18. Provision of proposed play area
19. Provision of open space on the site to include its maintenance and on-going management
20. Noise mitigation

### **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 agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **Background Papers**

None

<b>Agenda Item</b> A8	<b>Committee Date</b> 25 June 2018	<b>Application Number</b> 18/00491/CU
<b>Application Site</b> Thortindale Cottage Coastal Road Bolton Le Sands Carnforth	<b>Proposal</b> Change of use of dwelling (C3) into residential care home for children (C2) and alterations to existing access	
<b>Name of Applicant</b> Mr Horner	<b>Name of Agent</b> HPA	
<b>Decision Target Date</b> 12 June 2018	<b>Reason For Delay</b> Committee Cycle	
<b>Case Officer</b>	Mr Andrew Clement	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

### **Procedural Matters**

The proposed development would normally fall within the scheme of delegation. However, Councillor John Wild has requested that the application be reported to the Planning Committee on grounds of the use's impact upon vehicle movements and traffic along the track and accesses, and subsequent impact upon other uses of the track and canal towpath.

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

- 1.1 The application site relates to Thortindale Cottage, a two storey 6 bedroom detached dwellinghouse located directly east of the Lancaster Canal in Bolton-Le-Sands. Lancaster Canal is part of the Green Space Network and is a Biological Heritage Site, and its towpath forms part of the designated cycle route. The site benefits from a detached single garage and forecourt area available for parking within a large domestic curtilage, bounded by fencing and/or vegetation on all sides. The site contains several protected trees.
- 1.2 The property is accessed via an unmade track with central grass verge, approximately 140 metre in length, from the east of the A5105 Coastal Road, before crossing the canal towpath and across the Hatlex swivel bridge to enter the site. The Hatlex swivel bridge is owned by the Canal and River Trust (CRT), whilst the access track is not registered at the Land Registry, and a notice of the proposal has been advertised for works to this track of unknown ownership.

#### **2.0 The Proposal**

- 2.1 Planning permission is sought to change the use of the dwellinghouse to form a residential care home for up to 4 young persons aged 10 to 17 years old. The site is to use the existing access point, with grey permeable paving surface for between 2.7 to 6.5 metres into the site from the public footpath along Coastal Road. To facilitate the proposal, two passing places are proposed to the south side of the existing access track, widening at these points to 4.1 metres through gravelled surfacing. To create this additional width at the western passing place closest to Coastal Road, a 4 metre section of hedge to the north side of the track between this and the parallel footpath is to be removed and replaced by a 1 metre tall timber post and rail fence.

### **3.0 Site History**

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

Application Number	Proposal	Decision
86/01052 HST	Change of use dwelling to nursing home and outline for two storey extension	Refused
17/01180/PRETWO	Change of use of dwellinghouse (C3) into residential institution (C2)	Advice Provided

### **4.0 Consultation Responses**

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

Consultee	Response
Parish Council	<b>Comments:</b> Concern regarding the impact upon neighbouring residential amenity, namely privacy.
County Highways	<b>No objection:</b> Concerns raised during pre-application advice have been addressed, subject to highway related conditions
Canal And River Trust (CRT)	<b>Comments:</b> Concern regarding potential change of use through permitted development and vehicular traffic conflict with towpath users, partially addressed through the proposal for a second passing place and planning condition for signage on the towpath. Informative for the applicant to contact the Trust's Estates Team
Fire Safety Officer	<b>Comments:</b> Informative regarding access and water provision for the fire service
Environmental Health	No observation received within the consultation period
Lancashire Childcare Service	No observation received within the consultation period

### **5.0 Neighbour Representations**

5.1 98 pieces of correspondence have been received, raising objections to the proposal on the following grounds:

- Unsuitable access track/bridge, and associated risk of additional traffic to users of the canal, towpath and access track. Highway safety concerns and the track/bridge unsuitable for large vehicles. Associated light and noise pollution from vehicles accessing the site
- Unsuitable location, landlocked and impact upon neighbouring residential amenity
- Effect on neighbouring property values and maintenance cost of The Orchards Management Company Ltd's land, footpath and playground
- Risk of the canal/bridge to young persons accommodated at the site
- Insufficient consultation process
- Existing equivalent provision in the area
- Separated from facilities for young persons
- Impact upon trees, hedges and wildlife including bats
- Planning application for a nursing home refused previously
- Waste management and drainage arrangements

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

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

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

**Paragraph 17:** Core planning principles

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

**Section 6:** Delivering a wide choice of high quality homes

**Section 7:** Requiring good design

**Section 8:** Promoting healthy communities

- 6.2 Development Management DPD  
**DM20:** Enhancing Accessibility and Transport Linkages  
**DM21:** Walking & Cycling  
**DM22:** Vehicle Parking Provision  
**DM25:** Green Spaces & Green Corridors  
**DM29:** Protection of Trees, Hedgerows & Woodland  
**DM33:** Development affecting Non-Designated Heritage Assets or their Settings  
**DM35:** Key Design Principles  
**DM42:** Managing Rural Housing Growth  
**DM45:** Accommodation for Vulnerable Communities
- 6.3 Lancaster District Local Plan – saved policies  
**E4:** Countryside Area  
**T24:** Strategic Cycle Network  
**E30:** Green Corridors
- 6.4 Lancaster District Core Strategy – saved policies  
**SC1:** Sustainable Development  
**SC4:** Meeting the District’s Housing Requirements
- 6.5 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.

## **7.0 Comment and Analysis**

7.1 The key considerations arising from the proposal are:

- Principle of the Use;
- Scale, Design and Landscape Impact;
- Highways, Parking and impact upon the Canal and Towpath;
- Impact upon Protected Trees and Hedgerows; and
- Residential Amenity and Drainage.

7.2 Principle of the Use

- 7.2.1 The site is located towards the southern edge of the village of Bolton-le-Sands, which is listed as a sustainable rural settlement under Policy DM42. The site is within a mile of the local facilities within Bolton-le-Sands, and is a similar walking distance to services in Hest Bank. Regular bus services are available within walking distance on Coastal Road and Slyne Road. The canal towpath and designated cycle route runs immediately west of the site, and therefore there are a number of sustainable transport options available for those working or residing as part of the proposed use at this site. The large 6 bedroom detached property has an existing use as a residential dwelling (use class C3), although it is currently unoccupied.
- 7.2.2 The planning statement and further information submitted with this application demonstrates that the use meets the need of occupants, intending to provide care in the form of a household living together for young persons that cannot be provided by a family parent or guardian due to family circumstance. This care provision is registered and inspected by Ofsted, and delivered through an established professional care provider. Children are referred by Lancashire County Council, with each child subject to specific funding and specific individual care plan. This care plan includes provision for follow on accommodation, either returning to their families or through alternative longer term care provision. Subject to the proposal having an acceptable impact on residential amenity, vegetation, highways and canal users, the principle of the use is considered acceptable and is supported by Policy DM45 and NPPF Sections 6 and 8.
- 7.3 Scale, Design and Landscape Impact
- 7.3.1 No extensions or external alterations to the existing dwelling are proposed to facilitate the change of use. The physical developments proposed relate to surface and boundary treatments, namely the laying of grey permeable pavers where the existing unmade track meets the Coastal Road footpath, provision of two sections of gravel passing places created by widening the existing unmade track to 4.1 metres and substituting approximately 4 metres of hedgerow with a 1 metre high timber post and rail fence, and the creation of two additional gravel parking places within the curtilage of the site. The proposed developments are to improve the existing access to the site. However, with regards the design and scale of the developments, these are in materials to match existing at a modest scale, and considered to have an acceptable landscape and visual impact. The development is consistent with Policy DM35 and NPPF Section 7.
- 7.4 Highways, Parking and impact upon the Canal and Towpath
- 7.4.1 The existing access to the site is from Coastal Road via a single width unmade track with a central grass verge. The track is approximately 140 metres in length before perpendicularly meeting the canal and associated towpath. This track and towpath are outside of the applicant ownership, and are shared use with users of the canal, properties adjoining the track and the Thortindale Cottage. Although several dwellings along the track have direct pedestrian gates between their rear gardens and the track, Thortindale Cottage is the only property using this track for vehicular access to their dwelling. The track is also used by the Canal and River Trust (CRT) for maintenance of the canal and the Hatlex swivel bridge crossing the canal to the application site, which is owned and maintained by CRT, but the application site has a legal agreement regarding use. Although the track is accessible to motor vehicles, and is used as such, there are obvious constraints to this access, and there are no passing places along its length.
- 7.4.2 A residential care home is a fairly intensive residential use (use class C2), likely to generate trips over and above the average household, with staff often coming and going as part of a work shift pattern, other workers visiting the site to supplement the support given to its residents and the transportation of the residents to off-site facilities, such as schools and recreation. The supporting statement details anticipated vehicle movements of carers starting/finishing work, parking requirements and the number of staff regularly on site. It is anticipated that 6 parking spaces are required for the regular arrangements of running the care home. The proposed site plan demonstrates the provision of 8 parking spaces through the creation of two further spaces than existing. This would allow for any controlled or unannounced visit. Therefore the proposal is considered to provide sufficient levels of parking provision, consistent with Policy DM22. This additional parking provision would need to be created prior to occupation, and retained as such alongside the existing parking provision at all times thereafter, which can be controlled by planning condition.



- 7.4.3 The anticipated vehicle movements as part of the proposed use include periods where three or four vehicles may enter or leave the site within an hour each day associated with regular staff changeover, in addition to other vehicular movements and transportation requirements of the young people residing at the site. This will create additional traffic along the track beyond that expected of a dwelling, even that of a large 6-bed family dwelling, such as the application site, although it should be noted this would be a relatively modest increase and not a constant flow of traffic. The use of the dwelling has existing rights of vehicular access using this track, as do CRT for maintenance, and therefore there is an existing requirement for these vehicles and other users of the track and canal towpath to negotiate safe passage of one another. The use would likely result in some additional vehicle trips along this track, crossing the towpath and bridge to access the site.
- 7.4.4 The application proposes the creation of two passing places along the unmade access track, one at the entrance from Coastal Road, and the other approximately 80 metres east of the first, near the end of the cul-de-sac Whitendale Drive. Given the size and location of these two passing places, it is considered that two domestic vehicles, or a vehicle meeting a pedestrian or cyclist along this track, could safely pass each other without the need for vehicles to reverse back across the canal towpath or onto the public highway. Furthermore, given the presence of a parallel footpath immediately north of this track (owned and maintained by The Orchards Management Company Ltd but available for public use) there is a reduced risk of vehicles and pedestrian/cyclist conflict, though due to the design of this footpath, the access track that is part of this proposal is more suitable for those with restricted mobility. Therefore it is likely the track will still be used by some despite the alternative parallel provision.
- 7.4.5 The conclusion that these mitigation measures satisfactory and proportionately address the intensified use of the track is shared by County Highways, whom raise no objection to the proposal, and consider that additional vehicle movement would have no severe impact upon the public highway, namely Coastal Road. The proposed passing places would need to be provided in full at a minimum width of 4.1 metres prior to occupation. Given the modest nature of the proposed developments and its requirements are covered by other legislation, it is considered that a requiring a construction management plan as recommended by County Highways would not meet the tests of NPPF.
- 7.4.6 Access to the site crosses the Lancaster Canal and associated towpath, which is well used by walkers, canal boats and cyclists as part of the designated cycle route. Caution would need to be shown by both vehicles accessing/egressing the site and other users of the canal. This is similar to caution required when crossing under a bridge, where the canal and towpath narrow and users meeting one another need to accommodate each other's movements. However, unlike an overhead bridge, the crossing point for access to the application site is less noticeable, particularly with vehicles travelling eastwards. The Canal and River Trust (CRT) have been consulted, raising concern regarding potential conflict between vehicular traffic and towpath users. Subsequently, amended plans for a second passing place have been proposed, and the applicant has agreed to a planning condition for additional signage to be provided at the crossing point, as recommended by CRT. Subject to the signage details being agreed and implemented prior to occupation, along with the passing places, this is considered to have no detrimental impact upon users of the canal and towpath, compatible with Policy DM21 and DM25.
- 7.4.7 A number of public consultation responses have raised concern regarding the access as outlined above, in addition to that of access for large vehicles from emergency services, waste collection and delivery vehicles. The CRT consultation response specified that the bridge is maintained at a 3 tonne maximum gross vehicle weight limit, although also state that this does not mean that the bridge does not have a greater capacity. Although the proposed use is likely to generate additional vehicular movements from domestic sized cars through staff changeovers, in terms of waste collection and deliveries, the site would have no additional demand above that of the existing large dwelling. Similarly, there is no evidence that the proposed use would attract a greater number of visits from emergency services in large vehicles. The application proposes to accommodate 4 young people, which can be restricted to this number through planning condition, particular as County Highways gave weight to the fact that all these young people could be transported in a single domestic size vehicle with a carer/driver. Therefore, the proposal is considered to require no additional large vehicles visiting the site above that of the existing dwelling, and as previously detailed, the impact upon the highways, parking, and impact canal and towpath users can be satisfactorily mitigated through planning conditions.

7.4.8 The proposal seeks permission for a C2 use. It is recognised that other C2 uses, such as nursing homes, can generate significantly different and more intensive forms of vehicle movements. Therefore it is appropriate, on this occasion, to limit the use to a children's care home, as well as the number of young people that will be accommodated.

### 7.5 Impact upon Protected Trees and Hedgerows

7.5.1 The application site contains 4 protected trees, and the access track is lined by neighbouring boundary fences but predominantly mature hedgerow, particularly to the north side. The application proposes works to the surface treatments and boundaries within close proximity of this vegetation, and a Tree Protection Plan (TPP) was requested to ensure these works could be carried out without impacting these protected trees and hedgerows. A TPP was subsequently submitted detailing protective fencing and hand dig methods to ensure the retention and protection of existing vegetation, with the exception of a 4 metre section of hedgerow, which is to be removed to facilitate the provision of the western passing place. A dead tree is also to be removed. The Council's Tree Protection Officer has reviewed the information and raises no objection. Given that root friendly methods and materials are proposed, the development is considered to have no detrimental impact upon trees and hedgerows if carried out in accordance with the submitted TPP.

### 7.6 Residential Amenity and Drainage

7.6.1 The application site is in a residential area, and therefore a change of use to a residential care home must ensure that the residential amenity of the area is protected.

7.6.2 The property forms a large detached dwelling with ample curtilage area, with separation created by the canal, depth of curtilage and topography, resulting in a level of separation from the majority of neighbouring properties. The neighbouring dwelling immediately south of the site is separated from the Thortindale Cottage building by less than 6 metres, and any changes or intensification of use is likely to be experienced to a greater degree by this adjacent property. In addition those adjacent to the access track are likely to notice the additional vehicle movement along this track. However, whether it be a large family dwelling (C3) or a residential care home (C2), the noise generated will be nominal and similar. The need to establish boundaries and behaviour for young people is a common requirement of both a family home and residential care use, with the latter requiring trained professionals and Ofsted inspections to provide a suitable environment. Regarding the nature of the use and those in receipt of care, occupants must be suitable for household living and the use must adhere to Ofsted requirements. Therefore it is considered that the impacts on residential amenity of a 6-bed dwelling are very similar to a residential care home for 4 young people. Furthermore the use is also considered to have no additional impact upon drainage above that expected of a 6-bed dwelling.

7.6.3 The use requires shift working care staff to provide 24 hour a day care provision, with two carers on duty overnight and regularly 4 employees on site during the day. Although minor addition to vehicle movements may be required for the proposed use, given the established use of this track by motor vehicles associated with the dwelling and canal maintenance, the traffic noise is considered to be marginal and will have no detrimental impact upon neighbouring residential amenity.

7.6.4 The property is considered suitable for the proposed use, with all habitable rooms of sufficient scale and benefiting from outlook and natural light, offering acceptable residential amenity to future occupants. The main private curtilage area is also considered to be sufficient. Although the site is immediately adjacent to the Lancaster Canal and access via a Hatlex swivel bridge, there are existing fences and gate bounding the site, and this presents no greater danger to the proposed occupants than it would as a residential dwelling. Indeed, it could be argued that the proposed use offers a greater level of supervision by professional carers, particularly during the day when more than two employees are anticipated to be on site. The site is approximately 1km walk from sports and recreation facilities in Hest Bank. The proposed use is considered to have an acceptable impact upon residential amenity, compatible with policy DM35.

## **8.0 Planning Obligations**

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

**9.0 Conclusions**

- 9.1 The proposed use will provide a place of care for 4 young persons that cannot be provided by a family parent or guardian due to family circumstance. The site is considered to be suitable for the needs of these young persons. Although likely to generate a modest level of additional vehicular trips, the provision of two passing places along the single width unmade track, additional parking provision on site and signage on the towpath is considered to satisfactorily and proportionately mitigate the impact upon users of the track, canal, towpath and public highway. The intensified residential use and use of the track is considered to have no detrimental impact upon neighbouring residential amenity or drainage, and the existing trees and hedgerows (with the exception of a 4 metre section of hedge) are retained and this is considered acceptable. Therefore the application can be supported subject to planning conditions

**Recommendation**

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

1. Standard 3 year timescale
2. Development to be carried out in accordance to approved plans
3. Implement the mitigation measures in the TPP and retention of existing trees and hedges
4. Submit details of signage, to be agreed with Canal and River Trust, and implemented prior to use and retained
5. Provision of surfacing, 4.1m wide passing places and parking prior to use and retained
6. No more than 4 young persons shall be in receipt of care by the residential care home at any one time
7. Notwithstanding the provisions of the Use Class Order, the property shall be restricted to children's care home and no other use within Use Class C2 without the express consent of the Local Planning Authority

**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

<p align="center"><b>Agenda Item</b></p> <p align="center">A9</p>	<p align="center"><b>Committee Date</b></p> <p align="center">25 June 2018</p>	<p align="center"><b>Application Number</b></p> <p align="center">18/00154/FUL</p>
<p align="center"><b>Application Site</b></p> <p align="center">Land Off Imperial Road Heysham</p>	<p align="center"><b>Proposal</b></p> <p>Erection of an industrial unit (B2) with associated offices (B1), storage and distribution (B8), creation of new access and car parking, provision of surface water attenuation ponds, regrading of land, erection of retaining walls, cycle and smoking shelters and waste compactors</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Mr John Pike</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">Mr Anthony Gilmour</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">24 August 2018</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">Not Applicable</p>	
<p><b>Case Officer</b></p>	<p>Mr Mark Potts</p>	
<p><b>Departure</b></p>	<p>Yes</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval</p>	

**1.0 The Site and its Surroundings**

- 1.1 The c3.3 hectare site is located off Imperial Road, approximately 2km to the south east of Heysham Village. To the north of the site lies a number of ponds and field drains, to the east lies Imperial Road which connects to the A683 and leads to the Middleton Waste Transfer Station. To the south of the site lies rough grazing land, with the same to the west. The nearest residential dwellings are those off Borrans Land at Old Trafford park approximately 150 metres to the west of the application site. The site is made up of rough grazing land, featuring a pond and scrubland. The levels on the site tend to fall from west to east from a high of around 10 metres AOD to 6 metres AOD.
- 1.2 The site is currently allocated as a woodland opportunity site (Middleton Wood) within the Lancaster District Local Plan under saved Policy E26 and is also allocated as Countryside Land under saved Policy E4 of the Lancaster District Local Plan. Middleton Marsh Biological Heritage Site is located 150 metres to the south of the proposed site boundary and Morecambe Bay SPA, RAMSAR, SAC and SSSI is located some 1.85 km to the west. The site is located within Flood Zone 1 though Flood Zones 2 and 3 are only 15 metres to the east. The site has been historically infilled with inert waste following its time as a borrow pit in connection with the construction of the Lancaster – Heysham Bypass.

**2.0 The Proposal**

- 2.1 The application is made in full by GVS Filters who currently operate from the nearby Vickers Industrial Estate (3.5km away). The company produces filters and components for applications in the healthcare, automotive, appliance, and commercial and industrial filtration sector. The intention would be to relocate their operations from the Vickers Industrial Estate to this new proposed site.
- 2.2 One building is proposed measuring 180 metres in length, 80 metres in depth and a maximum of 12 metres to the ridge height. The ground floor would provide 9,700 square metres of floor space and the first floor would total 4,700 square metres. In terms of the ground floor this is predominately a general assembly area, mould shop and storage area. On the first floor there is a proposed pad

conversion and pleating area. A number of offices are proposed on the ground and first floor, also to be used by the applicant.

2.3 A simple palette of materials is proposed using Kingspan Trapezoidal sheeting in Merlin Grey with a contrasting vertical strip in Gull Grey. The roof material would consist of composite steel sheeting and translucent double skinned roof lights. 220 car parking spaces (incorporating 10 disabled parking spaces) are proposed together with a new vehicular access off Imperial Road.

2.4 Landscaping is proposed along the eastern boundary of the site adjacent to Imperial Road, with the site to be raised in the region of 1.2 metres to ensure it is level with Imperial Road.

**3.0 Site History**

3.1 The site has a long and varied history as an ICI works and more recently was filled with inert waste and landfilled.

Application Number	Proposal	Decision
18/00339/EIR	Screening opinion for the erection of an industrial unit (B2) with associated offices (B1), storage and distribution (B8), creation of new access and car parking, regrading of land, erection of retaining walls, cycle and smoking shelters and waste compactors	EIA not required
16/00771/PRETWO	Erection of new factory and offices	Advice Provided

**4.0 Consultation Responses**

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

Consultee	Response
<b>Greater Manchester Ecology Unit</b>	<p><b>Raise concerns</b> with the contents of the ecological appraisal submitted with the scheme namely:</p> <ol style="list-style-type: none"> <li>1) Lack of wintering bird survey;</li> <li>2) Great crested newt surveys – additional information is required regarding a pond to the north of the development site;</li> <li>3) Breeding birds – the survey report found 1 red and 2 amber listed bird species breeding on the site but the ecologist’s reports recommendations are not in line with the proposed landscaping; and</li> <li>4) The proposal will result in a loss of habitat on the site with no compensation being proposed</li> </ol>
<b>County Highways</b>	<p>At the time of compiling this report, the Highways Authority have requested additional information with respect to the following matters:</p> <ol style="list-style-type: none"> <li>1) The position of Imperial Road and its future highway adoption;</li> <li>2) Acceptable access and provision for sustainable modes;</li> <li>3) Connection to the wider network, in particular Middleton Road</li> <li>4) The provision of a right turn facility and potential for vehicle conflict internally within the site and clarification over visibility splays and provision for sustainable movements</li> </ol> <p>Amended information was submitted just at the time of writing to address the above concerns and this has been shared with colleagues at the County Council. Members will be updated verbally.</p>
<b>Highways England</b>	<b>No objection</b>
<b>Environmental Health</b>	No response received within the statutory timescales.
<b>Tree Protection Officer</b>	<b>Objection</b> on the lack of a tree survey to support the planning application and also a replacement planting scheme is required.
<b>Parish Council</b>	No response received within the statutory timescales.
<b>Natural England</b>	<b>No objection</b>

<b>Environment Agency</b>	<b>No objection</b> , though recommend planning conditions associated with the remediation of the land.
<b>RSPB</b>	No response received within the statutory timescales
<b>Electricity North West</b>	<b>No objection</b>
<b>Health and Safety Executive</b>	A PADHI has been undertaken, and the proposed development site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline.
<b>Lead Local Flood Authority</b>	<b>No objection</b> , though recommends a number of planning conditions requiring the submission of surface water details and its associated management.
<b>Office of Nuclear Regulation</b>	<b>No objection</b> to the development proposal
<b>Cadent Gas/National Grid</b>	<b>No objection</b>
<b>Emergency Planning</b>	<b>No objection</b>

## **5.0 Neighbour Representations**

5.1 No representations have been received.

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

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

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles  
 Section 1 Building a Strong, competitive economy  
 Section 3 – Supporting a prosperous rural economy  
 Section 4 – Promoting Sustainable Transport  
 Section 7 – Requiring Good Design  
 Section 8 – Promoting Healthy Communities  
 Section 10 – Meeting the challenge of climate change, flooding and coastal change  
 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 Lancaster District Core Strategy Policies

SC1 – Sustainable Development  
SC5 – Achieving Quality in Design  
E2 – Transportation Measures  
ER2 – Regeneration Priority Areas

### 6.4 Development Management DPD

DM7 – Economic Development in Rural Areas  
DM15 – Proposals involving employment land and premises  
DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM23 – Transport Efficiency and Travel Plans  
DM27 – 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  
DM38 – Development and Flood Risk  
DM39 – Surface Water Run-Off and Sustainable Drainage  
DM40 – Protecting Water Resources

### 6.5 Lancaster District Local Plan Saved Policies

E4 – Development within the Countryside  
E26 – Middleton Wood

### 6.6 Joint Lancashire Minerals and Waste Local Plan

WM2 – Large Scale Built Waste Management Facilities  
BWF17 – Lancaster West Business Park

### 6.7 Strategic Policies and Land Allocation Development Plan Document (Emerging Policy)

SG15 – Heysham Gateway, South Heysham  
EC1 – Established Employment Areas

### 6.8 Other Material Considerations

- Surface Water Drainage, Flood Risk Management and Watercourse Planning Advisory Note (May 2015);
- Provision of Electric Vehicle Charging New Points (September 2017)
- Provision of electric vehicle charging points new developments (September 2017)
- Low Emissions and Air Quality (September 2017).

## **7.0 Comment and Analysis**

The key material considerations arising from this proposal are:

- Principle of Development;
- Highways;
- Design Matters;
- Surface Water Management;
- Ecology;
- Air Quality;
- Contaminated Land;

- Other Matters.

7.1 Principle of Development

- 7.1.1 The site is identified as being within a 'Regeneration Priority Area' in the Core Strategy under Policy ER2 and whilst the Core Strategy encouraged the concept of 'Green Regeneration' to include renewable energy and waste installations, there is scope for other uses falling within the B1, B2 and B8 use classes. Given the completion of the Bay Gateway this helps assist with respect to accessing the area, and critically stimulating economic growth and providing employment, and is something that has been advocated by the City Council for a number of years.
- 7.1.2 Under Policy EC1.10 of the emerging Land Allocations DPD the wider area, in which all of the application site falls, is allocated as the Lancaster West Business Park which seeks to support development proposals for B1 (Office), B2 (General Industrial) and B8 (Storage and Distribution). This is supported by emerging policy SG15 of the Land Allocations DPD (Heysham Gateway), which seeks to support business that contributes to the improvements to the green network in the Heysham Gateway area. The site is included within the Joint Lancashire Minerals and Waste Local Plan and is identified under BWF17 (Lancaster West Business Park). It is therefore evident, that the City and County Councils both have an aspiration for this area of the District to be a focus for growth.
- 7.1.3 Notwithstanding the employment focus of emerging policies, it should be noted that the site currently benefits from a countryside allocation within the adopted Local Plan under saved Policy E4, and the Middleton Wood Community Woodland designation under saved Policy E26 of the Local Plan (both these policies remain relevant). The intention of the Middleton Wood policy was to introduce a major woodland in the area and in part this is complemented by Policy DM29 of the Development Management DPD. Policy ER2 of the Core Strategy seeks to support habitat creation such as via woodland and therefore there are synergies with the Middleton Wood policy that the site benefits from. Therefore any forthcoming scheme has to ensure that it contributes and provides for high quality landscaping, and ensures that there is no net loss from a biodiversity perspective.
- 7.1.4 The site was agricultural land before becoming part of a much larger industrial complex to the west known as the Trimpell Oil Refinery, which was established in 1939 to produce aviation fuel during World War II. Following this, the site began to manufacture explosives, nitric acid and fertiliser. The use of the site as a chemical works then continued until 1986. It is understood that inert waste material was deposited in 1993-94 as part of the Heysham Link Road. Given the previous land use, it could be considered that the land is previously developed land and therefore Policy DM15 of the Development Management DPD is relevant in the consideration of this application which does support the principle of land and buildings being brought back into use for economic purposes provided that access, landscape and visual amenity can be satisfactorily addressed, and that the proposal conforms to the general design requirements outlined in Policy DM35 of the Development Management DPD. Policy DM7 of the Development Management DPD which relates to economic development in rural areas can also be considered in the context of this planning application.
- 7.1.5 The scheme at present (if approved) would constitute a partial departure from the Development Plan (given the policies contained within the Local Plan) and despite the emerging policy position, has been advertised as such. The applicant, has therefore been asked to demonstrate that based on the operational requirements of the business, that there are no other available more sequentially preferable sites on allocated employment sites within the District. The applicant is currently located on the nearby Vickers Industrial Estate in Morecambe and operates from 16 units (some of which are inter-connected) totalling 11,000 sq.m. The applicant has stated that further expansion on the Vickers site is not possible, and therefore potentially impacting on business growth. Because of the dispersed nature of the current buildings on Vickers Industrial Estate this results in a configuration that is inadequate for a fully integrated manufacturing organisation and causes disruption to the process and material flows which result in inefficiencies in terms of cost and output.
- 7.1.6 The agent provided evidence on late in the determination period despite early requests that the Former NTG Factory on Middleton Road is available, but was discounted on the basis that to provide the accommodation this planning application proposes, the fragmentation would be worse than the situation that arises at the Vickers Industrial Estate. There is a warehouse at Heysham Port that is being marketed, and provides for 8,136 sq.m of floor space but given the height of the building is only 5.1m it would be hard to provide the mezzanine level (which the applicant would require). A



further site at Halls Beeline at Northgate has been identified but only provides for 4,000 sq.m and there is no room for expansion. The final site identified by the applicant is the Kidds Transport Limited site off Caton Road. Whilst there is the scope for development here the site was subject to flooding and bearing in mind the nature of the business this may mean gaining insurance would be problematic. Officers are also aware of a site on the Lansil Industrial Estate spread over 9 buildings and whilst offering the space required for the operational needs of the business the buildings are all dispersed creating the problems currently encountered on the Vickers Industrial Estate.

7.1.7 Officers not only welcome new business to the District but critically retaining existing local businesses is equally vital, and supporting development on the site would safeguard about 350 jobs. Furthermore, approval of this scheme would mean that 16 industrial units would be released as a result of the implementation of this permission, and therefore would further assist in promoting economic growth within the District. It therefore can be concluded that the applicant has successfully demonstrated to the satisfaction of the Local Planning Authority that there are no other more sequentially preferable sites and the principle of development on this site could be found acceptable on the understanding that other technical matters can be adequately addressed.

## 7.2 Highways

7.2.1 A Transport Assessment has been submitted in support of the scheme, and this has been reviewed by the Highway Authority (HA). A meeting has also taken place between representatives of the County Council, HA and the applicant's agent and consultants to discuss the proposal and how it relates to the wider aspiration for growth in this part of the District. The HA has raised some concerns with respect to the development, namely regarding the future adoption arrangements associated with Imperial Road, which is owned and maintained by the HA (though the road is not currently adopted). An addendum to the applicant's Transportation Assessment was submitted at the time of writing this report, which has been shared with the HA. The submission seeks to address the technical issues raised by the HA, namely providing a right hand turning lane into the site, the provision for a 3.5m wide pedestrian/cycleway along the eastern boundary of the site (which links to the A683 to the north) and wider visibility splays in each direction. Further information on traffic figures and traffic forecasts and how this relates to the proposed parking spaces has also been submitted.

7.2.2 Given the scheme has been submitted in advance of the wider masterplan for the area there is a need to fully consider the infrastructure requirements that, in the longer term, would support wider vehicular connectivity and ensure that the site is designed with sustainable modes of transport in mind. Critically what this application fails to establish is the connection to Middleton Road and in the eyes of the City and County Councils remains fundamental to facilitating trip transfers from Middleton Road, public transport routing and enhanced connectivity with the existing built environment. Notwithstanding this, it would be unreasonable and certainly not proportionate to the development applied for, to ensure that the applicant contributed to the full cost of these works.

7.2.3 Officers had considered that the applicant should look into how the site could promote other forms of sustainable transport and whilst a shuttle bus has been proposed as part of the scheme, no contribution has been forthcoming regarding any improvements to local bus services or the like. Furthermore the submission makes no reference as to whether there is any appetite from any of the local bus service operators as to whether in future they could use Imperial Road. Whilst a shuttle bus is positive (given many staff live within Lancaster, Heysham and Morecambe as evidenced in the applicant's latest transport addendum it is somewhat unfortunate this is all that is being proposed (besides the pedestrian / cycle path along the western edge of Imperial Road) and cycle parking at the site. No bus service currently operates along Imperial Road, which is not necessarily a surprise given the junction with Middleton Road is not in place. There is a service along Middleton Road, but the nearest bus stop is 1km away and therefore not entirely conducive to promoting access by bus.

7.2.4 The HA has raised concerns that there is currently limited provision for sustainable modes of transportation on the local highway network and it is anticipated that a pedestrian cycle way will be required to be delivered along Imperial Road to support highway adoption and the needs of all users and the wider needs. The applicant's submission does now show a proposed route along the western edge of Imperial Road and also takes into account the wider area showing that a route could be achievable. However, comments are required in this regard from the HA.

- 7.2.5 Whilst the site is proposed to be allocated as employment land within the emerging Local Plan the HA is concerned that this development is coming forward in advance of the preparation of the Development Brief. They expect that the additional information alongside the City Council's views on how road adoptions, sustainable modes of transportation and the connection to Middleton Road will be unlocked. The City Council as part of its evidence base for the Local Plan does have an Infrastructure Delivery Plan (IDP) Schedule and IDP-TR36 and IDP-TR37 look at the Imperial Road Improvement works and Middleton Road Junction Improvements. Both of these are to be examined in greater detail through the preparation for the Development Brief for the Heysham Gateway Area. Naturally given it relates to the highway network, the HA would be the lead agency in this regard. The Infrastructure Delivery Plan also seeks to ensure bus service improvements and also aiding cycling and walking within South Heysham.
- 7.2.6 It is accepted that there is an argument to suggest that the planning application should have been submitted once the masterplan was finalised (and this was advocated within the Council's pre-application advice in 2016). Notwithstanding this, Local Planning Authorities must determine planning applications in a timely manner and cannot defer them indefinitely. To do so would almost certainly lead to an applicant appealing against 'non-determination' of the planning application. Whilst indefinite deferral is clearly not an option, there is (in extreme circumstances) the option of refusing an application on the grounds of prematurity.
- 7.2.7 National Planning Practice Guidance provides useful commentary on the issue of prematurity. It states:
- "Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process".*
- 7.2.8 When considering whether this particular development is premature (i.e. ahead of master planning the Heysham Gateway), the two questions that need to be considered are:
- (a) Is the development proposed so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and,
  - (b) Is the emerging plan at an advanced stage (even though it is not yet formally part of the development plan for the area)?
- 7.2.9 In response to the first issue, whilst master planning will be fundamental to successfully delivering the Heysham Gateway, it is considered that this site can be developed ahead of this process. This is because the site is unlikely to prejudice the wider development of the site (assuming this scheme provides for high quality landscaping, ensuring sustainable modes of transportation can be delivered, and making a contribution towards off-site highway works and that the drainage scheme works). On the second issue, the emerging Local Plan has been submitted for examination, so it is at a very advanced stage.
- 7.2.10 Regarding car parking, the site operates 24 hours a day but has shift patterns. Whilst 220 car parking spaces are proposed on the site, due to the nature of shift operations the peak demand is only likely to be at the 14:00 shift changeover when 212 vehicle's would need to park (as detailed within the applicant's Highways Addendum). Within the applicant's Travel Plan there would be 120 employees working within the factory between 0600 and 1400 and 70 within the office (office staff working 0900 to 1730). Whilst the proposal may be compliant with the parking standards, it is important to note these are *maximum standards* and officers continue to have significant concerns that given the level of parking proposed that the development is likely to be heavily reliant on private car journeys. Officers have raised concerns regarding the quantum of parking, but the level has not changed during the course of this planning application but discussions will continue and Members will be updated verbally.

7.2.11 Officers would ordinarily have wanted to have a clear position from the HA in advance of reaching a recommendation. One of their concerns is that Imperial Road is not adopted, but if measures can be undertaken to ensure that the site is sustainable then this is a secondary matter. Officers will continue to work with the HA and the applicant's agent in advance of the Planning Committee and Members will be updated verbally.

### 7.3 Design Matters

7.3.1 The development consists of a single building, which occupies a footprint of 9,600 sq.m at ground floor with 4,700 sq.m at first floor. The site falls within a depression and this is proposed to be raised to the road level and cut into the existing topography with reinforced retainer walls along the western boundary to assist in reducing the impact of the development within this setting. The building is proposed to be constructed of steel portal framing clad with a selection of composite cladding panels. The form of the new building is an inverted T with the office element located on the frontage of the building and the manufacturing element to the rear. To animate the building the office element will be clad externally with an architectural wire mesh tensioned between the eaves and floor level externally. The mesh provides solar screening to the office block and assists in providing a contemporary look to the principle elevation.

7.3.2 The building is very functional and lacks creativity, and during pre-application discussions Officers had advocated a building that was a little more imaginative and creative. Whilst this is apparent within the principle façade the remainder of the building is quite homogenous. Notwithstanding this, the applicant from a logistics perspective requires the building proposed. On balance, subject to conditions regarding the choice of materials and the provision of a much improved landscaping scheme, the proposal can be found acceptable from a design perspective.

### 7.4 Ecology and Natural Environment

7.4.1 The application is supported by an ecology appraisal of the site in the form of an extended Phase 1 habitat survey and protected species surveys in the form of bat, reptile, great crested newts and water voles. The site contains semi improved grassland, scrub, plantation woodland, swamp and a pond. It is clear therefore there is some biodiversity value in the site given the site has been allowed to naturally regenerate. Officers have concerns that the scheme as proposed would result in a net loss of biodiversity and fails as it stands to provide sufficient compensation. Officers have significant concerns that little compensation has been proposed and despite raising this early in the determination period with the agent, no changes or additional information has been submitted. The development should embed 'net environmental gain', but the scheme at present is demonstrating a net loss. The site layout could be amended to provide for appropriate and deliverable mitigation and compensation, and therefore it is considered that the scheme is capable of complying with Policy DM27 of the Development Management DPD.

7.4.2 A tree survey was initially submitted in support of the scheme but it failed to contain how the proposed development affected the trees within the site, and therefore an Arboricultural Impact Assessment showing how the proposed development affects the trees was requested. The agent did submit an amended layout constraints plan to show the proposed development and the vegetation, but failed to provide the required Arboricultural Implications Assessment. The Tree Officer maintains an objection as it is not possible to assess whether or not the development complies with Policy DM29 of the Development Management DPD.

7.4.3 The applicant's ecological appraisal highlights that no Natural England licences are required to develop the site. However, the presence of protected species is a material consideration when considering to grant planning consent. If a licence is required from Natural England, then prior to the issue of any planning consent, the local planning authority will need to be satisfied that there is no reason why such a licence would not be issued. Given the content of the ecological appraisal and that the appointed ecologist recommends no requirement for any Natural England licences (given the development is unlikely to harm protected species) then Officers conclude there is no need to apply the derogation tests as set out in the Conservation and Species Regulations 2010. Given amended information on great crested newts has been requested, but remains outstanding, should it be considered that the development poses a threat to protected species (on receipt of the additional amended information) then Officers will need to carry out their duty under the Regulations (to adhere to their function as competent authority).

- 7.4.4 Whilst a landscaping scheme has been proposed as part of the scheme there is a conflict between it and the submitted ecological assessment. For this building to be found acceptable in this location, (and noting the Middleton Wood allocation and the requirements for improvements to the green network in the Heysham Gateway) an improved landscaping scheme will be required.
- 7.5 Surface and Foul Water Drainage
- 7.5.1 A surface water drainage scheme has been submitted in support of the planning application. It is concluded that the site lies within Flood Zone 1 and that the majority of the site has been concluded as being at low or negligible risk from all other assessed sources of potential flooding. There is the potential for surface water flood risk within the site but this will not result in a risk to the proposed scheme given levels on the site are proposed to be raised to facilitate development (to 7.2m AOD) with finished floor levels of the proposed units being at 7.7m AOD. The applicant's proposal is to discharge surface water to the northern ditch system and a new basin to the west of the proposed building and amendments to the northern ditch system is proposed to accommodate the development. The scheme does propose amendments to a pond to the north of the site in the form of ditches being removed and regraded. A comprehensive drainage plan will be prepared as part of the development brief for the site and there is work in progress with respect to this.
- 7.5.2 It is important that Members are aware that they are considering this application and not its wider implications. For example, there is a risk that the development proposal could result in issues that could prejudice the delivery of the wider Heysham Gateway Development, but there is nothing before the Planning or Lead Local Flood Authority (LLFA) Officers that this is the case. The LLFA has no objection to the planning application on the understanding that planning conditions are attached to any planning consent that cover the detail design, maintenance and management, methods to prevent pollution to watercourses, and ensure that flooding is not exacerbated during construction. It is considered reasonable to attach planning conditions to this effect.
- 7.5.3 Foul water drainage is expected to be accommodated within the Heysham Gateway foul infrastructure within Imperial Road. United Utilities raises no objection to the development but advise that they have no public sewers within the vicinity of the proposed site, except for a significant pressurised rising main and they would not allow it. Notwithstanding this, a planning condition could be utilised to address this concern.
- 7.6 Air Quality
- 7.6.1 The development is located outside of an Air Quality Management Area, and to date no observations have been received from Environmental Health. The Council's Planning Advisory Note advocates that on a scheme such as that proposed in the region of 9 parking spaces should be served by electric vehicle charging points and these should be on the basis of a fast charging rate of at least 43 kW/63A (i.e. taking about 2 to 4 hours to charge an electric vehicle. Comments are awaited from the Council's Environmental Health Officer and these will be reported verbally to Members. It is considered should Members seek to approve the scheme then a relevant condition can be attached to the planning consent requiring the provision of electric vehicle charging points and this would be considered reasonable and proportionate to the development applied for. Covered and secured cycle parking should also be provided for. Little in the way of air quality information has been submitted with the scheme and it is considered that some consideration by the applicant as to whether the HGV fleet could run using low emission vehicles, and whether the staff shuttle bus as proposed could be a low emissions purpose built staff bus should also be actively considered. A Travel Plan is recommended to ensure that reduced car trips are achieved. Discussions will continue with the applicant's agent, and Members will be updated in this regard.
- 7.7 Contaminated Land
- 7.7.1 A desk study and ground investigation has been submitted in support of the scheme and this provides the Local Planning Authority with confidence that it will be possible to suitably manage the risk posed to controlled waters by the scheme. Additional information will, however, be required prior to any development coming forward. The Environment Agency share this view and therefore a contaminated land condition should be imposed on any planning consent.
- 7.8 Other Matters

- 7.8.1 The application is accompanied by a noise report, which concludes that the same process has been used in the current location on Vickers Industrial Estate for a number of years without complaint from established residential properties within the vicinity of the site. The nearest residential property is in the region of 135 metres to the west of the development site. Whilst this is a substantial distance the site does operate 24 hours a day. However, the predominant noise source locally was traffic. It is not envisaged that noise generated by the proposal would give rise to noise concerns, and it is on this basis that Officers are recommending support of the scheme, but without Environmental Health's comments this is not confirmed. Members will be updated verbally.

## **8.0 Planning Obligations**

- 8.1 A legal agreement is recommended to secure the introduction of the shuttle bus as proposed by the applicant and its ongoing provision.

## **9.0 Conclusions**

- 9.1 The local planning authority is keen to support existing businesses who operate within the District, and to enable them to become more competitive in the marketplace. Since the completion of the Bay Gateway this should enable regeneration to this part of the District. Based on the operational requirements of the business, Officers are satisfied that there are no other more sequentially preferable sites within the District (on allocated employment sites) and therefore can accept the principle of a building of this size, nature and scale on this site. Whilst the building proposed lacks creativity, it is functional, and subject to conditions concerning materials can be found acceptable. It is accepted that there are a number of key technical issues still to resolve but there is nothing before Officers to demonstrate that these issues cannot be addressed. It is for this reason Officers recommend that the scheme is delegated back to the Planning Manager to allow further information to be received and consulted on, and secondly to allow the Legal Agreement to be concluded.
- 9.2 Concerns have been raised by County Highways in that the scheme is being advanced ahead of the Local Plan, and Officers share this concern. However, this planning application has to be considered on its own merits. Officers are confident the issues raised by the Highway Authority can be addressed. Concerns with respect to ecology have been expressed by Greater Manchester Ecology Unit and additional information is awaited from the applicant to demonstrate that the site can be developed and provide 'no net loss' from a biodiversity perspective. Planning permission is being recommended on the provision that suitable mitigation will be provided and the same is true with respect to trees and landscaping on the site.
- 9.3 The site is located in Flood Zone 1 and levels are being increased to facilitate the development. A detailed flood risk assessment and associated surface water management plan has been submitted and the LLFA have no objections to the proposal. There is confidence that the site can be drained with sustainable drainage principles in mind and planning conditions are subsequently recommended. Given the above it is recommended to Members that planning permission be granted subject to the conditions and receipt of no objections from the statutory consultees.

## **Recommendation**

Subject to a resolution of the issues raised within this report and no objections being received from County Highways, Greater Manchester Ecology Unit, Tree Protection Officer and Environmental Health Officers,

and subject to the applicant signing and completing a legal agreement to secure the introduction of the shuttle bus and its ongoing provision,

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

1. 3 year timescale
2. Development in accordance with approved plans
3. Surface water drainage scheme
4. Surface water management scheme
5. Foul water drainage scheme
6. Contaminated land condition, including the submission of a verification report to demonstrate compliance with the remediation report

7. Submission of access details
8. Scheme for the provision of off-site highway works
9. Transport management plan including:
  - Car parking provision
  - Management Plan for the car park
  - Secure and covered cycle parking
  - Staff Travel Plan
  - Provision of 9 fast charge electric vehicle charging points
10. Submission of finished floor and site levels, including details of retaining structures
11. Submission of building materials and lighting details
12. Provision of a landscaping scheme and associated management plan
13. Ecological mitigation and enhancement
14. Environmental Management Plan during the construction period
15. Removal of relevant permitted rights

**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 A10	Committee Date 25 June 2018	Application Number 17/00848/OUT
<p align="center"><b>Application Site</b></p> <p align="center">Land South Of Playing Field Trumacar Lane Middleton Road Heysham Lancashire</p>	<p align="center"><b>Proposal</b></p> <p align="center">Outline application for the erection of up to 75 dwellings with associated access</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Holden Homes Ltd</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">Miss Emily Robinson</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">28 November 2017</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">Awaiting viability information from the applicant and subsequent independent viability review</p>	
<p><b>Case Officer</b></p>	<p>Mr Mark Potts</p>	
<p><b>Departure</b></p>	<p>Yes</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval</p>	

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

- 1.1 The 2.25 hectare application site is situated to the southern end of Heysham. The site is bordered by Middleton Road to the east, allotment gardens alongside the Heysham/Morecambe railway line to the south, the rear gardens of some of the properties on Oakville Road and Westmoor Grove to the west and Trumacar Lane playing fields to the north (in addition to 95 Middleton Road and the rear gardens of nos. 2 and 4 Trucamar Lane).
- 1.2 The undulating site has a north-south ridge with land falling towards the west and east boundaries. Middleton Road sits higher than the site's eastern boundary with a noticeable dip between the site and the road along which the pedestrian path is situated. There are trees to all boundaries with the exception of the eastern one which is defined by a row of scrub and brambles. The site is undeveloped scrubland.
- 1.3 The western half of the site is designated as a Housing Opportunity Site whilst the eastern half is designated as Urban Greenspace in the Lancaster District Local Plan. The full site within the emerging local plan is proposed to be allocated as a housing opportunity site.

## **2.0 The Proposal**

- 2.1 The application seeks outline planning permission for the erection of up to 75 residential units. All matters are reserved with the exception of access. The proposed access, which is being applied for in full, would be created on the eastern edge of the site onto Middleton Road. Other matters, such as design (appearance, scale and layout) and landscaping, are in outline only.
- 2.2 The planning application is essentially the same as the planning application which was approved in 2014 (application reference 14/00175/OUT). This planning permission was never implemented and therefore has lapsed. The applicant has re-applied for consent on the basis of the same scheme, but on the assumption that the scheme cannot make a viable contribution towards affordable housing provision and therefore zero was proposed. The lapsed scheme was approved on the basis that it would provide up to 40% of the units to be affordable.

### 3.0 Site History

3.1 The planning history for the site goes back to 2001, with the 3 most relevant applications listed, which relate to the west and central parts of the site and the most recent the whole of the site.

Application Number	Proposal	Decision
01/00083/OUT	Outline application for residential development	Permitted
04/01637/REM	Reserved Matters application for the erection of 39 dwellings and associated works	Permitted
14/00175/OUT	Outline application for the erection of up to 75 residential units with associated access	Permitted

### 4.0 Consultation Responses

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

Consultee	Response
County Highways	<p><b>No objection</b> to the scheme on the basis that:</p> <ul style="list-style-type: none"> <li>• Visibility splays of 2.4m x 90m are achieved and secured by planning condition;</li> <li>• Provision of off-site highway improvement works to include works along Middleton Road (shared pedestrian/cycleway on the west of Middleton Road and south side of Trumacar Lane and upgrade of the pelican crossing on Trumacar Lane) or works to allow a shared access across Trumacar fields;</li> <li>• The provision of 2 new bus stops and shelters on Middleton Road</li> </ul>
Lead Local Flood Authority	<p><b>No objection</b> subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1) Development is in accordance with the submitted Flood Risk Assessment</li> <li>2) Surface Water drainage scheme to be agreed</li> <li>3) Surface Water Lifetime Management and Maintenance Plan</li> <li>4) No occupation until such time a SuDS scheme and Surface Water Lifetime Management and Maintenance Plan is implemented</li> <li>5) Restricting permitted development rights to manage flood risk</li> <li>6) Construction and operation of attenuation/storage prior to main construction phase/occupation</li> </ol>
United Utilities	<p><b>No objection</b> though recommends that foul and surface waters are drained on separate systems and that a surface water drainage scheme is implemented as part of any approval. United Utilities notes that there is a public sewer crossing the site and an access strip of metres is required.</p>
Network Rail	No response within the statutory timescales
Office for Nuclear Regulation	<b>No objection</b>
Lancashire County Council Education	<p><b>No objection</b> has been raised though County Education requests that provision is made for 4 primary school places by way of a contribution of £56,869.24 (though this could rise to a maximum of £85,303.86 for 6 places).</p>
Fire Safety Officer	<b>No objection</b>
Public Realm Development Manager	<p><b>No objection</b> recommends that 1256m<sup>2</sup> of open space is provided on site. Given the number of units a play area will be required and an off-site contribution of £133,563 is required (Outdoor sports facilities (£76,155), Young people's facilities (£35,880), Parks and Gardens (£21,528)).</p>
Lancashire Archaeological Advisory Service	<p><b>No objection</b>, but recommends planning conditions associated with a written scheme of investigation and its subsequent implementation.</p>
Natural England	<p>Initially raised concern given the proximity of the Morecambe Bay SPA, SAC, RAMSAR and SSSI, but via negotiation is now satisfied that the development can be found acceptable on the understanding that a planning condition associated with homeowner packs is imposed on any consent.</p>



<b>Electricity North West</b>	<b>No objection</b> , but highlights that there is Electricity North West apparatus within the site and the applicant should be wary of these.
<b>Contaminated Land Officer</b>	<b>No objection</b> , but recommends planning conditions associated with contaminated land are imposed on any approval.

## **5.0 Neighbour Representations**

5.1 The application has generated two objections raising the following issues:

Highways – A pedestrian footpath, crossing or footbridge should be incorporated in the plans; and  
Sustainability Credentials – Lack of infrastructure locally to accommodate additional dwellings.

5.2 Councillor Colin Hartley has no objection in principle to housing but does object to any deviation from the provision of 40% affordable homes.

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

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

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles  
Paragraph 32, 34 and 38 - Access and Transport  
Paragraphs 49, 50 and 55 - Delivering Housing  
Paragraphs 56, 58, 60, 61 and 64 - Requiring Good Design  
Paragraphs 69,70, 72 and 73 - Promoting Healthy Communities  
Paragraph 103 - Flooding  
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 (adopted July 2008)**

SC1 – Sustainable Development  
SC4 – Meeting the District's Housing Requirements

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

E29 – Urban Green Space  
H3 – Housing Opportunity Site

## 6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM23 – Transport Efficiency and Travel Plans  
DM26 – Open Space, Sports and Recreational Facilities  
DM27 – Protection and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM32 – The Setting of Designated Heritage Assets  
DM34 – Archaeology  
DM35 – Key Design Principles  
DM38 – Development and Flood Risk  
DM39 – Surface Water Run-off and Sustainable Drainage  
DM41 – New Residential dwellings  
DM48 – Community Infrastructure

## 6.6 Other Material Considerations

- Meeting Housing Needs Supplementary Planning Document;
- Surface Water Drainage, Flood Risk Management and Watercourses (May 2015);
- Open Space Provision in new residential development (October 2015);
- Provision of Electric Vehicle Charging Points New Developments (September 2017);
- Affordable Housing Practice Note (September 2017);
- Low Emissions and Air Quality (September 2017);
- Local Plan Viability Assessment Stage One (May 2018)

## 7.0 Comment and Analysis

The main considerations with the application relate to the following:

- Principal of development;
- Viability;
- Greenspace;
- Access and Highway Safety;
- Surface Water and Foul Water Management;
- Ecology and Natural Environment;
- Environmental Impacts;
- Open Space; and
- Other Matters

### 7.1 Principal of Development

7.1.1 The site's planning history, both in terms of planning applications and local policy, establishes the principle of housing on the western half of the site. The proposal seeks to deliver up to 75 residential units. This is a significant amount of housing, which will contribute towards the Council's 5 year housing supply. The Office for Nuclear Regulation and other associated bodies have been consulted and they are satisfied that the development of this site for housing can be accommodated within the existing emergency planning procedures for evacuation in the event of a nuclear emergency.

7.1.2 As part of the emerging plan the site is allocated under Policy H1 (H1.7 – Land west of Middleton Road). The site is allocated for 69 dwellings and therefore the emerging position is quite clear in that whilst the eastern section of the site is allocated under Policy E29 and ordinarily a residential form of development would be refused, given the planning history of the site, and also the emerging position, whilst the scheme departs from the adopted Development Plan, Officers recommend that the principle of development can be supported on this site. Finally the site, though slightly divorced from the main part of Heysham by Trumacar Lane, is relatively well located for local facilities

including schools, shops, doctors and public transport. Subject to the loss of greenspace (see Paragraph 7.3), the proposal is acceptable in principle.

### 7.2 Viability

7.2.1 The application is submitted in outline form, with only the means of access being applied for. A viability report was submitted in support of the scheme which demonstrated that the scheme could not support any contribution towards affordable housing provision. There was provision within the Section 106 agreement attached to the lapsed planning consent to allow for negotiation on the quantum of affordable housing however the applicant considered the headline figure of 40% was the reason that the site never came forward. The submitted scheme by the applicant was on the basis of providing no affordable housing.

7.2.2 The applicant's appraisal has been independently reviewed by Lambert Smith Hampton on behalf of the Local Planning Authority. Through negotiation, a figure of 18.67% of the units are financially capable of being affordable units. This equates to 14 units on the basis that these are 4 x two bedroom units, 3 x three bedroom units, both of which are affordable rented properties and 4 x two bedroom and 3 x three bedroom properties of shared ownership. The figure is less than the 40% which was sought on the lapsed outline permission but when considering the Local Plan Viability Report (Stage One) May 2018, it is clear that Heysham attracts lower values compared to higher values to the east of the District. Furthermore, as part of the Council's evidence base it has been concluded that sites within Morecambe and Heysham can deliver 15% of the units to be affordable and therefore via negotiation, Officers are satisfied that the site is not capable of providing a greater quantum of affordable housing. In addition to securing affordable housing provision, an off-site open space contribution of £80,000 has been achieved together with securing £56,869.24 towards four primary school places. It is recommended that a legal agreement secures the education and off-site open space contributions.

7.2.3 The application is submitted in outline form, with only the means of access being applied for. The case officer had advised the applicant that in order to robustly demonstrate that the site could not support a greater quantum of affordable housing than the zero proposed, that matters associated with scale, appearance and layout were applied for. The applicant was not amenable to such a request. Amendments to the layout, house types and number of dwellings could have a marked effect on the affordable housing provision and therefore Officers recommend that once the layout, scale and appearance have been applied for, this is re-examined at Reserved Matters stage and a clause to this effect should be contained within the legal agreement.

### 7.3 Greenspace

7.3.1 The application site is designated for 2 different purposes. The Housing Opportunity allocation relates to the western half of the site, and therefore this proposal is in accordance with this policy. The Urban Greenspace allocation, which covers the residual part of the site to the east, seeks to protect such land from development. However, the land serves no existing purpose in this regard. It is unmanaged and inaccessible and therefore neither enhances the character of the local area nor provides any form of amenity space for formal or informal recreation. Furthermore, it is argued that the need for housing now outweighs the provisions of this policy in this particular case. The policy does allow for essential education or community related development or limited expansion of existing recreational uses. Whilst housing is not a community related development, the housing needs survey makes it very clear that there is a significant housing (open market and affordable) need across the whole District and therefore this proposal does go some way to deliver a community need. It is concluded that a reason for refusal based on the loss of this parcel of greenspace could not, in this instance, be sustained.

### 7.4 Access and Highway Safety

7.4.1 The stretch of Middleton Road adjacent to the application site falls between the large roundabout at the end of the Heysham bypass and the bridge over the Heysham-Morecambe rail line. There are currently 2 access points off this short stretch on the eastern side of the road into 2 small employment areas. County Highways raised no objection on the lapsed consent and their stance is similar here. They have requested slightly larger visibility splays than previous, increasing them from 2.4m x 70m to 2.4m x 90m. The applicant has submitted an amended plan to cater for these changes and the Highway Authority is satisfied in this regard.

7.4.2 Within the applicant's submission they show a potential access to the adjoining land to the north of the site, for which Officers believe falls within the ownership of the County Council (Part of Trumacar Primary School Playing Fields). There would be value in securing a route across the playing field to enable access, and a point of access to the playing field can be achieved. This would be the favourable route, though should this not be possible (bearing in mind the playing field may be protected, and the access route would require the benefit of planning permission for which the scheme is not seeking), then improvements to the existing footway so that it could be used for pedestrians and cyclists along Middleton Road to the roundabout, and extended along the frontage of the playing fields, should be sought (akin to what was sought in 2014). This should also include an upgrade to the existing pelican crossing on Trumacar Lane to a toucan and any additional footway works on the north side of Trumacar Lane, and associated bus stop provision. Matters concerning highways can be addressed by means of planning condition.

## 7.5 Surface Water and Foul Water Management

7.5.1 The site is situated in Flood Zone 1 but as it is over 1 hectare the application has been accompanied by a Flood Risk Assessment. The Lead Local Flood Authority raises no objection subject to the imposition of conditions controlling surface water on the site and these are considered reasonable and necessary. United Utilities also does not object to the application subject to conditions. Both consultees have requested that drainage details will be required for the drainage of surface water and foul. The former would be dealt with in accordance with sustainable drainage principles and the latter on a separate drainage system. It is therefore concluded from a drainage perspective the scheme is acceptable.

## 7.6 Ecology and Natural Environment

7.6.1 An Extended Phase 1 Habitat Survey was carried out at the site by qualified ecologist and this has been supplemented by a further visit by the applicant's appointed ecologist in June 2017. The walkover survey and desk based study combined provide an adequate assessment of the site and the habitats and species it supports. The development of the site for housing purposes would not have an adverse impact upon biodiversity interests subject to the series of recommendations as set out in the Phase 1 Survey being fully implemented. The recommendations should be conditioned to any outline consent granted. There are areas of priority habitat on the site in the form of a hedgerow situated along the boundary to the north of the site. It is considered that enhancement measures are imposed by means of planning condition. Natural England (NE) previously objected to the development given concerns that it may increase recreational pressure on the Morecambe Bay SPA, SAC, SSSI and RAMSAR (essentially more people visiting the Bay). Officers have liaised with NE, and they are now satisfied that the development is acceptable, subject to the provision of homeowner packs (to inform residents of the ecological designations). It is therefore recommended a condition is imposed to this effect.

7.6.2 An Arboricultural Implications Assessment was not submitted in support of the 2014 planning application, and one has not been submitted with this application. Given the scheme proposed is the same as the previous scheme, it is considered that planning conditions can be imposed to control works close to existing vegetation, notably the protection of the hedgerow to the north of the site.

## 7.7 Environmental Impacts

7.7.1 The application is supported by a contaminated land report from 2014 which was previously considered acceptable for the purposes of approving planning permission 14/00175/OUT, and conditions were imposed on the lapsed consent regarding contaminated land. It is recommended that planning conditions are imposed on this consent should Members determine to support this scheme. No observations have been received from the Council's Environmental Health Officers regarding noise or air quality, and whilst no conditions were imposed regarding these matters previously, it is considered that all dwellings should include an electric vehicle charging point and this can be addressed by means of planning condition.

## 7.8 Open Space

7.8.1 The Public Realm Officer has requested open space off-site contributions amounting to a total of £133,563 (based on 69 3-bed units). There was also a request to provide 1256m<sup>2</sup> of amenity space

on the site. Given the size of the site, Officers would normally advocate on site play provision. The lapsed planning permission provided for a financial contribution of £80,000 and this was to go towards an older children/young teenagers' facility within 1km of the site. It is noted, for example, that there is a community led programme to provide a recreational facility on land at Peel Avenue for bike and skateboard facilities and this is less than 400 metres from the site. The Public Realm Officer has been re-consulted to advise whether the position in 2014 is still applicable today, and Members will be updated verbally at Committee.

### 7.9 Other Matters

7.9.1 Whilst no archaeological conditions were contained on the 2014 planning consent, Lancashire Archaeological Advisory Services has advised that a condition should be imposed regarding a programme of archaeological work as there is some potential for preservation of archaeological remains on this site. It is considered reasonable to require this, and this can be handled by means of planning condition.

### 8.0 Planning Obligations

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

- The provision of a minimum of 18.66% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be addressed at Reserved Matters stage based on local housing needs);
- Education contribution of £56,869.24 for four primary school places to be agreed (to be reviewed at the Reserved Matters stage when the unit numbers and number of bedrooms are known);
- Open space off-site contribution of £80,000;
- 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 Conclusions

9.1 The scheme does constitute a partial departure from the Local Plan given the land to the east of the application site is allocated as Urban Green Space where only essential education or community related development will be permitted. It is clear that based on the planning history of the site (including the 2014 lapsed planning consent) and the emerging position that officers can support the principle of development at this site. Whilst a lower quantum of affordable housing provision has been proposed as part of this scheme compared to the 2014 permission, it is clear that market conditions have changed, and the viability review has been the subject of independent review and it is recommended that a Section 106 secures the affordable housing provision (18.66%), off-site contribution towards open space and education contribution. On balance it is recommended to members that the scheme is supported subject to the applicant entering into a Section 106 Agreement and the conditions listed below.

### Recommendation

That Outline Planning Permission **BE GRANTED** subject to the signing and completing of a S106 agreement to secure the following obligations:

- The provision of a minimum of 18.66% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be addressed at Reserved Matters stage based on local housing needs);
- Education contribution of £56,869.24 for four primary school places to be agreed (to be reviewed at the Reserved Matters stage when the unit numbers and number of bedrooms are known);
- Open space off-site contribution of £80,000;
- The above 3 obligations are reviewed at the Reserved Matters stage;
- Long term maintenance of landscaping, open space and non-adopted drainage and highways and associated street lighting.

and the following conditions:

1. Timescales
2. Working Programme.
3. Access Details
4. Visibility Splays to be implemented measuring 2.4m x 90m
5. Offsite Highways Works (to include improvements to the existing footways along Middleton Road to support a shared surface for cycling and pedestrian movement, traffic calming together with bus stop provision on Middleton Road or Provision for a point of access to Trumacar Playing fields.
6. Submission of Arboricultural Implications Assessment, Tree and Hedgerow Protection Plan, Arboricultural Method Statement and Tree Works Schedule;
7. Provision for home owner packs;
8. Written scheme of archaeological investigation and subsequent implementation of such scheme
9. Contaminated Land Assessment and recording
10. Surface Water Drainage Scheme
11. Surface Water Management Scheme
12. Provision for foul water drainage details;
13. Development in accordance with the principles contained within the Flood Risk Assessment
14. Development in accordance with the principles contained within the Ecological appraisal
15. Finished floor and site levels
16. Open space provision, maintenance and management
17. No development over the public sewer that crosses the site
18. Electric vehicle charging points

## **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 agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

## **Background Papers**

None

Agenda Item A11	Committee Date 25 June 2018	Application Number 18/00234/FUL
<p align="center"><b>Application Site</b></p> <p align="center">Bay Scaffolding Northgate White Lund Industrial Estate Morecambe</p>	<p align="center"><b>Proposal</b></p> <p align="center">Demolition of factory building and erection of 4 industrial units, installation of a raised replacement roof and erection of a single storey infill extension to the front and first floor side extension to existing industrial unit</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Bay Scaffolding Ltd</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">Michael Harrison</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">5 July 2018</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">None</p>	
<p><b>Case Officer</b></p>	<p>Mrs Eleanor Fawcett</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Refusal</p>	

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

1.1 The site relates to an existing employment site located on Northgate, towards the north western edge of the White Lund Industrial Estate. Most of the site is set back from the highway and extends behind other units that appear to be outside the applicant's ownership. The site comprises a row of single-storey attached buildings in the northwest corner, a relatively tall and long brick building located at the eastern edge of the side and a large area of hardstanding including two accesses off Northgate. The larger building is constructed of brick and was built in 1915-16 to supply electricity to the First World War Munitions Plant known as National Filling Factory No.13. It is not a listed building, but is considered to be a non-designated heritage asset.

1.2 To the north east of the site is a strategic cycle link and footpath which is separated from the site by a row of trees and a small watercourse (drain). White Lund is allocated as an employment site and a regeneration priority area.

## **2.0 The Proposal**

2.1 Planning permission is sought for the demolition of the large brick building and the erection of four new industrial units, partly in the location of the existing building but also on existing areas of hardstanding. These would be modern portal-frame constructions, with external UPVC-coated metal wall and roof panels. The smaller existing units on the site are proposed to be retained with the lower sections raised in height to provide a continuous roofline, in addition to an extension to the front of the end unit. Part of this would have an upper floor. Parking spaces are proposed to the front of most of the units and the two accesses would be retained providing a separate entry and exit to vehicles.

## **3.0 Site History**

3.1 Planning permission was refused in November 2017, at Planning Committee, for a similar proposal to that currently being considered. This was following the withdrawal of a previous application earlier in 2017. The application was refused for the following reason:

*The proposal will result in the loss of a non-designated heritage asset without a robust justification for its loss. The building is considered to be of particular local importance given that it is one of the few remaining buildings from the First World War National Filling Factory. As a consequence, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Principles and Section 12, and Policy DM33 of the Development Management Development Plan Document.*

Application Number	Proposal	Decision
17/00868/FUL	Demolition of factory building and erection of 4 industrial units, installation of a raised replacement roof and erection of a single storey infill extension to the front and first floor side extension to existing industrial unit	Refused
17/00025/FUL	Demolition of factory building and erection of 4 industrial units, installation of a raised replacement roof and erection of a single storey infill extension to the front and first floor side extension to existing industrial unit	Withdrawn

#### 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>	It would be preferable for the building to be retained and reused rather than demolished but if the economic case for conversion and retention cannot be made would reluctantly accept its demolition. It is for the Council to consider if the new information justifies the previously-assessed harm to the undoubted local heritage significance of the site or if other alternatives should have been explored.
<b>Conservation Section</b>	<b>Object.</b> The proposal would lead to total loss of the building which would substantially harm the significance of the building and its historic association with ammunitions production in the First World War. It does not appear there has been clear and convincing evidence provided with the application to justify this loss.
<b>Environmental Health</b>	No comments received during the statutory consultation period.
<b>Morecambe Town Council</b>	No comments received during the statutory consultation period.
<b>Heaton-with-Oxcliffe Parish Council</b>	<b>Object</b> for the following reasons: <ul style="list-style-type: none"> <li>• The application largely ignores the compelling case concerning the historical, environmental and heritage importance of the building; its symbolic significance in the history of Morecambe and its uniqueness among the heritage buildings</li> <li>• The back of the site is close to the Morecambe-Lancaster cycle/pedestrian path which was once the railway line which serviced the munitions factory and the building is clearly and imposingly visible.</li> <li>• The feasibility study relates only to possible use as commercial office space with a new upper floor and a particular specification. Other future uses of this valuable heritage building have to be explored and costed before an application to demolish is agreed.</li> </ul>
<b>County Highways</b>	<b>No objections</b> subject to conditions requiring the provision of cycle and motor bike storage and the submission of a construction, traffic management method statement.
<b>Lead Local Flood Authority</b>	No comments received during the statutory consultation period.
<b>United Utilities</b>	<b>No objections.</b> Confirm the proposals are acceptable in principle and recommend a condition requiring the development in accordance with the submitted Flood Risk Assessment and management and maintenance of surface water drainage.



**5.0 Neighbour Representations**

- 5.1 1 piece of correspondence has been received which raises an objection to the proposal and the following comments:
- The WW1 No.13 National Filling Factory "Power House" building should be preserved, not demolished and the importance of this building to the community and industrial and wartime history and heritage of the local area remains significant and unchanged.

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles  
Paragraphs 18 – 21 – Securing Economic Growth  
Paragraph 32 – Access and Transport  
Paragraphs 56, 58 and 60 – Requiring Good Design  
Paragraph 118 – Conserving and Enhancing Biodiversity  
Paragraphs 120 – Contaminated land  
Paragraphs 135 and 136 – Non-Designated Heritage Assets

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  
ER2 – Regeneration Priority Areas  
ER3 – Employment Land Allocations

6.4 Development Management Development Plan Document (DM DPD)

DM15 – Proposals Involving Employment Land and Premises  
DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM27 – Protection and Enhancement of Biodiversity  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM33 – Development Affecting Non-Designated Heritage Assets

**7.0 Comment and Analysis**

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

- Principle of the industrial development;
- Impact on heritage assets;
- Size, siting and design;
- Highways and parking issues;
- Impact on ecology and trees;
- Drainage; and,
- Contaminated land.

7.2 Principle of industrial development

7.2.1 The site is located within the White Lund Industrial Estate which is an allocated employment area and is proposed to be retained as such within the forthcoming Land Allocations DPD and Strategic Policies. The Core Strategy currently identifies it as a Regeneration Priority Area, but this is not the case within the emerging plan. The redevelopment of the site for employment purposes, within the B1 (Business) and B2 (General Industrial) use classes identified in the application, is appropriate in terms of the allocation. Therefore the principle of a greater number of smaller units within the site is acceptable in principle.

7.3 Impact on Heritage Assets

7.3.1 The application proposes the demolition of a large brick building on the site which has been identified as the former power house and was constructed around 1915-16 forming part of one of the World War One's National Filling Factories. It was built to house the steam turbines which generated electricity for the factory, the overall role of which was to fill shells with amatol (a mixture of ammonium nitrate and TNT). The building formed part of a substantial complex, covering around 105 hectares, and one of the reasons chosen for its location was the proximity to Lancaster's Caton Road projectile factory (which produced shell casings). Supplies of chemicals and shells arrived on dedicated railway sidings off the Lancaster-Morecambe railway spur and filled shells were despatched back along the same route. In October 1917 there was a major fire at the factory, resulting in a sequence of explosions, which together destroyed almost all the buildings, though part of the power house did survive, along with the filled shell stores, paint shed and explosives magazines. The factory was then rebuilt in brick, and continued in use for filling shells until 1918 and, following cessation of hostilities, it was used for defusing munitions. A second accident occurred in January 1920 when unused shells were being emptied. Last year there was an exhibition at Lancaster City Museum, entitled '*Boom Town from Front Line to White Lund*', marking the centenary of the explosions at the Filling Factory.

7.3.2 The potential importance of the building was highlighted during the first application submitted. As a result, a Historic Building Record and Statement of Heritage Significance was submitted with the last application and has also been submitted with the current proposal. In assessing the significance of the heritage asset it considers the heritage values, but also details the historical background for the site and associated buildings and its setting. The building is already identified in the Lancashire Historic Environment Record where it is described as: *"a large brick building with distinctive gables, extant in 1933 and apparently originally connected to the adjacent railway line and to other structures to the southwest by rail links. Probably a surviving structure from the former site of the National Projectile Filling Factory at White Lund"*. There is also information on Historic England's database PastScape, linked to the National Record of the Historic Environment, in relation to National Filling Factory 13 and references the Power House as a notable building.

7.3.3 The submitted report sets out that external changes to the building since construction have been relatively limited, but include the removal of the clerestory and replacement of much of the roof covering, and the insertion of a limited number of openings in the south-west and north-west elevations, although the most obvious change to its outward appearance has been the demolition of the boiler house from its south-west side. The most significant change to the interior has been the

removal of all generating plant (which documents suggest had taken place by 1925), and almost all of the upper floor. It sets out that the building can be seen to have heritage significance arising from a number of aspects. These are principally historical and communal value, although also some minimal aesthetic value. In relation to the historic value, it is considered that it demonstrates both illustrative and associative types. Its survival as one of the few buildings of the National Filling Factory within the present White Lund Industrial Estate provides an important link to the past. As a result of its past use, and the links to the 1917 explosion at the site, which is well remembered locally, it is considered to have strong communal value.

- 7.3.4 An assessment has been made by the Conservation Team in relation to whether the building should be considered as a non-designated heritage asset for the purpose of assessing the proposal and potential inclusion on the Council's List of Local Heritage Assets. In summary, this assessment considers that the building contributes to the understanding of the munitions development in the Lancaster district and the wider national war effort. It has a high level of historic significance due to its association with the production of munitions for the First World War, the explosion in 1917 which had an impact on the surrounding area and also its association with the changing attitudes to women in the workforce. For these reasons, the building warrants consideration for inclusion on the Council's List of Local Heritage Assets due to its high level of social historic associative value.
- 7.3.5 In the national context, guidance regarding non-designated heritage assets is clear. Local authorities may identify buildings, monuments, sites, areas or landscapes as a non-designated heritage asset. Where identified, these assets will have "*a degree of significance meriting consideration in planning decisions*".
- 7.3.6 Policy DM33 relates to development affecting non-designated heritage assets. It sets out that, where a non-designated heritage asset is affected, there will be a presumption in favour of its retention and any loss will require clear and convincing justification. The purpose of the policy, and the relevant paragraphs of the NPPF, is to allow consideration to be given to impacts of proposals in relation to more locally important heritage assets, which do not have a formal national designation. On the basis of the information set out above, it is clear that this building is a heritage asset. Whilst it was not used for the direct production of munitions, it is one of the largest and most prominent of the few surviving structures of the large Filling Factory and has strong links to this and the explosion that occurred at the site. There is an historic photograph of the building on the Lancaster Museum's website, below which sets out that the power house and boiler house were vital during the fire and explosions and they carried on their function through the brave efforts of the men employed there, which in turn allowed steam to be supplied to the fireless locomotive used to remove fully loaded railway wagons out of the danger area.
- 7.3.7 The building appears to be in a good overall condition and has not been altered significantly externally. It is a large and imposing building, visible from public viewpoints and it provides an important visual link to the past, including in relation to the role that it played during World War One as one of the National Filling Factories, employing over 4600 people, and the connections with the explosions at the site which had an impact over a large area. Whilst the heritage statement sets out that its setting within the Filling Factory has been almost entirely lost by the redevelopment as an industrial estate, some links can still be seen by comparing the historic map of the site. The general layout of the road remains and the strong association with the adjacent former railway line can still be appreciated, particularly given its current use as a footpath and cycleway. Whilst the power house may not be a rare example nationally, the building still has significant local historic interest and is one of the last remaining tangible links to the history of Morecambe with the contribution to ammunitions development in WWI. It therefore warrants consideration when assessing the merits of the proposal which will result in a total loss of the significance of the building through its demolition.
- 7.3.8 The design & access and planning statements, which were provided with the previous application, include some broad explanations about why the building cannot be re-used, setting out that consideration was originally given to attempting to convert this building for suitable modern commercial usage but this has not proved to be an economic option. They also set out that the buildings are not arranged in an efficient manner and the site is presently underused, the principal occupant being Bay Scaffolding Ltd and Bay Hire Services, with two small car-related businesses in the modern workshop units. They go on to say that there is no demand for a tenant of the very large factory building which is uneconomic for modern commercial use.
- 7.3.9 The current application also includes a feasibility study for the conversion of the building to offices.

This has considered the provision of office accommodation at ground floor with a new upper floor installed to both take advantage of the building's volume and increase the net lettable floor area. Alterations to the external fabric have been kept to a minimum but would involve the re-opening of blocked windows and doors and the provision of an appealing new main entrance. An estimate of the costs has been provided and a commercial surveyors have provided a marketing statement as to lettings and potential investment which concludes that the proposal would not be economically viable. It also sets out that the use of offices would have a severe impact on the site management and left over space for industrial development, which is the main thrust of the application, and that the immediate surroundings are not conducive to the provision of quality accommodation.

- 7.3.10 As outlined in policy DM33 any loss of a non-designated heritage asset should require clear and convincing justification. The submitted study only looks at conversion to office space, whereas there may be more minor, and cheaper, alterations that could be undertaken to overcome some of the constraints highlighted in the report to make the building more suitable to a manufacturing or storage use. For example, the report sets out that intermediate floors have been removed and repairs to the ground floor concrete slab have created an uneven running surface for modern mechanical handling. The lantern roof running full length of the building has been removed reducing internal daylight levels. Therefore it should be considered whether alterations to the floor and the creation of new openings could alleviate some of these issues. It is also not clear if any development within the setting of this building has been considered. The location is probably not the most ideal for the development of independent office space, so it is not clear why the assessment focussed solely on this especially given that the building is currently in use, which demonstrates that the building could be utilised by other uses.
- 7.3.11 As set out in the Committee report for the previous application, the redevelopment appears to be speculative with no end user, apart from the existing business for part of the site. No marketing appears to have been undertaken to show that there is no demand for this type of building. The submitted report sets out that discussions with local commercial surveyors have shown that the existing building has little rental value given its position within Bay Scaffolding's overall site and the current physical condition of the building fabric. With regard to the relationship with the existing business, this is proposed to change through the current proposal, with the redevelopment of most of the site and Bay Scaffolding utilising part of the extended industrial building towards the northern corner. If their business is extending or being retained in the area next to the large brick building then there would appear to be conflict with the new development of other, potentially independent industrial units. In terms of the physical condition of the building, there does not appear to have been a structural survey undertaken or evidence to show that more minor alterations could not be made to make this more attractive to other businesses, as discussed above. This building does lend itself to an industrial use and alterations to this to give greater flexibility over its use could provide an opportunity to enhance the historic significance of the building by reinstating some of the historic features that have been lost. The above concerns have been highlighted to the agent, however no further information has been provided to support the proposal.
- 7.3.12 On the basis of the above, it is considered that insufficient justification has been provided to support the loss of this locally important heritage asset and overcome the refusal reason of the previous application. It is one of the few survivors of National Filling Factory 13 and is the most substantial and publicly visible structure that members of the public would most easily relate to its former use. Whilst there may be economic benefits to redeveloping the site, these are unclear given the partly speculative nature of the proposal, and also it has not been demonstrated that these could not be achieved through the retention of the historic building on the site.

#### 7.4 Size, siting and design

- 7.4.1 Three of the buildings are proposed to be sited roughly in line with the retained building, close to the rear boundary of the site. The fourth would be sited parallel to this, adjacent to the boundary with a building outside the site which fronts onto Northgate. They would all be lower than the retained units on the site, but have a shallower pitched roof. Three are proposed to have a floor area of 270 sq.m metres and the fourth would be 500 sq.m, designed with a double pitched roof. These would be finished in green plastic-coated metal panels. The wall of the extension to the existing building would be finished in brick with the roof in green cladding. Whilst visually it would be more appropriate if the pitches of the roofs through the site matched, there is a mix of design and condition of buildings in the area and the narrow pitch does keep the height down. They are well-contained within the site and in keeping with the overall character and appearance of the employment site. Whilst it is

acknowledged that the roofs of the existing buildings to be retained are green, a dark grey finish may be more appropriate in this area, but this can be adequately covered by a condition.

### 7.5 Highways and Parking issues

7.5.1 The submitted site plan shows the provision of 41 parking spaces, some of which are larger than standard car spaces, and these are in front of the access into the buildings. The submission sets out that 6 cycle parking and 2 motorcycle spaces would be provided, but it is not clear where these would be. The cycle storage should also be covered and secure, but this could be covered through a condition. The Highways Authority has raised no objections to the proposal, though the site appears to be quite constrained and there would be limited space for larger vehicles that are not uncommon with these types of units. The swept path analysis shows turning for HGVs but not anywhere for them to park. Even if these just visit the site for deliveries, there is a danger that this could restrict access to (and turning within) the site and impact on the safety and operation of the adjacent highway. In addition, no parking has been shown to the front of units 1-3, presumably because the space between them and the boundary is relatively narrow. It may be difficult to prevent indiscriminate parking in this particular location, rather than in the identified spaces, which raises potential for conflicts with users. The agent was previously advised that it should be clear how this area will be managed and laid out and where vehicles associated with these units will park, but no further information has been forthcoming.

7.5.2 There are concerns that the layout fails to work on a practical level, given relatively constrained nature of the site and the number of individual units proposed. However, given the lack of objection from the Highway Authority, it is unlikely that this would be a sufficient reason to refuse the proposal. A condition could request details of the marking of all the shared parking/turning areas to ensure that this is properly managed to prevent conflicts with users and potentially with the operation of the highway.

### 7.6 Impact on ecology and trees

7.6.1 Given the demolition of the building, a bat survey has been submitted with the planning application. An inspection of the building has been undertaken which found no evidence of bats and the report considers that the building offers very low potential for use by bats for roosting. General working guidelines have been suggested within the report, but no other mitigation. It is considered that there would not be a detrimental impact on protected species of bats as a result of the proposal.

7.6.2 There are no trees within the site, but there are a number adjacent to the northeast boundary with the cycle path. No assessment of the impact on the trees has been submitted with the application, but given that the whole site is currently developed with either buildings or hardstanding, this is likely to have restricted the rooting of trees under the site. There is potential for impacts to the canopy of trees from the raising of the roof of the existing building and the use of machinery. However, it is considered that this could be adequately controlled by conditions requiring a Tree Protection Plan and Arboricultural Method Statement.

### 7.7 Drainage

7.7.1 The Lead Local Flood Authority (LLFA) objected during the previous application to the submitted drainage strategy. In particular, they had concerns that the existing surface water drainage arrangement did not appear to have been investigated and simulated. However, given that the existing site is wholly hardsurfaced and contains buildings, it was considered that it would be difficult to justify a refusal and that an appropriate drainage strategy could be covered by a condition. An updated drainage strategy has been submitted with this application which aims to respond to the concerns previously raised. United Utilities has advised that they consider this to be acceptable, however, no response has been received from the LLFA.

7.7.2 The submitted report sets out that the development would not increase the total peak surface water runoff rates or volumes from pre-development. It goes on to say that the disposal of surface water by infiltration to the subsurface is unviable due to the proximity of the water table to ground level and unfavourable superficial deposits. Surface water for the new units is proposed to be drained and discharged to the unnamed ordinary watercourse adjacent to the site, via channel drains and pipework. The report sets out that attenuation of surface water prior to discharge into the watercourse is unviable due to the lack of cover and hydraulic head available between the site and

nearby watercourse. Surface water from roofed areas will connect into channel drains which will drain the external areas, and subsequently discharge to the watercourse. Surface water drainage for the extension to the existing building would drain into the existing 150mm combined sewer into which surface water from the unit and external areas currently discharges. The submission states that the site layout and drainage systems will be designed to ensure that there is no increased risk of flooding on or off site. Any response from the LLFA will be verbally reported to the Committee.

## 7.8 Contaminated land

7.8.1 A preliminary risk assessment has been submitted with the application and was previously considered by the Council's Contaminated Land Officer. No particular concerns were raised regarding the redevelopment of the site, however, some additional information was requested in particular relation to whether there are any fuel tanks above ground and the postulated ground/radon gas regime. The submitted report sets out that the principal potential risk to site workers is posed by the potential for unexploded ordnance to be present on-site with additional potential risk posed by contaminated soils arising from the site's industrial past. Consequently, site development should proceed with caution and testing for the presence of contaminated soils is recommended. A further assessment of the contamination, which would inform the mitigation, would be expected prior to the commencement of works and could be covered by condition.

## 8.0 Planning Obligations

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

## 9.0 Conclusions

9.1 The application proposes the redevelopment of an existing industrial site within an allocated employment area involving the demolition of a non-designated heritage asset. It is a large and imposing building, visible from public viewpoints. Whilst its setting within the Filling Factory has been almost entirely lost by the redevelopment as an industrial estate, it is considered that it provides an important visual link to the past, including in relation to the role that it played during the First World War as one of the National Filling Factories, employing over 4600 people, and the connections with the explosions at the site which had an impact over a large area. There is therefore a strong presumption in favour of its retention, as advocated by Policy DM33, and the submission has failed to provide a robust justification for the loss of this locally important heritage asset.

9.2 The submitted planning statement has a strong emphasis towards sustainable development and sets out that the economic benefits should outweigh any historic value that the building may have. However, as set out in paragraph 7 of the NPPF, there are three strands to sustainable development, and economic benefits are not the only consideration. As set out above, without robust justification to support the assertion that the building cannot be reused for economic purposes, although it is currently in this use, the proposal fails to comply with the relevant local and national policy in relation to non-designated heritage assets and therefore does not constitute sustainable development as it fails to comply with the environmental role of planning.

## Recommendation

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

1. The proposal will result in the loss of a non-designated heritage asset without a robust justification for its loss. The building is considered to be of particular local importance given that it is one of the few remaining buildings from the First World War National Filling Factory. As a consequence, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Principles and Section 12, and Policy DM33 of the Development Management Development Plan Document.

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

In accordance with the above legislation, the City Council can confirm that it takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is

unacceptable for the reasons prescribed in this report. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

**Background Papers**

None

## LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
16/01081/VCN	Agricultural Building Adj Disused Railway, Station Road, Hornby Erection of 9 dwellings and associated access (pursuant to the variation of condition no. 2 on application 14/01030/FUL to amend the approved plans to allow for additional amenity space and change of a 2 bed property to a 3 bed property) for Mr Ian Beardsworth (Upper Lune Valley Ward)	Application Permitted
17/00192/DIS	The Vicarage, Abbeystead Lane, Dolphinhholme Discharge of condition 3 on approved application 17/00773/FUL for Mr Lee Donner (Ellel Ward 2015 Ward)	Application Permitted
17/00199/DIS	Land Adjacent To Bank Barn, Crag Road, Warton Discharge of conditions 3, 5, 6 and 9 on approved application 17/00897/VCN for Mr & Mrs D Hawkins (Warton Ward 2015 Ward)	Application Permitted
17/00974/FUL	Poole House, Main Street, Arkholme Erection of a detached dwelling with associated hardstanding, landscaping and access for Mr & Mrs J Qualtrough (Kellet Ward 2015 Ward)	Application Refused
17/01325/VCN	7B Dalesview Crescent, Heysham, Morecambe Erection of 2 semi-detached houses (pursuant to the variation of condition 1 and removal of 4 on planning permission 16/00757/VCN in relation to the location of fence and gate enclosing the garden of plot 2) for Mr Christopher Ian Hemingway (Heysham South Ward 2015 Ward)	Application Refused
17/01396/ADV	Lancaster And Morecambe College, Morecambe Road, Lancaster Advertisement application for the display of a three panel freestanding non-illuminating board for Mr Peter France (Torrisholme Ward 2015 Ward)	Application Permitted
17/01410/FUL	Land North East Of Briarlea Road, Briarlea Road, Nether Kellet Erection of 8 detached dwellings with associated access and landscaping for Mr Lee Ogley (Kellet Ward 2015 Ward)	Application Permitted
18/00054/DIS	Agricultural Barn, South Of Church Lane, Tunstall Discharge of conditions on 6 and 7 on approved application 16/00376/FUL for Mr Phil Stephenson (Upper Lune Valley Ward 2015 Ward)	Split Decision
18/00055/DIS	Queens Hotel, 34 - 36 Market Street, Carnforth Discharge of conditions 3,4,6,8,9,10,12,13,14 on approved application 16/00051/FUL for Mr Ryan Kiely (Carnforth And Millhead Ward 2015 Ward)	Split Decision
18/00073/DIS	30A - 32 Victoria Street, Morecambe, Lancashire Discharge of conditions 3, 4 and 5 on approved application 17/00040/FUL for Kieron Bassett Financial Services (Poulton Ward 2015 Ward)	Application Permitted



## LIST OF DELEGATED PLANNING DECISIONS

18/00074/DIS	30A - 32 Victoria Street, Morecambe, Lancashire Discharge of conditions 3 and 4 on approved application 17/00041/ADV for Kieron Bassett Financial Services (Poulton Ward 2015 Ward)	Application Permitted
18/00141/REM	Development Land North 49, Hazelmount Drive, Warton Reserved Matters application for the erection of two detached dwellings for Mr & Mrs Spencer (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
18/00171/FUL	Wrayton Hall, Back Lane, Wrayton Erection of a detached 5-bay garage with workshop and creation of hardstanding for Mr A North (Upper Lune Valley Ward 2015 Ward)	Application Permitted
18/00184/FUL	1 Arnside Crescent, Morecambe, Lancashire Change of use of 2 flats (C3) to be incorporated into existing residential care home (C2) and erection of a single storey side and rear extension and a part single, part 2 storey side and rear extension for Mr R. Taylor (Poulton Ward 2015 Ward)	Application Withdrawn
18/00215/FUL	Sweetings Farm, Sandside, Cockerham Erection of a slurry store for Mr Lawson (Ellel Ward 2015 Ward)	Application Permitted
18/00240/FUL	Coach House, Adjacent To Red Door Cafe And Gallery, Church Brow Change of use of Coach House to dwelling (C3) with associated external alternations and parking for Mr Robert Bauld (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
18/00241/LB	Coach House, Adjacent To Red Door Cafe And Gallery, Church Brow Listed building application for the installation of new partition walls and a mezzanine floor and replacement of rear sliding doors with a single door with glazed surround for Mr Robert Bauld (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
18/00252/FUL	1 Lindeth Road, Silverdale, Carnforth Demolition of existing conservatory, erection of single storey rear extension, erection of a first floor extension over existing garage incorporating dormer window to the front and alterations to existing access for Mr Alex Cooper (Silverdale Ward 2015 Ward)	Application Permitted
18/00259/PLDC	4 Kevin Grove, Overton, Morecambe Proposed Lawful Development Certificate for the demolition of existing garage and erection of detached single storey ancillary accommodation for Mr N. Boss (Overton Ward 2015 Ward)	Application Withdrawn
18/00280/FUL	Land South Of Dykes Lane, Yealand Conyers, Lancashire Erection of a two storey detached dwelling for Mr I Thompson (Warton Ward 2015 Ward)	Application Permitted
18/00306/FUL	75 White Lund Road, Morecambe, Lancashire Retrospective application for the conversion of a garage into ancillary accommodation for Mr Hoey (Westgate Ward 2015 Ward)	Application Withdrawn
18/00309/FUL	Lodge 82, Pine Lake Resort, Scotland Road Creation of new substructure to raise level of holiday chalet by 0.5m and construction of a ramp and decking for Mr D Booth (Warton Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

18/00314/FUL	Greenalls Farm, Bay Horse Road, Quernmore Creation of an earth banked slurry lagoon for Mr Mark Townley (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/00323/CU	1 - 3 Poulton Mews, Morecambe, Lancashire Retrospective change of use of ambulance storage garages (B8) to three 2-bed dwellings (C3) with associated parking and landscaping for Hillcroft Nursing Homes Ltd (Poulton Ward 2015 Ward)	Application Permitted
18/00358/FUL	8 Wyresdale Gardens, Lancaster, Lancashire Retrospective application for the retention of a detached outbuilding for Dr Stefan Vogt (John O'Gaunt Ward 2015 Ward)	Application Refused
18/00360/FUL	17 Station Road, Hornby, Lancaster Demolition of hairdressers (A1) and erection of a detached single storey dwelling (C3) with associated access for Mr Jacob Newhouse (Upper Lune Valley Ward 2015 Ward)	Application Permitted
18/00368/FUL	Barn At Far Waterslack, Waterslack Road, Silverdale Partial demolition of existing outbuildings and conversion of barn to facilitate the change of use of agricultural barn to dwelling (C3), erection of an extension to the rear, construction of a new boundary wall, alterations to existing access point and associated landscaping for Mr Barber (Silverdale Ward 2015 Ward)	Application Permitted
18/00375/FUL	1 Halton Green Cottage, Low Road, Halton Erection of a two storey side and rear extension for Mr Simpson (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
18/00381/ADV	Unit A, 112 Penny Street, Lancaster Advertisement application for the display of 3 externally illuminated fascia signs for Mr Rehan Chaudhary (Castle Ward 2015 Ward)	Application Permitted
18/00386/FUL	The Spinney, Willey Lane, Cockerham Demolition of existing detached garage and erection of a single storey attached garage and store for Mrs A Manning (Ellel Ward 2015 Ward)	Application Permitted
18/00394/LB	Hill House, Fairheath Road, Tatham Listed building application for the installation of replacement windows to the front elevation for Mr & Mrs Staveley (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/00398/FUL	Land To Side Of 1 Ingleborough View, Station Road, Hornby Erection of a two storey detached 3-bed dwelling with associated access for Mr Norris (Upper Lune Valley Ward 2015 Ward)	Application Refused
18/00400/FUL	7 Hanging Green Lane, Hest Bank, Lancaster Demolition of porch, garage and existing side and rear single storey extension and erection of single storey front, side and rear extension for Mr Eric Livermore (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/00409/FUL	26 Hampsfell Drive, Morecambe, Lancashire Construction of a replacement raised roof incorporating gable ends and a dormer extension to the rear elevation for Mr & Mrs L. Stainsby (Westgate Ward 2015 Ward)	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

18/00412/FUL	20 School Road, Heysham, Morecambe Demolition of existing single storey side extension and erection of a single storey side extension to link to existing garage for Mr & Mrs Andrew Martin (Heysham South Ward 2015 Ward)	Application Refused
18/00414/FUL	46 Walker Grove, Heysham, Morecambe Construction of dormer extensions to the front and rear elevations and erection of a replacement detached garage for Mr P. Phelps (Heysham South Ward 2015 Ward)	Application Permitted
18/00415/FUL	223 Marine Road Central, Morecambe, Lancashire Demolition of single storey side extension, erection of a single storey side extension with installation of a canopy, installation of replacement windows to the first floor, installation of a door to the front and side elevation, raising height of boundary wall and erection of a boundary wall for Mr & Mrs Sean and Ann O'hagan (Poulton Ward 2015 Ward)	Application Permitted
18/00417/PLDC	13 Lowther Avenue, Morecambe, Lancashire Proposed Lawful Development Certificate for the construction of a hip to gable extension, dormer extension to the rear elevation installation of rooflights and new windows to north east elevation for Mr & Mrs C Dixon (Torrisholme Ward 2015 Ward)	Lawful Development Certificate Granted
18/00418/FUL	Clear Water Fisheries, Kellet Lane, Over Kellet Erection of an oak framed canopy to cover outdoor seating area for Mr Neil Waterman (Warton Ward 2015 Ward)	Application Permitted
18/00423/FUL	6 Crookhey Gardens, Cockerham, Lancaster Erection of a detached outbuilding for Mr Charles Jackman (Ellel Ward 2015 Ward)	Application Permitted
18/00425/FUL	Moss Edge Farm, Gulf Lane, Cockerham Erection of a side extension to microbrewery for Mr Steven Holmes (Ellel Ward 2015 Ward)	Application Permitted
18/00426/FUL	1 Gordon Cottages, Main Road, Bolton Le Sands Retrospective application for the retention of a two storey side extension and erection of a porch to the front elevation for Mr Ellwood (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/00427/FUL	Parkside Farm, Russell Road, Tatham Change of use of agricultural land to domestic garden, demolition of existing garage and erection of a single storey outbuilding comprising 4 garages, a toilet and store for Mr P Taylor (Lower Lune Valley Ward 2015 Ward)	Application Refused
18/00433/FUL	Castle O Trim Farmhouse, Procter Moss Road, Abbeystead Siting of two temporary agricultural workers caravans, creation of a bund and access track for Mr Johnny Miller (Ellel Ward 2015 Ward)	Application Withdrawn
18/00441/FUL	7 Lindow Square, Lancaster, Lancashire Change of use of dwelling house (C3) to a 6 bed shared student accommodation (C4) for Mr Jason Smith (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

18/00446/FUL	23 Bentham Road, Lancaster, Lancashire Construction of a dormer extension to the front elevation for Miss Sarah Mellen (Scotforth East Ward 2015 Ward)	Application Refused
18/00447/FUL	31 West Road, Lancaster, Lancashire Erection of a second floor rear extension for Mr & Mrs Coulton (Castle Ward 2015 Ward)	Application Permitted
18/00453/FUL	Lune View, Victoria Terrace, Glasson Dock Replacement of existing single glazed timber windows with double glazed timber windows for Mrs Helen Loxam (Ellel Ward 2015 Ward)	Application Permitted
18/00464/PLDC	3 Marton Drive, Morecambe, Lancashire Proposed lawful development certificate for the construction of a hip to gable extension and a dormer extension to the rear elevation for Mr & Mrs T. Moulson (Torrisholme Ward 2015 Ward)	Lawful Development Certificate Granted
18/00465/PLDC	7 Lambrigg Close, Morecambe, Lancashire Proposed lawful development certificate for the construction of a hip to gable extension and a dormer extension to the rear elevation for Mr & Mrs Hirst-Greenham (Westgate Ward 2015 Ward)	Lawful Development Certificate Granted
18/00477/PLDC	Woodfield Lodge, Moorside Road, Brookhouse Proposed lawful development certificate for the creation of a vehicular access point, alterations to the boundary wall and permeable hard surfacing for Dr R Willey (Lower Lune Valley Ward 2015 Ward)	Lawful Development Certificate Granted
18/00486/FUL	Gibson House, Whitebeck Lane, Priest Hutton Demolition of existing extension, erection of replacement single storey rear extension and conversion of garage and store into habitable room for Mrs Sal Riding (Kellet Ward 2015 Ward)	Application Permitted
18/00487/LB	Gibson House, Whitebeck Lane, Priest Hutton Listed building application for demolition of existing extension, erection of replacement single storey rear extension, replacement of garage door with window/sliding door, installation of partition walls and replacement roof light, creation of new and enlarged openings in structural and partition walls, raising of floor in bedroom, underlining of ceiling in lounge and installation of range and log burners into existing recesses/fireplace for Mrs Sal Riding (Kellet Ward 2015 Ward)	Application Permitted
18/00490/FUL	Coppers, Farleton Old Road, Farleton Demolition of existing detached garage and erection of a single storey side extension for Mr Michael Adamson (Upper Lune Valley Ward 2015 Ward)	Application Withdrawn
18/00492/FUL	Wilson Lodge, Nether Kellet Road, Over Kellet Erection of a single storey rear extension for Mr Chris Magson (Kellet Ward 2015 Ward)	Application Permitted
18/00494/OUT	Land Adjacent To 18 Crag Bank Road, Carnforth, Lancashire Outline application for the erection of a dwelling and detached garage and creation of an access for Mr Brian Taylor (Carnforth And Millhead Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

18/00496/PAM	Telephone Exchange, 20 Gaskell Close, Silverdale Prior approval for the installation of one 0.8M OMNI at 10.8m, one GPS antenna at 10.3m and one 3G OMNI antenna at 9.6m all mounted on streetworks pole and smart metering equipment enclosure wall mounted to building for Arqiva Ltd (Silverdale Ward 2015 Ward)	Prior Approval Granted
18/00500/FUL	96 Aldcliffe Road, Lancaster, Lancashire Construction of a dormer window to the rear elevation for Mr & Mrs MacGregor (Castle Ward 2015 Ward)	Application Permitted
18/00501/FUL	61 Masonfield Crescent, Lancaster, Lancashire Erection of a two storey rear extension for Mr & Mrs Lambert (John O'Gaunt Ward 2015 Ward)	Application Permitted
18/00502/FUL	5 Wentworth Drive, Lancaster, Lancashire Erection of a two storey rear extension for Dr Thomas Accialini (John O'Gaunt Ward 2015 Ward)	Application Permitted
18/00508/ELDC	15 Cove Road, Silverdale, Carnforth Existing Lawful Development Certificate for the conversion of the existing garage and conservatory to form a self-contained annexe ancillary to the dwelling for Mr & Mrs McInnes (Silverdale Ward 2015 Ward)	Application Withdrawn
18/00511/FUL	14 Second Terrace, Sunderland Point, Morecambe Erection of a single storey rear extension for Edward Levey (Overton Ward 2015 Ward)	Application Permitted
18/00514/REM	Development Land, Lindeth Road, Silverdale Reserved matters application for the erection of a detached dwelling for Mr & Mrs Andrew And Wendy Barrington (Silverdale Ward 2015 Ward)	Application Withdrawn
18/00516/FUL	Ferrymans Cottage, Main Street, Arkholme Erection of a single storey side and rear extension, construction of a side and rear balcony and stairs for Ms F Kay (Kellet Ward 2015 Ward)	Application Permitted
18/00522/FUL	Lune Villa, Victoria Terrace, Glasson Dock Replacement of existing single glazed timber windows with double glazed timber windows for Mrs Helen Loxam (Ellel Ward 2015 Ward)	Application Permitted
18/00524/PLDC	14 Bay Horse Drive, Lancaster, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension for Mr Rick Sheriff (Scotforth East Ward 2015 Ward)	Lawful Development Certificate Granted
18/00528/NMA	37 Belle Vue Terrace, Lancaster, Lancashire Non material amendment to planning permission 17/00938/FUL to amend the corner posts of the extension from glazing to stone for Mr & Mrs Hobbs (Scotforth West Ward 2015 Ward)	Application Permitted
18/00546/FUL	The Hollies, 20 Crag Bank Road, Carnforth Construction of a balcony and external staircase to the rear. for Mr & Mrs Powell (Carnforth And Millhead Ward 2015 Ward)	Application Refused

## LIST OF DELEGATED PLANNING DECISIONS

18/00547/FUL	44 Church Hill Avenue, Warton, Carnforth Erection of a single storey rear and side extension and installation of double doors and a Juliet balcony in existing dormer extension on rear elevation for Mr T. Downham (Warton Ward 2015 Ward)	Application Permitted
18/00585/PAD	Westgate Gas Holder Station, Langridge Way, Morecambe Prior approval for demolition of a gasholder for National Grid (Westgate Ward 2015 Ward)	Prior Approval Not Required
18/00586/PAD	National Grid Gas, White Lund Gas Holder, Cannongate Prior approval for demolition of a gasholder for National Grid (Westgate Ward 2015 Ward)	Prior Approval Not Required
18/00617/HLDC	78 Church Street, Lancaster, Lancashire Application for a certificate of lawfulness of proposed works to a listed building for Mr Chris Gartside (Castle Ward 2015 Ward)	Lawful Development Certificate Granted
18/00679/NMA	Land North Of 43, Clarendon Road, Lancaster Non-material amendment to planning permission 17/00595/FUL for the alteration to footprint of Plot 2 for Mr Gavin Wright (Skerton East Ward 2015 Ward)	Application Permitted