



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 12 NOVEMBER 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 15 October, 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	A5 18/00751/FUL	Land Along The East Bank Of The River Lune Between The A683 Viaduct And Skerton Bridge And Land Along The West Bank Of The River Lune East Off Halton Road/Main Street	Bulk Ward	(Pages 1 - 12)
		Erection of flood defence walls, security fences, lighting columns and alterations to footpaths		
6	A6 18/00921/FUL	Land To The North Of, Foundry Lane, Halton	Halton-with-Aughton Ward	(Pages 13 - 22)
		Change of use of agricultural land to a gypsy/traveller site comprising of 2 static caravans and 3 touring caravans, 2 utility blocks demolition of existing stable and erection of a replacement stable building, installation of a septic tank, regrading of land levels, creation of a 1.2m bund and retention of hardstanding and 2.1m boundary fence		
7	A7 18/00335/FUL	Land at Chapel Lane, Galgate	Ellel Ward	(Pages 23 - 36)
		Erection of 32 dwellings (C3) with associated access and landscaping		

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|----|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|
| 8 | A8 18/00877/OUT | Land To The Rear Of The Manor Inn, Cockerham | Ellel Ward | (Pages 37 - 46) |
| | | Outline application for the erection of up to 24 dwellings (C3) and associated access. | | |
| 9 | A9 18/00900/FUL | Melling House, Hala Road, Lancaster | Scotforth East Ward | (Pages 47 - 50) |
| | | Change of use of former managers house (C3) to 2 self-contained 1-bed flats (C2) and installation of an new external door | | |
| 10 | A10 18/01216/FUL | Greenfingers Allotment, Smithy Lane, Heysham | Heysham South Ward | (Pages 51 - 55) |
| | | Part retrospective application for the retention of a metal storage container, retention of hardstanding and erection of a polytunnel | | |
| 11 | A11 18/00889/PLDC | Woodlands, Garstang Road, Cockerham | Ellel Ward | (Pages 56 - 62) |
| | | Proposed Lawful Development Certificate for conversion of detached garage to create ancillary accommodation in association with Woodlands | | |
| 12 | Councillor Referrals to Planning and Highways Regulatory Committee (Pages 63 - 67) | | | |
| 13 | Quarterly Reports (Pages 68 - 75) | | | |
| 14 | Delegated Planning List (Pages 76 - 86) | | | |

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, Mel Guilding, Jane Parkinson, Jean Parr, Robert Redfern and Sylvia Rogerson

(ii) Substitute Membership

Councillors Claire Cozler, Tim Hamilton-Cox, Andrew Kay, Geoff Knight, Susan Sykes and Malcolm Thomas

(iii) Queries regarding this Agenda

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

(iv) Changes to Membership, substitutions or apologies

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

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

Published on Thursday 1st November, 2018.

Agenda Item A5	Committee Date 12 November 2018	Application Number 18/00751/FUL
<p align="center">Application Site</p> <p>Land Along The East Bank Of The River Lune Between The A683 Viaduct And Skerton Bridge And Land Along The West Bank Of The River Lune East Off Halton Road/Main Street</p>	<p align="center">Proposal</p> <p>Erection of flood defence walls, security fences, lighting columns and alterations to footpaths</p>	
<p align="center">Name of Applicant</p> <p>Lancaster City Council</p>	<p align="center">Name of Agent</p> <p>Mr Benjamin Nouch</p>	
<p align="center">Decision Target Date</p> <p>5 October 2018</p>	<p align="center">Reason For Delay</p> <p>Awaiting further surveys and Committee cycle</p>	
<p>Case Officer</p>	<p>Mrs Petra Williams</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

1.0 The Site and its Surroundings

- 1.1 The application site is comprised two elements. The land along the eastern bank is a linear site which runs largely parallel to the River Lune for approximately 2.5km between Skerton Bridge and just short of the Bay Gateway access bridge (A683) on the north-eastern edge of Lancaster. This part of the application site carries an off-road cycle path (National Cycle Network Route 69) with the landward side of the proposed development site being occupied by industrial and commercial buildings comprising Lake Enterprise Park, Lansil Industrial Estate and Riverside Park Industrial Estate. There is also a hotel (Holiday Inn) located close to the northern end of the proposed development route. A single residential property abuts the site adjacent to the cycle path. The cycle path is heavily tree lined which largely restricts views of the River Lune and the adjacent industrial units.
- 1.2 The second element of the scheme relates to a small area on the western side of the river and is close to commercial and residential properties near to the junction of Aldrens Lane, Halton Road and Mainway.
- 1.3 The cycle route runs the whole length of the application site on the eastern bank and is a designated Public Right of Way (PRoW - FP14 and FP15) between the Holiday Inn and a point just north of the Lake Enterprise Park (approximately 450 metres north of Skerton Bridge) where the PRoW exits onto Caton Road. The industrial and commercial buildings between the River Lune and Caton Road are located within an allocated Employment Site as identified by the Local Plan.
- 1.4 Both elements of the scheme are within an area designated as PPG17 Open Spaces - Natural and semi natural green space and parts of the site are identified as a Mineral Safeguarding Area which covers the River Lune. A number of trees within the grounds of Standfast Barracks are covered by a Tree Preservation Order (TPO NO. 431 (2008)). A pipeline centreline (Caton Road/Caltech Distribution) runs along the northern part of the cycle path. The River Lune is designated as a Biological Heritage site. Areas designated as Site of Special Scientific Interest (SSSI), Special Area

of Conservation (SAC), RAMSAR and Special Protection Area (SPA) are located approximately 300 metres downstream. Both elements of the site are within Flood Zones 2 and 3.

- 1.5 Skerton Bridge at the southern end of the eastern bank is a Scheduled Monument and grade II* listed. Further upstream, the Lune Aqueduct is grade I listed. Also on the eastern bank Standfast Barracks (also known as former wagon works) is grade II listed. Other notable heritage assets are Nos 38 - 42 Parliament Street which are located approximately 60 metres from Skerton Bridge (outside the application site) and these properties are II* listed.

2.0 The Proposal

- 2.1 The proposed development is part of a flood risk management scheme for the River Lune and spans land predominantly to the eastern bank (2.5km) of the river. The proposed work includes the construction of a concrete wall which will be set back between 10 and 15 metres from the river with foundations along cycle path from Skerton Bridge to the Holiday Inn. The wall is proposed to range from a minimum width of 0.3 metre to a maximum width of 0.7 metre and from a height of 0.5 metre to a maximum height of 2.5 metres. The variation of these measurements relates directly to changes in the local topography. Along the wall's boundary with the industrial estate, wall-mounted security fencing will be installed.
- 2.2 The scheme includes a smaller section of wall to the western bank (85 metres) at the junction of Aldrens Lane with Halton Road and Mainway. This will tie into an existing natural stone wall on Halton Road and will have an approximate height of 1.4 metres. The wall will extend in a southern direction to tie into higher ground on Mainway.
- 2.3 The walls will be constructed of concrete with three different finishes being proposed:
- Sections of wall proposed in the visual envelope of Skerton Bridge and The Lune Aqueduct and the section proposed on the western side of the river will be clad with natural stone.
 - Sections of wall that will be publicly visible, which are predominantly sections fronting the cycleway, will be finished with patterned concrete form liner.
 - The remaining sections will be finished in plain concrete.
- 2.4 Eight 'up and overs' will be integrated into the design of the wall on the eastern bank in order to maintain inclusive access for the public, including cyclists and those with impaired mobility, to existing pedestrian routes without compromising the effectiveness of the wall as a flood defence. These "up and overs" will facilitate the maintenance of linkages through to the industrial areas and Caton Road.
- 2.5 Replacement planting is proposed along the eastern bank and will include individual trees, native species hedgerow and deciduous woodland mix as well a grass seeding and bulb planting. An existing grassed area adjacent to the western bank wall will be reseeded where necessary and planted with individual trees and bulbs.
- 2.6 It is anticipated that the construction would take place over a 15-month period and that during this time an alternative route would be put in place. However, this route would be outside the application boundary and details of this route are not yet finalised.

3.0 Site History

- 3.1 A request for a screening opinion under the Town and County Planning (EIA) Regulations 2011 (as amended) reference 18/00432/EIR was submitted in April 2018. It was determined that the proposed scheme is not considered to result in significant environmental effects and as such no Environmental Statement is required.
- 3.2 This proposal constitutes Phase 3 of a five phase development. Flood defences between Carlisle Bridge and Aldcliffe Marsh were constructed following the grant of consent under 04/01255/FUL. A further planning application (05/01056/FUL) was granted in 2007 for a wall as part of a flood alleviation scheme which involved works along St Georges Quay further downstream.

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	No objections subject to a condition regarding hours of construction.
Tree Protection Officer	No objections subject to a condition in relation to a further detailed assessment of the impact of the proposed development on trees that are currently proposed for retention. Replacement planting must achieve a minimal onsite replacement ratio of 1:1, and this will also be subject of a condition. Additional tree planting opportunities must be identified in additional off site locations where possible.
Lead Local Flood Authority	No objections; the LLFA are working in partnership with the Environment Agency on this phase 3 flood defence scheme.
Environment Agency	No objections in principle to the proposed development as submitted.
Electricity North West	No objections but advises that the development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Comments will be provided to the applicant as advice.
Canal and Rivers Trust (CRT)	No objections - initial comments raised queries regarding how the wall would impact on the canal embankment adjacent to the Lune Aqueduct. A subsequent meeting on site between the applicant and CRT has provided clarification. Revised plans indicate that the flood wall will be set away from the embankment.
Conservation Team	No objections following revised Heritage Statement and subject to conditions regarding materials and methodology for tying flood wall into embankments.
Historic England	No objections - there will be no direct impact upon designated heritage assets.
Lancashire Archaeological Advisory Service	No objections subject to a condition regarding the submission implementation of a programme of archaeological work in accordance with a written scheme of investigation.
Natural England	No objections based on the Habitats Regulations (HRA) and Marine Conservation Zone (MCZ) Assessments submitted and its proposed mitigation measures. Natural England considers that the proposed development will not have significant adverse impacts on designated sites.
National Grid (Cadent Gas)	No objections raised but Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. Comments will be provided to the applicant as advice.
United Utilities	The information submitted as part of the application has failed to identify the impact the proposal will have on their assets. Recommends a condition to afford appropriate protection of infrastructure that crosses the site.
County Highways	No objections subject to the submission and agreement of a scheme for an alternative cycle route during the construction period and the submission of a construction method statement
Public Rights of Way	Raise concerns the application mentions diverting various parts of the existing cycleway and the applicant needs to take into account that planning permission does not permit the obstruction of existing Public Rights of Way without the appropriate Diversion Order being confirmed. Given that a diversion Order can take a while to process under the appropriate Act the applicant's potential start date of January 2019 and completion February 2020 may be ambitious. There are also concerns that the suggested alternative route during the temporary closure has a number of safety implications in that the route concerned has insufficient width to accommodate cyclists and pedestrians. A preferred option would be to stagger the closure as and when works have been completed so that there is minimal disruption to Rights of Way users and an alternative route would have a lower impact on users over a lesser period of time.

Ramblers Association	Neither objects nor supports the application. Little benefit to the Public Realm is proposed, especially since the Public Rights of Way are not being protected by this scheme.
Lancaster Civic Society	No comments received
Lune River Trust	No comments received
Engineering Team	No comments received
Planning Policy Team	No comments received
RSPB	No comments received
Public Realm Officer	No objections the proposed works will not have a significant impact on the public realm.
Greater Manchester Ecology Unit (GMEU)	No objections the proposal will not have a significant impact on the special interest of the European Protected Sites concerned subject to implementation of the mitigation within the submitted Construction and Environmental Management Plan (CEMP), Utilities Method Statement and Water Framework Directive Assessment. Conditions are required to ensure appropriate ecological mitigation is carried out. Satisfied with the mitigation proposed in respect of protected species.
Campaign to Protect Rural England	Concerns regarding construction and long-term impacts, increase in flood risk and the possibility of light pollution being unnecessarily increased.
Dynamo Cycle Group	Objection - as there is no safe, protected alternative for cyclists and walkers is provided in the current plans. Willing to remove its objection if the plans include a safe, protected route during the construction phase and if there are further details about the eventual replacement path.

5.0 Neighbour Representations

5.1 At the time of writing this report 25 items of objection have been received. A summary of the main reasons for opposition are as follows:

- Opposition to the proposed alternative route.
- Concerns regarding impact on cycling/footway/right of way – including impacts upon leisure and commuting; horse riding; wheelchair access; wellbeing of users; increase in traffic congestion during the works as a consequence of loss of the facility; ‘Up and Overs’ present accessibility issues. A suggestion that the works should be phased to avoid entire length being closed during construction.
- Concerns regarding engineering matters – including flood gates would be a viable alternative; proposal is over-engineered and a costly solution; companies should erect concrete barriers on their own land.
- Flood matters including no impact on flooding from sewers or on groundwater flooding are identified in the Flood Risk Assessment; and new risk of surface water flooding due to wall preventing discharge into river.
- Locational matters, including wall should not be on the river side of the path so users still have the same access and view of the river and riverside land; and the proposal doesn’t offer protection for the premises of John o’Gaunt Rowing Club.
- There is an opportunity to make improvements by adding facilities such as playgrounds, trim trail, pump track or cycle skills area / trail, cycle parking, dog bins, dog exercise area, art installations, improvements to the accessible jetty, climbing holds.

5.2 Five item of support have been received. Although offering support for the scheme these items of correspondence also raise the following questions:

- Will there be an alternative route?
- Support is caveated due to concerns regarding the closure of the public footpath.
- Suggests a phased approach to the closure and adequate provision for a safe cycling route.

5.3 Twelve public comments neither object or support the scheme but make the following points:

- Consideration should be given to the needs of horse riders;

- Clarification sought as to whether the cycle path is to be closed;
- A diversion onto Caton Road is not acceptable;
- Importance for a safe and sufficiently wide alternate route for cyclist to be provided;
- Will the proposal mean that water will back up and that Halton flooding will be made worse?

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraphs 7 to 10 Achieving sustainable development
Paragraph 11 to 14 The Presumption in favour of sustainable development
Paragraphs 47 to 50 – Determining applications
Paragraph 80 –Building a strong and competitive economy
Paragraphs 91, 92, 94, 96 and 98 – Promoting healthy and safe communities
Paragraphs 102 to 103, 108 to 111 – Promoting sustainable transport
Paragraphs 124, 127, 129, 130 - Achieving well-designed places
Paragraphs 148, 150 – Planning for climate change and flood risk
Paragraphs 170 and 175 - Conserving the natural environment/habitats and biodiversity
Paragraphs 189 to 192, 196, 197 and 200 – 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 Core Strategy Policies

SC1 –Sustainable Development
SC7 – Development and the Risk of Flooding
SC8 – Recreation and Open Space
ER2 – Regeneration Priority Area (Caton Road)

6.4 Development Management DPD Policies

DM3 - Public Realm and Civic Space
DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM25 - Green Infrastructure
DM26 – Open Space, Sports and Recreational Facilities

DM27 – The Protection and Enhancement of Biodiversity
DM28 - Development and Landscape Impact
DM29 - Protection of Trees, Hedgerows and Woodland
DM31 – Development Affecting Conservation Areas
DM32 – The Setting of Designated Heritage Assets
DM33 – Development Affecting Non-Designated Heritage Assets or their Settings
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM40 - Protecting Water Resources and Infrastructure

6.5 Lancaster District Local Plan Saved Policies

EC5 - Improving the District's Existing Employment Areas

6.6 Lancaster District Local Plan 2011 – 2031 - Infrastructure Delivery Schedule

6.7 Other Material Considerations

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

7.0 Comment and Analysis

The key material considerations arising from this proposal are:

- Principle of development and background to submission;
- Design and appearance;
- Flood risk and surface water drainage;
- Impacts on trees;
- Ecological impacts;
- Impact on heritage assets;
- Highways and access.

7.1 Principle of development and background to submission

7.1.1 There is a long-established employment area along the eastern side of the cycle path that benefits from strong transport links to Lancaster City Centre, the M6 and the Port of Heysham. Serious flooding in December 2015 affected a number of parts of the district, including the immediate area around Caton Road. There was also disruption caused due to flooding at the junction of Halton Road, Mainway and Aldrens Lane during this flood event. The submission explains that while activities have gradually resumed, some businesses have moved away and those that remained have reported difficulties in securing ongoing flood insurance.

7.1.2 At present the area is at risk from a 1 in 20-year flood event. This risk threatens to deter existing businesses and dissuade new business from establishing in the locality. In order to ensure that Caton Road remains a key employment centre, there is a need to provide effective flood protection. Flood modelling demonstrates that the proposed flood defence wall would reduce the flood risk across the area from the current 1 in 20-year event to a 1 in 100-year event. It is considered that the proposed scheme accords with local planning policies SC7 and ER2 of the Core Strategy as well as the Lancaster City Council Infrastructure Delivery Schedule (2018).

7.1.3 The application has been brought forward by the City Council working in conjunction with the Environment Agency to design a scheme for flood protection. There is clear, strong justification for the proposals on the basis of protecting a designated employment site on Caton Road as well housing and commercial units on the western bank of the river. The principle of the proposal is therefore deemed to be acceptable.

7.2 Design and appearance

7.2.1 New developments are expected to contribute to improvements and enhancements of the public realm in accordance with policy DM3. Policy DM35 highlights the importance of achieving a high

standard of design in order to create an attractive, welcoming entrance at gateway locations. These provisions are also reflected within section 12 of the National Planning Policy Framework which seeks to achieve well designed places.

- 7.2.2 The wall alignment will vary along the route and this is dictated in part due to constraints of existing services and structures. Consequently some stretches of the wall will be located on the river-side of the path. There is an existing 280 metre length of flood wall within the boundary of Standfast Barracks and the new wall will tie into this at either end. In some parts of the development area the wall will be set close to the boundary of the industrial sites and therefore will be offered a degree of screening by trees which will be retained. This is considered particularly important at the southern end of the site where an attractive avenue of poplar trees exist.
- 7.2.3 The proposed concrete flood wall will have three different finishes depending on location. In order to harmonise with the visual character of Skerton Bridge and the Lune Aqueduct, the sections of wall proposed in land contributing to their setting will be faced on both sides with natural stone cladding. Where visible from publicly accessible areas, such as from the River Lune Millennium Park, the wall will be finished with patterned concrete form liner. The remaining sections of wall will be finished with plain concrete. Natural stone copings are proposed on all sections of proposed wall.
- 7.2.4 Following the erection of the wall the cycle way/footpath will be reinstated where necessary. Surfacing will be black bitmac with a pre cast concrete pin kerb edge to match the existing. Timber post and rail fencing will be provided at the up and over access points.
- 7.2.5 It is considered that the proposed use of materials, which are consistent with the local vernacular in this area, will lessen the 'hardening' effect on the riverside character resulting from the introduction of the new wall. The loss of riverside boundary trees is to be kept to a minimum, although a considerable number of trees are affected (see 7.4). The visual appearance will be softened further with the introduction of new planting. Overall the scheme is seen to accord with the requirements of policies DM3 and DM35 in terms of design and appearance.

7.3 Flood Risk and Surface Water Drainage

- 7.3.1 Both parts of the development area lie within Flood Risk Zone 2 and 3. As required a Flood Risk Briefing Note (FRBN) has been submitted within this application. The Environment Agency Flood Map indicates that the site is located within Flood Zone 3: High Probability. Fluvial flood risk in the city derives from fluvial and tidal flood risk from the River Lune and it is also potentially at risk of being flooded by a storm surge in Morecambe Bay. The proposed works are classed as water compatible, comprising essential flood control infrastructure, and the primary focus of this proposal is to minimise flood risk to the businesses and residential properties.
- 7.3.2 The submitted Flood Risk Briefing Note (FRBN) refers to modelling of the impact of the wall which indicates an increase in water level at the 1% Annual Exceedance Probability (AEP) design flood event upstream of the scheme. Although there is an increase in water level of approximately 20mm this does not increase risk to others as the increase in water levels will be contained within bank and therefore would not result in additional flood risk areas.
- 7.3.4 The scheme will offer protection to properties currently at risk of fluvial flooding and the proposed works will not increase the impermeable surface and it is therefore considered that the impact on runoff will be negligible. It is understood that the new wall will include 'flow paths' to allow surface water to discharge by gravity to the river and the modelling referred to in the FRBN suggests that there will be no impact on surface water outfall or change in surface water flood risk associated with the development.

7.4 Impact on Trees

- 7.4.1 One of the key issues is the balance that has to be sought between the need to protect businesses, people and property from flooding, and the impact the works will have on the significant number of trees, particularly along the eastern route. A Tree Protection Plan (TTP) has been submitted as part of the scheme which identifies trees established along the route of the proposed wall which are directly implicated by the development. While the structures of the existing cycle path will act as a constraint to smaller less well established trees, larger mature trees may be rooting beneath the

path. It is proposed that much of the construction will be carried out from the landward side of the wall and the applicant has liaised with land and business owners in this regard.

- 7.4.2 The (TPP) identifies 687 trees to be felled to accommodate construction. It is the view of the Tree Officer that the actual number of trees which may be implicated by the proposal will be in excess of 750. Clearly the Tree Protection Plans (TPPs) show the wall to be erected in close proximity to a range of trees proposed for retention. Currently the Tree Protection Officer is of the view that it has not been satisfactorily demonstrated within the TPPs that the trees identified for retention and protection can be adequately protected in compliance with BS5837 (2012). It is the recommendation of the Tree Officer the applicant's appointed arboriculturist to should be asked to review the impact on trees on site prior to commencement of development. It is also accepted by the Tree Officer that until trees in association with the development can be marked up on site, it would be difficult to know with any certainty exactly how many trees would in fact require removal. However, because the existing tree planting is very dense, the Tree Officer is confident that the final number for trees lost to facilitate the scheme would be acceptable and that that the existing screening and greening benefits can be retained. It is nevertheless critical to understand the true impact of the proposal in relation to tree losses in order that adequate mitigation measures can be identified. The Tree Officer therefore raises no objections to the proposal subject to conditions requiring a revised Arboricultural Method Statement (AMS) which identifies and marks up all tree proposed for removals. The revised AMS would in turn inform a replacement planting scheme and an updated Arboricultural Implications Assessment.
- 7.4.3 It is acknowledged that a relatively large volume of tree losses have been proposed in order to accommodate the development. However, as highlighted above, due to the dense nature of existing planting by and large there are "other" trees which will be retained beyond those that are to be removed and it is considered that this will, in most areas, avoid the development of "gaps" in the existing tree cover.
- 7.4.4 Policy DM29 sets out that the Council will seek to retain existing trees within development proposals but that where this is not possible or feasible to achieve then consideration will be given as to whether suitable mitigation measures would compensate for the losses sustained. Where the loss is adequately justified the policy sets out that the local planning authority would normally seek replacement tree planting in accordance with the Council's Tree Policy document (adopted 2010) which sets out that that where trees are to be removed in order to accommodate an approved development, replacement planting is generally expected at a ratio of 3:1. However, in this instance this is not considered feasible due to the narrow constraints of the site. As such the submission proposes a replacement of all trees to be lost during the construction phase on a ratio of at least 1:1 within the site, making up the numbers to 3:1 in external off-site locations. On balance this approach is considered acceptable in this instance given the significant benefits that the scheme would bring to the adjacent employment site.
- 7.4.5 It is clear that the scheme will result in significant tree loss and this is acknowledged as of a weakness of the scheme. Subject to a condition for replacement planting (which will be expected to achieve a minimal on site replacement ratio of 1:1), in addition to a scheme for tree planting in additional off site locations, on balance the scheme is considered to be acceptable in terms of impacts on trees.
- 7.5 Ecological impacts
- 7.5.1 The site is located partly within and adjacent to the River Lune Biological Heritage Site (BHS) which is a non-statutory designated site for nature conservation and the application is supported by an ecology appraisal of the site. The habitats present within site comprise semi-natural and plantation broadleaved woodland, scrub, grassland, inundation habitat and the River Lune. The habitats provide opportunities for commuting and foraging bats, breeding birds, otter and common species of reptile. Several mature trees located along or adjacent to the cycle/footpath provide opportunities for roosting bats and nesting birds. As highlighted above, the scheme involves the loss of a significant number of trees and there are also potential construction impacts to bats, birds, otter badger, and common species of reptile and fish through increased disturbance, increased lighting / noise and loss of habitat.
- 7.5.2 Policy DM27 seeks to ensure that where adverse effects are unavoidable, development proposals should ensure that such effects are minimised and provide appropriate mitigation and compensation

measures. Section 15 of the NPPF also seeks to ensure that any impacts on habitats and biodiversity are adequately mitigated.

- 7.5.3 The submission includes an Ecological Impact Assessment and ecological impacts have been exhaustively considered by Natural England and the Greater Manchester Ecology Unit (GMEU) who are satisfied with the proposed mitigation measures. GMEU have carried out a Habitats Regulations Assessment and an Appropriate Assessment in respect of the proposal. A Water Framework Assessment has also been submitted and considered by GMEU who are satisfied that there will no negative impacts on the ecological potential of the River Lune. There will inevitably be a period of disruption but provided the good working practices set out in the Construction and Environmental Management Plan (CEMP) are followed, it is considered that there would be no likely significant effects on the adjacent Biological Heritage Site or the nationally designated sites which lay downstream of the proposal site. Natural England has advised that due to the proposed mitigation they have no concerns about a significant impact on the designated site features.
- 7.5.4 In terms of protected species, bats and otters have been identified as being present in relation to the development. A number of bat roosts were located during the extensive surveys which have been undertaken. However, none will be directly impacted upon by the development. Two were assessed as having the potential to be disturbed indirectly during construction as a result of noise/vibration. However, the GMEU consultee is satisfied that the potential impacts could be mitigated through a method statement which will be conditioned. It is also worth noting that although there are existing bat boxes within the development site, none were occupied during the surveys but precautionary measures recommended prior to development. No significant issues were identified regarding commuting and foraging habitat. The value of the habitat was confirmed for more common bat species, but the development impact through temporary loss of trees assessed as negligible. The footpath and buildings located within the industrial estate are well lit and subject to regular disturbance via noise and vibration from vehicles and pedestrians. It is considered that operational phase of the development would therefore not increase disturbance levels significantly above the current baseline. Potential disturbance through night working will not occur, with works ceasing half an hour prior to dusk and starting at the earliest half an hour after dawn. No night working will be conditioned.
- 7.5.5 The submitted Ecological Impact Assessment sets out that significant levels of otter activity was recorded along the Lune including several otter holts. The GMEU consultee is satisfied that none are at risk of direct impacts but the Ecological Impact Assessment concludes that at least two of these holts are close enough to be at risk of disturbance and therefore a license is required from Natural England for the works to proceed.
- 7.5.6 Consequently the local planning authority must consider the three derogation tests that would applied when determining whether a licence can be issued must be considered. These are:
1. The proposed development must meet a purpose of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment” Regulation 53(2)(e).
 2. The competent authority must be satisfied “that there is no satisfactory alternative” Regulation 53(9)(a), and:
 3. “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range” Regulation 53(9)(b).

In terms of overriding public interest, the proposal will result in the protection of a large number businesses from the threat of flooding.

The second test relates to there being no satisfactory alternatives. In the guidance it sets out that there are always going to be alternatives to a proposal and, in terms of licensing decisions, it is for Natural England to determine that a reasonable level of effort has been expended in the search for alternative means of achieving the development whilst minimising the impact on the Protected Species. In this case the development is required in order to protect the adjacent land uses from flooding from the nearby river. As such, it is not considered that there are satisfactory alternatives.

The third test sets out that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. Mitigation measures will include the creation of three artificial holts within proximity to the existing

holts but outside the zone of influence of the construction works. The works to facilitate the development will at its closest be around 10 metres from a holt, which is not regarded as breeding site. GMEU have pointed out that given the otter will have numerous holts over a stretch of 10's of miles they would either ignore the noise and disturbance or move on to another resting place. It is considered that the proposed mitigation is likely to address the requirements of the third test and GMEU are satisfied in this regard.

- 7.5.7 The Ecological Impact Assessment confirmed that nesting birds were present during the survey period within the development site but no protected species were identified. As such clearance should ideally occur outside the bird nesting season. It is therefore considered reasonable to require a method statement for vegetation clearance during the bird nesting season rather than rely solely the standard bird nesting condition.
- 7.5.8 Mitigation for ecology as set out in the submitted updated Ecological Impact Assessment suggests the replacement of all semi-mature and mature trees to be lost during the construction phase on a ratio of at least 1:1 within the development area with the provision of additional trees off-site (in external locations) increasing the planting ratio to 3 to 1. As set within section 7.4 of this report, overall tree replacement on site is proposed on a 1:1 ratio and therefore the recommendations of the ecology mitigation can be incorporated into this. GMEU have confirmed that this is satisfactory providing native species are utilised. GMEU require a number of details to be conditioned through the submission of a Landscape and Environmental Management Plan.
- 7.5.9 The Ecological Impact Assessment sets out construction mitigation and compensation measures in addition to the submitted Construction and Environmental Management Plan and these will be conditioned to the satisfaction of GMEU. As such it is considered that the scheme will accord with the requirements of policy DM27 as well as 170 and 175 of the NPPF.
- 7.6 Impact on heritage assets
- 7.6.1 The majority of the proposal relates to the eastern bank of the River Lune, taking in the highly significant scheduled monument and Grade II* listed Skerton Bridge and the Grade I listed Lune Aqueduct. The development area also falls within close proximity of, and the potential to affect the settings of, the grade II listed Standfast Barracks (former Wagon Works) and the grade II* listed 38-42 Parliament Street, and within the setting of the Lancaster Conservation Area. In addition to these designated heritage assets, there are a number of non-designated heritage assets affected by the proposal, namely the former corn mill at Skerton (affected by the shorter stretch of flood defence proposed on the western bank), 1-15 Halton Road, 163 Main Street, the boat house, Lancaster Canal and the Midland (Little North Western Railway).
- 7.6.2 Queries raised by the Senior Conservation Officer (SCO) were satisfied through the submission of further details regarding: how the wall will intersect with the earthwork embankments on either side of the Aqueduct; together with paths and up-and-overs (Nos. 6-8); as well as details of how the wall will tie into the embankment near Skerton Bridge and any earthworks. As such the SCO is now of the view that these two important listed structure will not be impacted unduly by the scheme.
- 7.6.3 Sections of wall proposed in the visual envelope of Skerton Bridge and The Lune Aqueduct and the section proposed on the western side of the river will be clad with natural stone. Subject to the submission and agreement of materials through appropriate conditions it is considered that heritage impacts will be minimised.
- 7.6.4 It is considered that harm resulting from the scheme will be less than substantial but that this harm is outweighed by the public benefits of providing effective flood protection to a large number of businesses, as well as offering increased flood protection to the historic built environment along the Lune and the north of the centre. As such the scheme accords with the provisions of polices DM32 and DM33 as well as national requirements outlined within section 16 of the NPPF.
- 7.7 Highways and access
- 7.7.1 During the site visit by the Case Officer it was clear that the cycle/footpath along the eastern bank is extremely well used. A temporary diversion will be required for the cycleway and Public Rights of Way during the construction period which is anticipated to be 15 months. The County Highways consultee has raised a number of points regarding the provision of an alternative route during the

construction period. These points have also been raised within the majority of public comments and the suggestion of a phased construction period has been put forward. This suggestion was also put forward by the Public Rights of Way Officer in order to minimise disruption to Rights of Way users and result in a lower impact on users over a lesser period of time. Although this option has been considered by the applicant it is anticipated that this approach would actually result in the construction period be significantly increased and the costs would be raised considerably.

- 7.7.2 The current cycle-footpath is clearly a well-established and popular facility, and its loss, even for a temporary period of time, is not ideal and is not treated lightly in the planning balance. However in reaching the recommendation of approval, as this report does, it is dependent upon an alternative temporary route being provided during the construction period. The precise location of the alternative route would be imposed as a planning condition, which would require satisfactory details being discharged by the local planning authority, in consultation with County Highways. It is understood that the applicant has held a number of public events where possible routes have been on display. However, it is reiterated that final options are still being explored by the applicant in this regard and are likely to ultimately result in some off-site highway improvements which will remain beyond the construction period and once the cycle path has re-opened and will therefore provide a long term benefit.
- 7.7.3 County Highways has requested a condition regarding a scheme for the conversion of a grass verge (adjacent McDonalds/Holiday Inn) into a hard surfaced 2m wide length of pedestrian footway. This is directly related to one of the options for an alternative route being considered by the applicant but as highlighted above these plans have not yet been finalised and therefore it is not reasonable to include such a condition.
- 7.7.4 A number of public comments refer to the up and overs as presenting accessibility issues. However they will in fact provide inclusive access for all people including those with disabilities (similar in principle to those installed on Marine Road, Morecambe)
- 7.7.5 The works will require the applicant to obtain an appropriate Diversion Order but this is dealt with by separate legislation. Subject to the inclusion of a condition for the submission of a Construction Management Method Statement and the provision of an alternative route, the proposal is considered to be acceptable from a highways and access perspective.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 It is considered that submission has addressed the key issues arising from the proposal particularly in terms of trees and ecological. While clarity is sought regarding the exact number of trees implicated by the development, the Tree Officer is satisfied with the proposed replacement ratio. It is considered that the scheme will provide appropriate ecological mitigation and will not impact unduly on designated heritage assets. While it is accepted that there will be disruption to accessibility during the construction period, this must be balanced against the significant benefits that would be secured in the long term, particularly to an important employment area for the district. It is considered that on balance, approval should be given to the proposed flood defence measures which are put forward within this submission.

Recommendation

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

1. Standard timescales
2. Approved plans
3. Implementation of a programme of archaeological work in accordance with a written scheme of investigation
4. Scheme for alternative cycle route to be provided during the construction period
5. Construction and traffic management method statement
6. Construction and environmental method statement
7. Ecological mitigation measures

8. Revised AMS - A further detailed assessment of the impact of the proposed development on trees that are currently proposed for retention will be required prior to commencement of the development.
9. Revised Arboricultural impact assessment
10. Scheme for replacement planting and landscaping on-site informed by revised AMS
11. Scheme for off-site tree planting
12. Details of all materials
13. Full details of up-and-overs
14. Any deviation from the proposed localised earthworks to be agreed by LPA
15. Methodology for tying flood wall into embankments supporting Skerton Bridge and Lune Aqueduct
16. Location and details of new refuse bins and lighting
17. Details of security fencing
18. Landscape and environmental management plan
19. Method statement detailing control and/or avoidance of invasive species
20. Hours of construction Mon to Fri 0800-1800 and Sat 0800-1400 (no night time working)

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:

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

Background Papers

None

Agenda Item A6	Committee Date 12 th November 2018	Application Number 18/00921/FUL
Application Site Land To The North Of Foundry Lane Halton Lancashire		Proposal Change of use of agricultural land to a gypsy/traveller site comprising of 2 static caravans and 3 touring caravans, 2 utility blocks demolition of existing stable and erection of a replacement stable building, installation of a septic tank, regrading of land levels, creation of a 1.2m bund and retention of hardstanding and 2.1m boundary fence
Name of Applicant Mr & Mrs F. Varey		Name of Agent Building Plan Services
Decision Target Date 3 October 2018		Reason For Delay Revised plans to ensure no impacts on trees and Committee cycle.
Case Officer		Mrs Petra Williams
Departure		No
Summary of Recommendation		Approval

- (i)** This form/scale of development would normally be dealt with under the Scheme of Delegation. However, a previous submission (18/00075/FUL) earlier this year was called in to Committee but withdrawn prior to the meeting. Under the scheme of delegation, it is considered appropriate to refer the application to Planning Committee for Members' consideration. Members will recall visiting the site on 18th June 2018.

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 50m before turning sharply back on itself to run in an easterly direction for approximately 35m 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 are two metal containers sited on the land which is surfaced with crushed hard-core and until recently there was a small stable on the site. 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 35m 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 100m 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 and a septic tank .The submission includes associated parking and also proposes a replacement stable building, installation of a septic tank, creation of a 1.2m bund and retention of hardstanding, regrading of land levels and a 2.1m boundary fence.
- 2.2 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 6.5m away from each static pitch respectively. The two utility buildings would each have footprints of 5m by 7m and would be 3.56m high with a pitched roof. An additional touring pitch would be accommodated 3.5m away from utility block 2. A new L-shaped stable block will be located close to the footprint of the previous stable which has since been demolished. Bunding at a height of 1.2m will be created around the eastern end of the site for a distance of 28m and this will turn at right angles to run along the northern boundary for 50m. The scheme would provide accommodation for two families.

3.0 Site History

- 3.1 As highlighted above, a previous application in relation to this site was submitted and withdrawn earlier this year.

Application Number	Proposal	Decision
18/00075/FUL	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	Withdrawn

4.0 Consultation Responses

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

Consultee	Response
Conservation	No objections
Housing Policy Officer	No objections - though suggests that consideration should be given to the imposition of a temporary consent.
County Highways	No objections - conditions are recommended in relation to appropriate surfacing and width of the site access.
Highways Agency	No objections in principle - conditions are required 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.
Environmental Health – Noise	No objections - no concerns regarding the revised layout subject to the 2.1m acoustic fence being constructed around the caravans. The proposed stable and utility blocks would in principle afford additional protection to the caravans (from transportation noise).
Environmental Health – Air Quality	No objections – specific comments not made in respect of the current submission but AQO requests that comments made in respect of the previous scheme be taken into account. Of the view that air pollution levels would be not prohibitive in this location.
Environmental Health – Contaminated Land	No objections Suggests unforeseen contamination condition sounds appropriate given former uses of the site, proposed use, limited groundworks and inclusion of new surfacing which will isolate the site users from the subsoil.
Tree Protection Officer	No objections - subject to condition regarding AIA.

Lancashire Constabulary	No comments received
Lead Local Flood Authority	Comments that the proposal is not listed in the 'When to Consult the LLFA' document.
Fire Safety Officer	Comments provided as advice
Parish Council	Two items of comments submitted. Initial comments raise No Objection but raises highway concerns. Subsequent comments set out Strong reservations – 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, noise, drainage/flooding issues, proximity to M6 causing health risks and highway safety

5.0 Neighbour Representations

5.1 12 items of objection have been received in response to this submission. The following points are made:

- Highway and traffic matters, including safety of Foundry Lane (national speed limit); safety of access;
- Departure from Local Plan, including criterion (i) of Policy DM47;
- Amenity concerns, including noise pollution/air quality issues for occupants from motorway; possible pollution of Cote Beck due to hardcore placed on site already;
- Visual amenity concerns, including impacts on landscape;
- Concerns regarding flood risk;
- Loss of agricultural land;
- The suitability, or otherwise, of the Brownfield Register sites, along with any other potential sites, should be demonstrated in advance of the planning decision;
- The Council has left itself vulnerable to ad hoc applications of this kind as it has not allocated sites for this type of accommodation;
- Application should include an otter and water vole survey due to proximity to Beck (*NB: this is included within the application*).
- Concerns regarding the proximity of a nursery and scout hut.

5.2 One item of support of the application. The commenter highlights the shortage of available land for culturally appropriate accommodation for Gypsies and Travellers

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7 to 10 Achieving sustainable development
Paragraph 11 to 14 The Presumption in favour of sustainable development
Paragraphs 59, 60, 62 – Delivering a sufficient supply of homes
Paragraphs 91, 92, 94, 96 and 98 – Promoting healthy and safe communities
Paragraphs 102 to 103, 108 to 111 – Promoting sustainable transport
Paragraphs 124, 127, 129, 130 - Achieving well-designed places
Paragraphs 170, 172, 175 - Conserving the natural environment/habitats and biodiversity

6.2 Planning Policy for Traveller Sites (PPTS) -2015

This document sets out the Governments 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 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 enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination,

which is scheduled to commence in early January 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council in mid-2019.

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 store, butchers, 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 outs 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 Furthermore, 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, given that an unmet need currently exists, 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 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 approximately 90 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. Furthermore, it is also noted that although a call for such sites has been made by the Council with the view to producing a draft Gypsy and Traveller Site Allocations DPD, only three sites have been put forward and all are considered to be unacceptable (one in a flood zone, one within an industrial estate and the third in a remote rural area).

- 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 proposed caravans and utility blocks 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.
- 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 caravans and two utility blocks would be enclosed within the remainder of the site by further screening which will be afforded by the proposed bund which will be grassed and planted with a hawthorn hedge along the eastern and part of the northern site boundary. The site would also be enhanced by additional landscaping in accordance with the design criteria of policy DM47.
- 7.4.4 Policy DM10 states that proposals for the equine related development will be permitted in principle if new stables and associated infrastructure are well screened from the surrounding countryside and should not interfere within the amenity of surrounding residents, proposals should not have a detrimental impact on the local highway network and highway safety and, the design, scale, siting, external lighting and use of materials should respect the rural setting and landscape. The proposed L-shaped stable block would be located within the western part of the site and as such some views of this structure would be possible from the western approach over the motorway bridge. However, as the site is set lower than the adjacent road it is considered that these views will be limited. Furthermore, soft landscaping is proposed and this will provide screening as well as a general visual enhancement of the area. As discussed below, the County Highways consultee has raised no objections from a highway safety perspective subject to conditions. The L-shaped stable would be 12.3m along the short edge and 14.9 along the longer side with an eaves height of 2.4m. In terms of appearance the stable would be finished with a felt tiled roof with elevation comprising dark brown stained horizontal weatherboard. This is considered appropriate to the rural setting.

7.4.5 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.

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 5 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 It is noted that Parish Council suggested that consideration be given to the relocation of the 30mph sign. This suggestion was explored with the Highway consultee but he did not feel that re-location the 30mph speed indicator sign and associated removal of red texture flex macadam surfacing and 30MPH carriageway speed indicator roundel to a location nearer to Foundry Lane Bridge (straddling the M6) would warrant the expense and potential damage to the surface of the carriageway through removal & relaying of the surfacing. The Highway consultee also highlights consideration of the rural nature of the route, limited number of residential properties having access onto the carriageway and reported accident collision data.

7.5.3 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. The precise wording of conditions has been confirmed as satisfactory by the Highways England consultee. Overall the scheme is considered acceptable from a highways perspective.

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

7.6 Impacts on residential amenity

7.6.1 The application site lies approximately 50m 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 the southern utility block has been shifted slightly in order to remove it from the RPAs of protected trees and the Arboricultural Implication Assessment has been revised accordingly. This document acknowledges the amenity value of the off-site trees. 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 but as Cote Beck is approximately 6m away from the site an Ecology Survey which includes an Otter and Water Vole survey has been submitted. The survey encompassed the entire site and surrounding land within 30m, as well as 200m upstream and downstream of the nearby Cote Beck. The survey concluded that there would be no impact upon either of these protected species. The survey recommends ecological enhancement measures (e.g. native plant species) and some of these suggestions will be taken into account when considering the landscaping scheme. 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 were made with the Environment Agency due to the concerns raised by objectors during consideration of the previous submission. The current Flood Map for Planning shows the red-edge boundary of the site lies wholly within flood zone 1 and is not at risk from fluvial flooding.

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 and the nearby M6.

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 use i.e. residential. However, this point has been considered by the Contaminated Land Officer who is satisfied that this can be addressed through the inclusion an unforeseen contaminated land condition as he considers the groundworks which have taken place to be limited and as the site will be surfaced with some form of hardstanding which will isolate the site users from the subsoil.

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. Site design and construction plan
4. Site access improvements
5. Details of hard and soft landscaping
6. Details of surface water sustainable drainage scheme
7. Details/samples of external materials, lighting, bin storage and surface treatment
8. Full details of the foul drainage system
9. Details and installation of the acoustic fences
10. Details and installation vehicle restraint barrier system
11. Surfacing of access prior to occupation
12. Access from the site to Foundry Lane shall be constructed to a (minimum) width of 5 metres
13. Development in accordance with AIA
14. Retention of 2.1m high solid timber panel fencing
15. Unforeseen Contamination
16. Stable for personal use
17. Use of the site limited to Gypsies and Travellers
18. Limited to number and location of units shown on plan
19. Removal of permitted development rights

20. Removal of two containers within two months of permission being granted.

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

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

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

Background Papers

None

Agenda Item A7	Committee Date 12 November 2018	Application Number 18/00335/FUL
<p align="center">Application Site</p> <p align="center">Land At Chapel Lane Galgate Lancashire</p>	<p align="center">Proposal</p> <p align="center">Erection of 32 dwellings (C3) with associated access and landscaping</p>	
<p align="center">Name of Applicant</p> <p align="center">Applethwaite Ltd</p>	<p align="center">Name of Agent</p> <p align="center">Mr Lee Greenwood</p>	
<p align="center">Decision Target Date</p> <p align="center">24 August 2018 (Time extension agreed till 15 November 2018)</p>	<p align="center">Reason For Delay</p> <p align="center">Negotiation with the applicant on matters of viability, design, highways and surface water drainage.</p>	
<p>Case Officer</p>	<p>Mr Mark Potts</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Refusal</p>	

1.0 The Site and its Surroundings

- 1.1 The site is located to the north of the village of Galgate, and consists of grazing land occupying an area of circa 3 hectares. The site is bounded by mature hedgerows, and by Chapel Lane, Langshaw Lane and the M6 further to the east. A hedgerow runs throughout the centre site, essentially forming a field boundary. The site rises gradually from Chapel Lane to its highest point in the south eastern corner of the site. Where development is proposed, the site levels are 25 metres (Above Ordnance Datum AOD) towards the west, rising to 29 metres (AOD) towards the far east of the site. The site lies within Flood Zone 1, however Flood Zone 2 and 3 are located on the western boundary of Chapel Lane. Footpath 15 is located 300 metres to the north west of the site and Footpath 26 is located 125 metres to the north east of the site.
- 1.2 The site is allocated as countryside land in the adopted local plan, and partly continuing through the emerging local plan, however the very eastern extent of the site is proposed to be captured within the broad area for growth of Bailrigg Garden Village allocation, and also the infrastructure delivery for South Lancaster. St Johns Church is Grade II listed building and abuts the site. Galgate Silk Mill (100 metres away) and Ellel House (60 metres away) are located to the south, and both Grade II listed. The Galgate Air Quality Management Area is situated 500metres to the south west of the proposal site.

2.0 The Proposal

- 2.1 The proposal seeks full planning consent for the erection of 32 single storey bungalows (and will be all over 55's accommodation), together with the creation of a new access, open space and landscaping and internal vehicular roads.

The scheme proposes 32 open market bungalows (semi-detached and detached) which consist of;

- Three 1-bedroom unit;
- Sixteen 2-bedroom units;
- Thirteen 3-bedroom units

2.2 The bungalows are proposed to be delivered using a variety of gabled and hipped roofs under natural slate. External walls would comprise of stone, render and timber boarding. A new access would be positioned off Chapel Lane, and this would be the only point of access and egress into the site.

3.0 Site History

3.1 There is no recent planning history associated with the site, however the applicant engaged with the Local Planning Authority via its pre-application advice service on a larger scheme of 56 dwellings.

4.0 Consultation Responses

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

Consultee	Response
County Highways	Raise concerns. Concede that the development could be at the detriment of public safety, and the operation of the highway network as a whole, however planning conditions could be imposed to negate a highway objection to the scheme.
Local Plans Team	Whilst the site is located in a settlement where the Council would look to promote residential development, poor linkages to existing services and the current built form of the village together with wider infrastructure concerns raise significant issues for officers. Concerns in regards wider road network, its potential impact on the adjacent AQMA and wider Bailrigg Garden Village delivery.
Lead Local Flood Authority (LLFA)	Initially required additional information to allow for an informed opinion to be made with regards to soakaway sizing calculations, the maintenance of the soakaways and the design from exceedance flows. The applicant shared additional information with regards to the above, and the LLFA now raise no objection to the scheme.
United Utilities	No objection , and foul and surface water should be drained on separate systems and a surface water drainage scheme shall be conditioned.
Ellel Parish Council	Objection: Surface Water drainage and highway safety concerns associated with the scheme, and the view is that Galgate ought to retain its identity as a settlement and a community district from Lancaster, rather than subsumed into the latter.
Environmental Health Officers (Noise)	No objection as the noise assessment predicts the noise levels at the site, and with double glazing and trickle ventilation that the design criteria recommended within BS8233:2014 for acceptable sound levels will be met.
Environmental Health Officer (Air Quality)	Objection on the basis that the development will impact on the two AQMAs and in the absence of a required mass emission assessment of the proposed impact/mitigation and absence of sufficient mitigation to minimise the associated air quality impact.
Tree Protection Officer	No objection , however recommends a Tree Protection Plan is controlled by planning condition together with a landscaping scheme.
Natural England	No observations to make on the proposal
Public Realm Officer	No objection and the proposal provides for a good designation of natural and semi-natural open space. However, further details of how this will be maintain for public access is required. A development of this size is required to a minimum of 477m ² usable amenity space within the development. Offsite contributions of; £82,020 are required: <ul style="list-style-type: none"> • Outdoor Sports Facilities £28,908 • Equipped Play area £32,100 • Young People's Provision £12,840 • Parks and Gardens £8,172
Engineering Team	No observations received within the statutory timescales.
Conservation Officer	The proposal would lead to a level of harm on the setting and significance of designated heritage assets, St Johns Church and Galgate Silk Mill (Grade II). The level of harm is less than substantial. The proposal would also harm the setting and significance of surrounding non designated heritage assets notably Sill House and Leatside. The harm has not been avoided or mitigated by design, layout or landscaping, and therefore raise objection .

Greater Manchester Ecology Unit	No objection , and would consider that the development proposal would not cause substantive ecological harm, but would recommend that a number of precautions are required to protect ecological interests if permission is granted to the scheme; <ul style="list-style-type: none"> • Construction Method Statement; • Landscaping Plan; • Tree Felling and Nesting Birds avoided between March and August inclusive • All trees and hedgerows to be protected during development; • External Lighting shall be minimised.
Historic England	No observations to make on the planning application.
Fire Safety Officer	No objections
Lancashire Police	No objections , however recommend that secured by design principles are embodied in any scheme.
Lancashire County Council Education	No objection , however recommend that provision is made for two secondary school places and therefore a contribution of £47,474.56 is provided for. Following further dialogue that no education contribution is required given the over 55's nature of the development.
Citizens of Lancaster Opposed to Un-necessary Development (CLOUD)	Objection; <ol style="list-style-type: none"> 1) Proximity to the Bailrigg Garden Village and proposed new road; 2) The village is at capacity; 3) Detrimental to the air quality of the area; 4) Road Safety concerns; 5) Enhanced flood risks associated with the development; 6) Lack of Affordable Housing Provision; 7) Concerns associated with the supporting information with respect to errors.

5.0 Neighbour Representations

5.1 The application has been advertised in the press, by site notice and adjoining residents notified by way of letter. To date there has been **42 pieces** of correspondence received all objecting to the development;

Surface Water Flooding Issues – Chapel Lane, together with the site, flooded extensively in November 2017 and the loss of this site to development will only compound the issues downstream further.

Loss of Greenfield – The site has landscape value, and the Council should be considering brownfield sites in advance of releasing further greenfield sites.

Highways – The local highways are constrained (notably around the Galgate Crossroads, by the Silk Mill and along Chapel Lane heading towards the University), further development will only serve to make matters worse. Chapel Lane is on a national cycle-route, and therefore there are compatibility issues between cyclists and motorists. Chapel Lane is used by motorists, cyclists and walkers and lacks proper footpaths.

Air Quality – Air Quality in the village is already poor around the Galgate Crossroads, approval of this scheme will only serve to make the situation worse.

Local Infrastructure - The school is at capacity and significantly over-subscribed, as is the local doctors surgery, and there is a lack of shops and services within the village to support a scheme of this nature.

Affordable Housing – No affordable housing provision is proposed on what is a greenfield site;

Heritage - The scheme will impact on St Johns the Evangelist Church and also the Silk Mill.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraphs 7 to 10 Achieving sustainable development

Paragraph 11 to 14 The Presumption in favour of sustainable development
Paragraphs 47 to 50 – Determining applications
Paragraphs 52 to 56 – Planning Obligations
Paragraphs 59, 60, 62 – Delivering a sufficient supply of homes
Paragraph 68 – Identifying land for homes
Paragraph 74 – Maintaining supply and delivery
Paragraphs 77 to 78 – Rural Housing
Paragraphs 91, 92, 94, 96 and 98 – Promoting healthy and safe communities
Paragraphs 102 to 103, 108 to 111 – Promoting sustainable transport
Paragraphs 117 to 118, 122 to 123 – Making effective use of land
Paragraphs 124, 127, 129, 130 - Achieving well-designed places
Paragraphs 148, 155, 163 and 165 – Flood risk
Paragraphs 170, 172, 175 - Conserving the natural environment/habitats and biodiversity
Paragraphs 178 to 180, 182 - Ground Conditions and Pollution
Paragraphs 189 to 192, 196, 197 and 200 – Conserving and enhancing the historic environment
Paragraphs 205 to 206 – Facilitating the sustainable use of minerals
Paragraphs 213 to 214 – Annex 1 Implementation

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 enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination, which is scheduled to commence in early January 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council in mid-2019.

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 (DM) DPD (2014)

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM23 – Transport Efficiency and Travel Plans
DM25 – Green Infrastructure
DM26 – Open Space, Sports and Recreational Facilities
DM27 – The Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM32 – The Setting of Designated Heritage Assets
DM33 – Development affecting Non-Designated Heritage Assets
DM34 – Archaeological Features and Schedule Monuments
DM35 – Key Design Principles
DM36 – Sustainable Design
DM37 – Air Quality Management and Pollution

DM38 – Development and Flood Risk
DM39 – Surface Water Run-Off and Sustainable Design
DM40 – Protecting Water Resources and Infrastructure
DM41 – New Residential Development
DM42 – Managing Rural Housing Growth
DM48 – Community Infrastructure

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

SC1 – Sustainable Development
SC4 – Meeting the Districts Housing Requirements

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

E4 – Countryside Area

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

Policy M2 Safeguarding Minerals

6.7 **Other Material Considerations**

- National Planning Practice Guidance;
- Five Year Housing Land Supply Position (September 2018);
- Housing Land Monitoring Report (September 2018);
- Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (2015);
- Open Space Provision within New Residential Development Planning Advisory Note (2015);
- Provision of Electric vehicle Charing Points for New Development Planning Advisory Note (2016);
- Low Emissions and Air Quality Guidance for Development Planning Advisory Note (September 2017);
- District of Lancaster Highways and Transport Masterplan (October 2016);
- Housing White Paper: Fixing our broken housing market (February 2017).

7.0 Comment and Analysis

7.0.1 The proposal raises the following key considerations;

- Principle of Development;
- Housing need for older persons accommodation;
- Local Highway Infrastructure;
- Layout and Scale;
- Landscape Impact;
- Natural Environment;
- Air Quality;
- Noise;
- Cultural Heritage;
- Drainage Matters;
- Other considerations.

7.1 **Principle of Development**

7.1.1 Following the publication of the revised National Planning Policy Framework (NPPF) in July 2018 and the publication of the 2016 sub-householder projections in September 2018, Lancaster City Council has reviewed its 5 year housing land supply. Using the standard methodology as described in the Planning Practice Guide, the local housing need figure identified by the 2016 sub-householder projections and incorporating a buffer as required by NPPF, Lancaster District has a minimum annual requirement of 138 dwellings. Having undertaken a detailed assessment of the deliverability of all sites capable of delivering 5 or more dwellings (i.e. investigating sites for their suitability,

availability and achievability for housing) to create a housing trajectory, Lancaster District can demonstrate a 5 year housing supply with 13.3 years identified. Whilst the NPPF has been revised, its overall direction has been maintained, with local authorities required to significantly boost the supply of homes in their area. It can only do this if it continues to approve appropriate housing schemes. Therefore just because Lancaster District can currently demonstrate a 5 year housing land supply, it does not mean that residential proposals should be refused planning permission unless material considerations indicate otherwise. Given the status of the development plan as a whole (as outlined in Paragraph 6.2 of this Committee report), the 'tilted balance' is still required to be undertaken by the decision maker.

7.1.2 The application site is situated on the northern periphery of the village of Galgate, which is a settlement where sustainable housing will be supported. This is enshrined in DM42 of the Development Management DPD, subject to the below criteria:

1. Be well related to the existing built form of the settlement;
2. Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
3. Be located where the environment and infrastructure can accommodate the impacts of expansion;
4. Demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape; and
5. Consider all other relevant policies,

7.1.3 Galgate continues to remain a sustainable rural village as part of the Council's emerging local plan (although limited weight can be attached to this), and therefore there is still a desire to focus sustainable housing within the village. Galgate has no settlement boundaries (nor do any of the villages within the Development Management DPD), but notwithstanding the above it could be argued that the site has more synergies with Ellel than with Galgate, as the Mill, Hillcroft House and the Church essentially form the boundaries of Galgate as the pattern of development to a linear form of development occurs north of the site. Ellel has a strong linear feel from Sill House in the south (immediately north of the application site) to Mallin Croft, and the Croft to the north, before arriving at Hazelrigg Lane, and then the University. The applicant engaged in the Council's pre-application advice service on a scheme of 56 dwellings consisting of a mixture of houses and bungalows. The scheme before Members therefore has been fundamentally amended to account for a lower density of properties, additional open space and ensuring a vista of the Church (St John the Evangelist – Grade II listed) when looking southwards from Chapel Lane is maintained. The advice shared in 2017 was essentially supportive of some form of development, but on a much reduced scale.

7.1.4 The scheme is for over 55's, and exclusively single storey bungalows. The Local Planning Authority are supportive of a scheme of bungalows, given the need for a relatively level site to accommodate single-storey living. Policy DM45 is especially relevant for this planning application, which concerns accommodation for older people which this application proposes, and the policy goes on to state that this has to meet the needs of older people and well located on a primary bus route, and convenient for local services and facilities and be wheelchair accessible and shall contribute to affordable housing in accordance.

7.1.5 The emerging local plan (whilst limited weight can be attached) is relevant for this application, as around 20 of the 32 units fall within the Policy SG1 (Broad Location for Growth Bailrigg Garden Village), SG3 (Infrastructure Delivery in South Lancaster), and T1.2 (Lancaster Park and Ride). It should be noted that the site falls outside of the Bailrigg Garden Village Broad Area of Growth allocation, however critically falls within land that is essentially being safeguarded as possible future use of any reconfigured Junction 33. One critical concern of officers is whether this scheme could prejudice the future provision of an amended Junction 33 arrangement. As yet a route has not been chosen, nor have officers been privy to any future routes. No objection has been received from the County Council, who are Highway Authority for the district, and ultimately have had the opportunity to object to this development should they considered it prejudice the future alignment of a new road.

7.1.6 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”.

7.1.7 When considering whether this particular development is premature (i.e. ahead of masterplanning the Bailrigg Garden Village), 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 is at an advanced stage (even though it is not yet formally part of the development plan for the area).

7.1.8 In response to the first issue, whilst masterplanning will be fundamental to successfully delivering the Garden Village, the major concern is whether this scheme could jeopardize the future provision of a new road. Officers have reverted to County on this matter and whilst they have not raised objection on this matter, they have raised it as a concern. As mentioned above there is an argument that the provision of a new reconfigured Junction 33 is critical to the success of the garden village and therefore if an objection was to have been raised by County and evidenced, a very different stance could have been taken. Officers therefore consider that the eventual route of any amended J33 arrangement is unlikely to be constrained by approving this site for older person's accommodation. On the second issue, Paragraph 6.2 provides an accurate summary of the current position.

7.2 Housing need for older persons accommodation

7.2.1 In terms of the existing provision of housing for older people across Lancaster district, there is fairly broad mix of housing options across tenures, although bespoke housing is more prolific in the social housing sector and apartment schemes such as McCarthy and Stone developments and the Elms Hotel. Other than the Applethwaite development at Silverdale, there are very few examples of designated purpose built bungalows for the elderly in the market housing sector. Officers are pleased to see that the scheme will consist of a mix of one, two and three bedroom units, which can accommodate a wide range of needs depending on the requirements of the intended client group.

7.2.3 There was concern initially the internal room layouts provided for little in the way of circulation space particularly in the hall-ways and access into and around the bathroom. Level access was also questioned, in terms of into the properties and also for parking. The adopted policy concerning older person's accommodation is detailed in Policy DM45 of the Development Management DPD.

Proposals for accommodation for older people will be supported subject to the proposal meeting the following criteria:

- I. Meeting the genuine needs of older people;*
- II. Being well located for a primary bus route, and convenient for local services and facilities;*
- III. Being wheelchair accessible; and*
- IV. Contributing towards the provision of affordable housing in accordance with Policy DM41 (Use Class C3 only).*

7.2.4 There is a distinct lack of bungalow provision within the district and as previously stated, the Strategic Housing Officer is supportive of the provision of bungalows on the understanding that the layouts can ensure that accessible standards can be achieved. Officers have worked with the applicant's architects and agents and amendments have been made to the units. Progress has been made towards achieving Building Regulations Part M4(2) standards (essentially to ensure that people are able to access and use buildings and their facilities), but the applicant has requested should planning permission be approved they are amenable to a condition to allow for accessibility standards to be achieved. There is nothing before officers to suggest that this cannot be achieved here.

7.2.5 The principle of a scheme for over 55's is something that the Local Planning Authority are keen to support given the age demographic locally and nationally suggests that local authorities should plan

to meet the ageing population. Officers are satisfied that it is possible to control the use of the properties to over 55 provision by means of planning obligation. With respect to location there is tension here as the site is circa 0.45km to the nearest bus stop and whilst Galgate has services it is circa 0.65 km to the Spar shop at the Galgate Crossroads. The site is not isolated by any stretch of the imagination, but footways are poor to say the least. Some off-site highway works are provided by this application which would assist with connectivity matters.

7.2.6 The application has been submitted on the basis that no affordable housing is being provided. This has been independently reviewed by Lambert Smith Hampton (LSH) and it has been concluded that based on the floor space of the development (i.e. because it's all bungalows), that it is not economically viable to provide any affordable homes on the site. This is naturally a disappointment given this is a greenfield site in the south of the district. However a specific type of residential unit is being provided for by this application which is catering for a specific demographic. Members should be aware that Paragraph 64 of the Framework requires that at least 10% of the homes should be affordable homes, however given the independent assessment that has been carried out it is not considered in this circumstance the provision of affordable housing could be catered for.

7.2.7 Through collaborative working with the applicant, the Local Planning Authority, and building control colleagues, a suite of properties have been proposed which Officers consider would meet the requirements of more adaptable living accommodation. As Members will be aware, many schemes across the district over the course of the last few years have been on sloping sites, none of these lend themselves to the provision of bungalows and therefore weight is attached to this site in so far as it can deliver the intended use of bungalows. On balance other than the locational tensions, it is considered that the scheme accords to Policy DM45 of the Development Management DPD.

7.3 Local Highway Infrastructure

7.3.1 The site would be accessed off Chapel Lane and there would be only one point of access/egress into the site. The access has been considered by County Highways to form a safe means of access/egress to facilitate the development. This is on the understanding that 2.4m x 25m visibility splays can be achieved, which can be conditioned as such, should members seek to support the scheme.

7.3.2 Chapel Lane connects to Hazelrigg Lane to the North, and Galgate to the south, and it is a route which is used by cars, cyclists and pedestrians, being very sinuous in nature and consisting of a number blind bends. This is heightened by parked cars particularly to the north of the site. Furthermore, Chapel Lane only has a limited amount of footway. The case officer has visited the site at different times of the day to assess the impact and there are a number of pinch points along its stretch. This is echoed within public comments also.

7.3.3 Members should be mindful of the extant consent for the conversion of the Galgate Silk Mill to student accommodation for 107 studio apartments (which was approved on appeal - 14/00989/CU), which will inevitably lead to a marked increase in Chapel Lane being utilised by students accessing the University (should the permission be implemented). The Inspector considered as part of that determination;

'Chapel Lane has direct easy access on foot or cycling to the University and is designated as an on-road cycle route. While the lane is narrow, the applicants uncontested evidence points out that improvements such as LED street lighting, traffic calming and parking restrictions have been carried out. In addition I observed a footpath runs along part of its length. Against this backdrop, I consider that an increase in its use by occupiers of the proposal would be unlikely to compromise highway safety for those using the Lane.'

7.3.4 Whilst the County have not objected to the proposal they raise understandable concerns on the basis that the site does have limited access to day time public transport and the distance to the GP surgery would involve a car journey. But, equally, many of the districts sustainable villages do not have a doctors surgery (and across Lancashire and Cumbria for that matter). County Highways have raised concern with the rural roads, particularly those heading north towards the University. The County have stated that they consider a 20mph traffic regulation order for the whole stretch of Chapel Lane, together with gateway treatment and street lighting along its stretch should be put in place. County have also requested that blue advance informative signing 'Unsuitable for Long Vehicles' – to be situated on Chapel Lane at its junction with Chapel Lane and in the vicinity of the

Silk Mill. A 2 metre wide footway along the frontage of the site tying into existing elements of the footway to west are also recommended.

7.3.5 Following the County's formal response, the applicants engaged directly with County Highways regarding off-site highway works. Consequently they supplied an off-site highways work drawing which provides for a 900mm wide footway area on either side of Chapel Lane to take pedestrians past the Silk Mill in a safe fashion. The works also cater for a buff coloured surfacing to leave a carriageway width of 3.1 metres. The views of the County Council are still sought, as they provided comment on drainage matters, and not highway matters, and therefore their comments will be verbally updated to Members. Whilst it is wholly accepted that access is constrained, this is a typical feature of many local villages across the district, but critically the Highways Authority do not object to the development, but officers need to understand whether the off-site highways works drawing is acceptable to the Highway Authority and members will be reported verbally.

7.4 Layout and Scale

7.4.1 The scheme proposes 32 bungalows with a mixture of hipped and gabled roofs. The scheme is not linear in nature however the applicant has tried to replicate the linear street geometry and block formulations characteristic of the development to the north. It has to be said that the form of development proposed is not entirely reflective of that found within the village. The layout is outward facing, but given the set back that has been proposed to mitigate impact on the setting of the church this has resulted in a development proposal which could sit quite uncomfortable on the site. The use of close boarded fences along the northern boundary of the site fails to work, but the applicant is amenable to a planning condition (should Members approve the scheme) to utilise stone walling which is supported by Officers.

7.4.2 It is considered that Langshaw Lane forms the divide between the built linear form of Ellel to the north, and Galgate to the south, but the existing hedgerow that runs through the centre of the site in officers view forms the natural barrier to which any new development should be confined too. Overall whilst there is no objection to the appearance of the bungalows, this was on the basis that natural stone would feature. The original application plans detailed the use of stone on the majority of the principal elevations however the applicant's latest plans show the use of render as the predominant externally facing material. The built form surrounding the site is generally made up of natural stone and therefore it has been questioned why all reference to the use of stone has been removed from the proposals, and a written response is expected on the applicant on this issue.

7.4.3 The layout provides for policy compliant separation distances. On the whole garden sizes are all compliant with Policy DM35 of the Development Management DPD. Officers are supportive of the principle of development at the site based on an over 55's scheme, however there are concerns that the applicant has diluted the palette of materials during the planning process and whilst the Council are fully supportive of sustainable housing within the district feel there is an element of over development of this site. The Local Planning Authority are prepared to allow a quantum of development over and above what might otherwise reasonably be accommodated at the site given the age-related type of development that has come forward; however the current scheme goes well beyond the more linear form of development in this part of the settlement. There is scope for a reduced scheme to be accommodated here; but this should be confined to the land west of the hedgerow that crosses the site.

7.5 Landscape Impact

7.5.1 The development will inevitably have an impact on the local character of the landscape, however the site does not benefit from any local or national landscape designation (albeit it is countryside allocation within the adopted and emerging local plan). Compared to the pre-application scheme there has been significant improvements to the layout and the applicant has taken on board some of the local authority's concerns and numbers have been reduced. There has been an honest attempt by the applicant to address the LPAs concerns, and this is welcomed.

7.5.2 It is clear that residents value the local landscape, and officers accept that the site has value in its own right. However it is not considered that the site is valued landscape for the purposes of the Framework, given it is not designated nor identified in the development plan or emerging development plan for its landscape quality.

- 7.5.3 Whilst dwelling numbers have dropped from the pre-application discussions, Officers had recommended a scheme quite linear (to respect the form of development to the north). When approaching the village from Langshaw Lane (passing underneath the M6 motorway bridge) you get clear views of the Church and also Silk Mill and the provision of single storey dwellings at the far western end of the site would work in this context from a landscape perspective (given the built form behind). There are concerns that plots 17-27 enter a different form of landscape setting, deeper into the open countryside (extending the site circa 75 metres eastwards). When viewing the site from Footpath 26, the built form of the site would extend into the open countryside and the development would cause an adverse visual effect from this viewpoint. Furthermore there are views from the M6 which is slightly elevated in comparison to the site, when travelling northbound there are clear views across the site with the Church and Mill prominent within the landscape. Single storey dwellings would help preserve the roofscape of the designated and non-designated heritage assets.
- 7.5.4 Officers feel that this incursion would represent an incongruous and intrusive form of development (given the context of the surrounding built and natural environment). The applicant has provided a significant amount of open space and landscaping notably around the boundary of the site. This would help soften the impact but the change would be one from a pastoral farming site to a housing development. Whilst the site is not valued landscape in terms of Paragraph 170 of the Framework, the proposed development would result in adverse impacts to the landscape. This would result in significant harm to the character and appearance of the site and surrounding area, and would conflict with Policies E4 of the Lancaster City Local Plan and Policies DM35 and DM28 of the Development Management DPD.
- 7.6 Cultural Heritage
- 7.6.1 The site is adjacent to, and behind St Johns Church (Grade II) and is within the vicinity of Ellel House (Grade II) and Galgate Silk Mill (Grade II). The setting of the church is complemented by the application site and the immediate rising topography behind the Church, which accentuates its semi-rural location and designed prominence. The proposal would result in the infill of an open plot of land which divides Galgate and Ellel, and these open fields do make a valuable and positive contribution to the setting and significance of St Johns Church. The proposal would surround the church, and impact on the views that currently exist to it, notably from Chapel Lane, Langshaw Lane, A6 and M6 Motorway. The Conservation Officer also raises concerns that the development could result detract from the architectural interest of the Grade II Silk Mill when viewed from the M6 and Langshaw Lane.
- 7.6.2 The Conservation Officer has raised concern that the designed layout will not relate to the grain of Ellel and Galgate, and there are concerns that the mixture of hipped and gabled roofs in an arts and crafts style may not be the most sympathetic form of development. There are concerns that the proposal could erode the designed prominence of St Johns Church and the Galgate Silk Mill and could detract from the distinct linear and fine grain settlement character. The Conservation Officer is unable to support the proposals as the scheme would result in a level of harm, considered to be less than substantial, but this has not been outweighed or mitigated by the layout, architectural design or landscaping. The Conservation Officer has some concern that in addition to the two listed buildings that the scheme will also harm the setting and significance of surrounding non-designated heritage assets, notably Sill House and Leatside.
- 7.6.3 Officers consider that the development would lead to a level of harm to the setting of the Grade II listed church together to a lesser extent the Mill building, and this would be less than substantial harm in this case. In considering the planning balance required by Paragraph 196 of the Framework it is accepted and well established that any harm to the setting of a heritage asset shall be given great weight. Against this harm the public benefits of the scheme need to be considered.
- 7.6.4 The proposal is for 32 bungalows specially defined for over 55s and this would make a valued contribution to the supply of housing within the district and would specifically assist in meeting local housing needs, on a site that given its gradient is conducive to the provision of level access to bungalows. There would be minor benefits associated with the development contributing to local construction jobs and supporting local building trades, albeit that this would be for a temporary period. Future occupants would also support businesses and facilities within the local area. These benefits weigh in favour of the proposal. Weaknesses of the proposal include the absence of affordable housing and the incursion beyond the established boundaries/linear form of the existing settlement, as defined by the current proposed layout.

7.6.5 In the context of Paragraph 196 of the Framework and taking into account of the weight attached to the public benefits identified, officers consider that when taken as a whole they outweigh the less than substantial harm to the significance of St Johns Church. It is accepted that there would be a change in setting for Leatside and Sill House however given the set back of the properties this would still allow views of the non-designated heritage assets to be appreciated.

7.6.6 The views of Lancashire Archaeological Advisory Service (LAAS) has been sought on the application who raise no objection although state that the block of farmland immediately north of the Church of St John has some potential for as yet unknown buried archaeological remains to exist, but the probability is low. LAAS recommend that a planning condition associated with investigations for buried remains, and can be made as a condition of any planning consent granted.

7.7 Natural Environment

7.7.1 The application is accompanied by an ecological appraisal and it is acknowledged that the site is relatively large, however is dominated by species poor agricultural grassland which is not of a high ecological value. Greater Manchester Ecological Unit raise no objection, however recommend planning conditions associated with a construction management plan for the protection of amphibians, securing a appropriate landscaping scheme, protection and enhancement of trees and hedgerows and also controlling external lighting associated with the development shall not to illuminate potential bat habitat (such as hedgerows and trees). These are matters which are considered could be secured by means of planning condition should members resolve to support the scheme. On this basis it is considered that the proposal accords with the aims of Paragraph 170 of the Framework.

7.7.2 The application is supported by an Arboricultural Implications Assessment which details that 25 metres of hedgerow will be required to be removed along the frontage of the site to accommodate the new access and visibility splays. For a distance of 5 metres either side of the access there would be a requirement to maintain the hedgerow no greater than 1 metre to provide for safe access and egress. There is an existing hedgerow that runs through the centre of the site which is mostly retained but three relatively short stretches of hedgerow will be removed to facilitate the development. The tree protection officer is supportive of the development given there are significant new opportunities for tree planting and a mix of native and exotic tree planting should be incorporated into the overall design.

7.8 Air Quality

7.8.1 The site is located outside of the Galgate Air Quality Management Area however it is expected that vehicles would naturally pass through this. The application is accompanied by an Air Quality Assessment, and a damage cost calculation concludes that £5,477.69 should be spent on mitigation to counteract the damages to air pollution from the proposed development. Given this the applicant has committed to installing electric vehicle charging points on all the dwellings. The air quality officer has objected to development on the basis that the applicant has underplayed the impact of the development, and that there will be more vehicle movements through the AQMA. The applicant has stated there would 98 LGV movements a day whereas the air quality officer considers this is more likely to be in the region of 192. It is accepted that during the operation of the development there will be an impact on the Galgate (this is inevitable). The development will impact on the Galgate and Lancaster AQMAs (the impact will not be large but will act to contribute to existing issues/thwart reductions) and as such the development should include mitigation that removes or significantly removes the associated impact. Whilst Environmental Health welcome the introduction of charging points they recommend (i) incentive the use of electric vehicles at the development, (ii) operation of a low emission car club, (iii) contribution to lower emission public transport, (iv) incentives for cycling. Policy DM37 is relevant in this case as it concerns air quality management and pollution and states that 'New development located within or adjacent to an AQMA must ensure that users are not significantly adversely affected by the air quality within that QMA and include mitigation where appropriate. The applicant has agreed to the principal of electric vehicle charging points and Chapel Lane is a well-used cycling route, as part of the application process they are also amenable to a travel plan being imposed Whilst the views of the Air Quality are noted, to sustain a reason for a refusal on air quality is unlikely to be demonstrated robustly at planning appeal given the adopted position of the Local Plan, together with the applicants commitment to providing electric vehicle charging points across the site.

7.9 Noise

7.9.1 The site is located over 100 metres from the M6 and this is the predominant noise source, although trains on the west coast mainline can be heard from the site. A noise report has been submitted (however with the incorrect layout) and this was amended during the application process. No objection has been received from the Environmental Health Officer and with this in mind it is considered that the implementation of appropriate glazing and ventilation will enable the development to be acceptable from a noise perspective, which can be secured by means of planning condition.

7.10 Drainage Matters

7.10.1 The applicant has submitted a Flood Risk Assessment (FRA) in support of the planning application and this demonstrates that given favourable ground conditions, the use of soakaways can be utilised and therefore a soakaway is proposed for each property. For the highway, given the access road is recommended to be adopted, the first option could be a soakaway manhole unit to be sited under the roadways with road gullies feeding road runoff into them – the second option is for all runoff to be piped down to the Chapel Lane boundary and a linear soakaway with adequate storage to be sited inside and parallel to the site boundary. Members will be aware that parts of the village suffered extensive flooding during November 2017, and neighbour comments would suggest that Chapel Lane suffered extensive flooding also.

7.10.2 The Environment Agency are not required to formally comment on the application, however they were consulted given the flooding event in November 2017. They have sought not to provide comments on the application. It is therefore assumed flood risks associated with fluvial (river) flooding will not be increased by approval of this development.

7.10.3 The Lead Local Flood Authority initially raised some concerns with the applicant's drainage strategy in so far as relating to the soakaway sizing calculations, maintenance of soakaways and also design of exceedance flows across the site. The applicant has supplied additional calculations in relation to soakaway sizes and also with respect to exceedance flows from the M6 to Chapel Lane. The additional information requested has been supplied and reviewed by the LLFA. The LLFA have responded to the application on the basis of no objection on the basis that the final surface water drainage scheme is submitted for approval and associated long term maintenance of the soakaways are conditioned. With this officers are satisfied that drainage can be controlled not to increase off site flooding and therefore according to paragraph 163 of the Framework.

7.11 Open Space

7.11.1 The scheme proposes a significant quantum of open space across the site, together with an array of native shrub and ornamental planting together with new trees and hedgerows. The provision of open space is significantly greater than what ordinarily be required. Officers consider that the proposal shows a good designation of natural and semi natural open space and the application demonstrates a clear consideration for public space around the development which will positively contribute to the deficient of accessible natural and semi natural open space within 15 minutes access time of the site. The public realm officer has asked for financial contributions towards outdoor sports, equipped play areas and young person's provision. Given the age demographics of the scheme these are not considered to be reasonable or necessary and a contribution towards Williamson Park is not appropriate given it is over 5km from the site, and secondly given the viability testing has revealed that the scheme would not be able to support any monies towards public realm.

7.12 Other Matters

7.12.1 The site is situated within a mineral safeguarded zone however in reality it's unlikely that the site would have the potential to be commercially worked for mineral extraction given the proximity of residential properties to the site. It is unlikely that the site is contaminated (as this was not accounted for within the applicant's viability statement), in view of this it is not considered reasonable nor necessary to include a condition associated with uncontaminated land. County education initially recommended that provision needed to be made for school provision however retracted there comments when they became aware this was an over 55s scheme and with this no contribution is required.

7.13 Planning Balance

7.13.1 Whilst the local authority possesses a 5 year housing land supply, the Council do not have an up to date local plan and therefore the tilted balance is engaged, whereby applications should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. The Framework is supportive of a mix of accommodation to meet future needs as it is about protecting landscape and historic assets. Whilst the scheme is a wholly open market scheme it does provide a unique form of housing exclusively of bungalows for an aging population. The applicant during the course of the application process has worked with Officers to adapt the dwellings to allow them to be accessible and adaptable dwelling standards. Whilst some further work is required in this regard, these changes can be controlled by use of planning condition. The applicant has engaged positively with the Local Planning Authority with respect to these amendments, and weight is attached to the provision of older person's accommodation in particular bungalows.

7.13.2 Critically since the planning application was submitted there has been a change in policy direction with the site, and whilst the proposal still lies within the Countryside Area and therefore has no local landscape designation, it still holds local landscape value. The form of development proposed is somewhat out of keeping with the linear settlement pattern form of Ellel to the north although has stronger synergies to that of Galgate to the south than that of the north as Langshaw Lane could be said to denote the boundary between Galgate and Ellel.

7.13.3 Members are faced with a difficult decision. On one hand there is an impact associated with the development by a form of layout that is not entirely characteristic of the village and it is accepted that there would be localised harm to the setting of the church, but it is providing for a form of development that is much needed within the district. In terms of the scheme before Members what needs to be considered is whether the provision of 32 bungalows and meeting the needs of an older generation is sufficient to outweigh the harm to the landscape associated with the development. The case officer is supportive of the provision of bungalows and it is considered that the development complies with Policy DM45 of the Development Management DPD, however there is some conflict with Policy E4 of the Lancaster City Local Plan and with Policy DM42.

8.0 Planning Obligations

8.1 The scheme is recommended for refusal, however should Members seek to support the scheme it is recommended that the following is secured by legal agreement.

- Restriction of the bungalows to over 55 occupiers;
- Long term maintenance of non-adopted highways, drainage, open space and landscaping.

9.0 Conclusions

9.1 This is a finely-balanced case for the reasons set out in the report. There are benefits relating to the provision of older person's accommodation (55yrs+) consisting of bungalows. This type of proposal is welcomed. However, balanced against this, is the harm caused by the incursion into the open countryside notably past the hedgerow which forms a natural boundary to the site. Officers also accept that there is some harm caused to the setting of the Church and Silk Mill and a localised impact on the highway and these naturally weigh against the scheme. Officers would stress they are supportive of the principle of the scheme, however the encroachment past the existing field boundary cannot be supported and it is considered that this element of the site creates such an adverse impact, that it would significantly and demonstrably outweigh the benefits associated with the development when taken as a whole. Regrettably with this in mind it is recommended to Members that the scheme is refused.

Recommendation

That Planning Permission **BE REFUSED** subject to the below:

- 1 The development would encroach into the open countryside, with the eastern most part of the development feeling divorced from the village and would fail to have regard to local distinctiveness by the inappropriate siting of dwelling houses which would have an adverse impact at the local

landscape level. It is considered that the development fails to conform to Policy E4 of the Lancaster City Council Local Plan and Policies DM28, DM35 and DM42 of the Development Management DPD and Paragraph 127 of the Framework.

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

In accordance with the above legislation, the City Council can confirm the following: Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to liaise with the Case Officer in an attempt to resolve the reasons for refusal.

Background Papers

None

Agenda Item A8	Committee Date 12 November 2018	Application Number 18/00877/OUT
Application Site Land To The Rear Of The Manor Inn Cockerham Lancashire	Proposal Outline application for the erection of up to 24 dwellings (C3) and associated access.	
Name of Applicant Mr Halhead	Name of Agent Mr Jake Salisbury	
Decision Target Date 25 October 2018	Reason For Delay Negotiating with the applicant and Natural England	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Approval	

(i) Procedural Matters

This application was deferred at September's Planning Committee meeting as Natural England were maintaining their objection. Since the deferral the agent has been working with Natural England to overcome this objection.

1.0 The Site and its Surroundings

- 1.1 The application site is located on the eastern fringes of the village of Cockerham which is located 9km to the south of Lancaster City Centre. The site is pastoral farmland and it falls to the west from a high point of approximately 30 metres Above Ordnance Datum (AOD) to approximately 22 metres AOD along the western boundary of the site. To the north of the site lies residential properties on Village Road and to the east and south lies open farmland, to the west lies residential properties, and the Manor Inn Public House.
- 1.2 The site extends to 1.3 hectares, and the boundaries of the site to the north, west and south consist of mature hedgerows. There is no discernible boundary to the east of the site. The site is relatively unconstrained, however Footpath Number 14 runs along the southern boundary of the site. There are two sycamore trees that are protected by a Tree Preservation Order located at the foot of the site at the access (TPO's 266 (1997) and 94 (1984)). The site is allocated as countryside land within the adopted local plan.

2.0 The Proposal

- 2.1 The scheme proposes the erection of up to 24 residential dwellings together with the creation of a new vehicular access, which is proposed to be served off the existing turning head from Village Road. The illustrative site plan provides for open space; a 10 metre wide planted buffer together with a connection to Footpath Number 14. The scheme has been submitted in outline form with only access being applied for, and therefore the layout should be interpreted as indicative only.

3.0 Site History

3.1 There is no relevant planning history associated with the site, nor did the applicant enter into pre-application discussions with officers prior to the schemes submission.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No Objection , but recommend conditions associated with: <ul style="list-style-type: none"> Laying of tactile paving and tightening up of A588 (Lancaster Road) / B5272 (Main Street) junction radii such as to shorten pedestrian crossing movements to community bus stops and village primary school; Kerb & hard surface areas of hatched markings in the junction area of Lancaster Road / Main Street for the benefit of improved pedestrian movements. Improvement works to be undertaken along the frontage of "The Manor Inn" public house though outside of an immediate area of "listed" granite sett paving; To be undertaken to the opposite extent of Main Street / Lancaster Road carriageway with the extents of the footway currently denoted by a dashed white line & running around the frontage of established village parking provision; Improvement of public footway link 1/12/FP14 to include: Construction / hard surfacing of a 2m wide footway link running adjacent to the sites southerly boundary & exiting onto Main Street public highway; Lighting of a 160m length of the afore-mentioned footway link from Main Street to the sites eastern extent.
Dynamo Cycle Campaign	Object to the development as it is not contributing towards sustainable transport infrastructure.
Environmental Health	No observations received within the statutory timescales.
Lead Local Flood Authority	No objection on the understanding that conditions are imposed associated with a detailed surface water drainage scheme, and associated maintenance and management programme.
Natural England	Initially objected and requested additional information with respect to the use of the site and adjoining fields for SPA birds and also that the development is likely to result in increased recreational pressure on the Morecambe Bay Special Protection Area (SPA). Additional information was received from the applicant's ecologist in September 2018 and with this no objection is now raised by Natural England.
United Utilities	No objection however recommends conditions associated with foul and surface water.
Tree Protection Officer	No objection subject to conditions associated with the provision of an AIA and details of hard and soft landscaping.
Civil Aviation Authority	No observations received within the statutory timescales.
Greater Manchester Ecology Unit	No objection to the amended information relating to wintering birds. Recommends conditions associated with a Construction Method Statement Plan.
Cockerham Parish Council	No objection in principle but have requested an in-depth hydraulic survey of the sewer and surface water systems.
Ramblers Association	No observations received within the statutory timescales.
Public Rights of Way Officer	No observations received within the statutory timescales.
Engineering Team	No observations received within the statutory timescales.
County Council (Education)	No objection however recommends a financial contribution of £94,949.12 for the provision of 4 secondary school places, but should other schemes be approved in advance of the determination of this application £141,779.79 may be required towards the provision of 9 primary school places.

5.0 Neighbour Representations

5.1 To date there has been **nine** letters of objection received, which cite the following issues;

- Drainage – The existing drainage infrastructure cannot accommodate future expansion of the village, both from a surface water and also foul future drainage perspective;
- Amenity Matters – Concerns regarding additional traffic on the local highways, noise issues associated with the build; privacy and loss of view concerns; residents moved to Cockerham for the peace and quiet;
- Ecology – The impact on local wildlife;
- Housing – There is already a number of properties for sale within the village, no further dwellings are in fact required.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Section 2 – Delivering sustainable development

Section 4 – Decision Making

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Achieving well designed places

Section 14 – meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the natural 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 enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination, which is scheduled to commence in early January 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council in mid-2019.

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)

E4 – Countryside Area

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages

DM21 – Walking and Cycling

DM22 – Vehicle Parking Provision

DM26 – Open Space, Sports and Recreational Facilities

DM27 – Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerows and Woodland

DM30 – Development affecting Listed Buildings

DM32 – The Setting of Designated Heritage Assets

DM35 – Key Design Principles

DM38 – Development and Flood Risk

DM39 – Surface Water Run-off and Sustainable Drainage

DM41 – New Residential dwellings

DM42 – Managing Rural Housing Growth

6.6 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council 2018 Housing Land Supply Statement;
- Cockerham Neighbourhood Plan;
- Low Emissions and Air Quality (September 2017);
- Housing Needs Affordable Practice Note (September 2017);
- Open Space Provision in new residential development (October 2015);
- Provision of Electric Vehicle Charging Points – New Developments (February 2016).

7.0 Comment and Analysis

7.1 The application requires the consideration of the following key principles;

- Principle of the Development;
- Layout and Design;
- Highways;
- Drainage Matters;
- Landscape;
- Cultural Heritage;
- Open Space and Education; and,
- Other Matters.

7.1 **Principle of Development**

7.1.1 Following the publication of the revised National Planning Policy Framework (NPPF) in July 2018 and the publication of the 2016 sub-householder projections in September 2018, Lancaster City Council has reviewed its 5 year housing land supply. Using the standard methodology as described in the Planning Practice Guide, the local housing need figure identified by the 2016 sub-householder projections and incorporating a buffer as required by NPPF, Lancaster District has a minimum annual requirement of 138 dwellings. Having undertaken a detailed assessment of the deliverability of all sites capable of delivering 5 or more dwellings (i.e. investigating sites for their suitability, availability and achievability for housing) to create a housing trajectory, Lancaster District can demonstrate a 5 year housing supply with 13.3 years identified. Whilst the NPPF has been revised, its overall direction has been maintained, with local authorities required to significantly boost the supply of homes in their area. It can only do this if it continues to approve appropriate housing schemes. Therefore just because Lancaster District can currently demonstrate a 5 year housing land supply, it does not mean that residential proposals should be refused planning permission

unless material considerations indicate otherwise. Given the status of the development plan as a whole (as outlined in Paragraph 6.2), the 'tilted balance' is still required to be undertaken by the decision maker.

7.1.2 Cockerham is listed as a Sustainable Rural Settlement under Policy DM42 of the adopted Development Management DPD and continues to be allocated within the forthcoming Strategic Land Allocations document (Policy SP2) and is a village in principle where sustainable housing will be supported. Policy DM42 does indicate that in all cases, proposals for new residential development on non-allocated sites (for which this site is) must:

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

7.1.3 The proposal is sited on the eastern fringes of the village, with properties to the north and west of the site and therefore it is considered that the development is well related to the built form of Cockerham. It is fair to suggest that in recent years the village has seen a number of planning applications approved for residential schemes, namely the Village Road development which has now been built out for 17 houses (13/01018/FUL); 36 dwellings off Marsh Lane (16/00494/OUT and 15/00587/OUT - a consolidated planning application for this site for 36 houses has also been received 18/00953/FUL); together with 18 units off Rectory Gardens (17/00723/OUT). The consideration of this application does need to be considered in the context of the previously approved schemes, however there is no certainty that the Marsh Lane development or Rectory Gardens scheme will come forward for development. In these cases it was considered that the benefits associated with new housing outweighed the impacts associated with the development proposals. Officers consider that even taking account of the approved schemes, this scheme is capable of being of a scale and character appropriate to the settlement, and is capable of being able to demonstrate a high quality design. Whilst not strictly speaking infill development, it does follow the form of development to the north and therefore has synergies with this.

7.1.4 As part of this application the applicant has committed to providing the *full* (our emphasis) 40% affordable housing provision, so this would relate to the provision of nine affordable dwellings (37.5%). This is afforded a high degree of weight in the decision making process (accepting that developments should be providing this figure and therefore it is a generic benefit).

7.1.5 As mentioned above Cockerham is a sustainable rural settlement, and therefore in principle sustainable housing will be supported. Policy DM42 is restrictive in so far as it directs development to sustainable villages within the district and whilst little weight can be attached to the emerging local plan, Cockerham is still proposed to retain its sustainable rural village status (under Policy SP2 – Lancaster District Settlement Hierarchy), and the intention of these villages is to play a key supporting role to provide the focus for growth outside the main urban areas, it is clear that the emerging policy is seeking to adopt a similar stance to the adopted position by supporting development in villages such as in Cockerham. This is on the basis that development will be managed to reflect existing population size, be proportionate to the existing scale and character of the settlement and the availability of, or the opportunity to provide, infrastructure, services and facilities to serve the development and the extent to which the development can be accommodated within the local area. The overarching aim of Policy DM42 is to promote residential development in appropriate areas to contribute to the vitality of these villages. This is also the aim of the Core Strategy (albeit accepting that this focused growth predominately around the existing urban areas of Lancaster, Morecambe and Heysham). The Core Strategy was adopted prior to the introduction of the Framework, but it is still an objective that is very relevant and appropriate today and is a principal that still applies in the Framework, indeed it underpins the plan led system, which is supported by the Framework.

7.1.6 Whilst a deliverable housing land supply exists, this does not mean that sustainable schemes which contribute to maintaining the vitality of rural villages cannot be supported. Furthermore the Government has placed on record their wish to deliver 300,000 homes are built per year across the country by the mid 2020's. Only by approving sustainable housing schemes will this figure be

reached. Given the nature of the site with residential property to the north and west, that there are specific reasons as to why this scheme could be supported. It is considered in this instance the development complies with the requirements of Policy E4 of the Saved Local Plan, and DM42 of the Development Management DPD.

7.2 **Layout and Design**

7.2.1 Layout is not being applied for, however the applicant has submitted an indicative layout in support of the application. The layout consists of a mixture of semi-detached and detached properties which are generally quite inward looking, the applicant's layout shows a proposed 10 metre planted buffer on the eastern boundary of the site (within the applicants red edge) and also a connection to the existing Public Right of Way 14. The scheme is of a low density, and even taking into account the gradient associated with the levels on the site it is considered that with suitable house types and appropriate boundary treatments there is scope to develop a layout that respects the character of the village.

7.2.2 The site rises as you head to the east and therefore plots 11-18 could be quite prominent when viewed from Main Street and these plots will also be noticeable when viewed from Willey Lane which is also a Public Right of Way. The front and rear projections in addition to boundary treatments will be critical to the success at reserved matters stage.

7.2.3 Given the gradient across the site and to ensure a high quality layout it is considered necessary to include planning conditions requiring the submission of the finished floor levels, this should include gardens associated with the plots and also open space and roads and pavements. Whilst the gradient creates a challenge, via the use of split level properties and working with the levels as opposed to against has the potential to create an attractive form of development. Concern has been raised amongst those residents on Village Road regarding loss of privacy and overlooking issues. There is a substantial hedgerow to the rear of the properties along the southern boundary of the Village Road site, and the layout is capable in ensuring that the required separation distances to protect residential amenity are capable of being provided at reserved matters stage. Whilst the concerns are all noted, these are issues that are capable of being resolved at reserved matter stage.

7.3 **Drainage**

7.3.1 The application is supported by a drainage statement which outlines that the nature of the local geology is such that soakaway's are likely to be feasible in this location. The views of the LLFA are awaited. No investigative ground works have occurred, and therefore officers do have some concerns that the site may not be capable of being drained via soakaway's and given there is no watercourse to drain into the only available option could be draining directly into the existing sewer (however at a controlled rate). The Lead Local Flood Authority have reviewed the planning application and raise no objection to the scheme on the understanding that conditions are imposed regarding detailed surface water drainage arrangements and an associated maintenance plan.

7.3.2 Officers have sympathy for those residents that unfortunately suffered flooding in November 2017, where it is understood that properties along Main Street suffered from surface water flooding. United Utilities have responded to the planning application with no objection to the scheme on the understanding that surface water will be dealt with in a sustainable fashion, and also that foul and surface water will be treated sustainably. The Framework is clear at Paragraph 163 that local planning authorities should ensure that flood risk is not increased elsewhere, and there is nothing before officers to suggest that approval of this scheme would lead to an increased risk of flooding. Cockerham Parish Council raise no objection in principle to the development however have asked that an in-depth hydraulic survey of the sewer pipe and surface water systems is carried out due to the number of dwellings being built in the village. The request does have some merit, and it is often the case developers have to undertake CCTV surveys of drainage infrastructure to establish whether existing drainage networks can accommodate additional development. United Utilities did not request such a survey to be carried out, nor have the LLFA, but the observations of the Parish will be shared with the applicant's agent.

7.4 **Landscape**

7.4.1 The Framework at paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment, protecting and enhancing valued landscapes in a manner

commensurate with their statutory status or identified quality in the development plan. The site does not lie within a designated landscape, nor have any third parties suggested it would be deemed a 'valued landscape'.

7.4.2 The site is currently pastoral farmland, and on the far eastern extent on the site there will be pleasant views across the open countryside towards the Bowland Fells. Views into the site would be limited from Marsh Lane and Main Street due to the presence of the Village Road development and also by the Manor Inn and properties along Main Street. It is accepted that there would be a moderate degree of harm associated with the development as there is a footpath (footpath 14) which runs along the southern boundary and therefore for users of this right of way would experience a high magnitude of change, but given the Village Road development to the north, the development of this site is considered to represent a logical extension. Officers feel there has been a meaningful attempt by the appellants to mitigate such harm by the indicative planting and open space detailed on the plan (accepting however this is entirely indicative). It is worthy of note that the Ramblers nor the Public Right of Way Officer at the County Council have raised any objections on the scheme to date. The impact on the landscape can be mitigated via high quality design, and the use of soft landscaping, and therefore these are issues that can be addressed at the reserved matters stage.

7.4.3 Policy E4 of the Saved Local Plan clearly sets out that development that is of a scale and character with the landscape will be supported. Officers consider that there will inevitably be an impact, and when viewed in conjunction with Village Road it is considered in this instance that the development would relate to its surroundings. Matters associated with siting, scale, design, materials, appearance and landscaping can all be controlled via a reserved matters planning application.

7.5 **Highways**

7.5.1 The site would be accessed off the A588 onto Village Road and then a new access would be created to deliver access into the site from the existing turning head. The applicants are showing an indicative upgrade to the existing public right of way (footpath number 14) which would deliver access to Main Street. The County have requested that this be surfaced to a 2m wide footway which should be hard surfaced. There is significant value in this link being hard surfaced but only 50% of this falls within the applicant's ownership, and when approaching Main Street, the footway on the eastern side of 27 Main Street is in the region of 0.8 metres in width and in reality is unlikely to possible of being increased in width here. As part of planning application 16/01577/FUL there was a requirement to improve the public right of way that falls to the west of the site in terms of hard surfacing this, but this would still leave an area of approximately 30 metres unsurfaced. It is acknowledged that there is significant benefit in a route being accommodated here, and it would be a direct route to village amenities such as the school, village hall and recreational facilities, fundamentally negating the need to pass the pinch-point adjacent to the Manor Inn Public House, and therefore not only is this route more direct but critically safer. The County should they deem appropriate upgrade the existing rights of way and therefore a financial contribution should be sought by means of legal agreement to secure this improvement.

7.5.2 It is important to note that the County raised no objection to the development but have recommended a suite of planning conditions associated with off-site highway improvement works namely the creation of footways along the frontage of 'The Manor Inn' public house and also on the opposite extent of the carriageway. The applicant has confirmed a willingness for the above to be addressed by planning condition and therefore it is considered reasonable to impose this by planning condition.

7.6 **Natural Environment**

7.6.1 The scheme is supported by an ecological appraisal and this has been reviewed by Greater Manchester Ecological Unit, who originally commented that the site is relatively large but no wintering bird surveys had been supplied in support of the scheme. Further information was therefore requested from the applicant's agent and this has taken the form of additional record data of wintering birds from the Fylde and District Bird club. After consideration by GMEU they have withdrawn their objection to the development, although recommend planning conditions.

7.6.2 Natural England also expressed a similar concern to that originally of Greater Manchester Ecological Unit, however were shared the applicants updated bird work data in September 2018. Following review, Natural England raise no objection to the scheme on the understanding that a condition is

imposed regarding the provision of homeowner packs. The Council as the competent authority has shared its Appropriate Assessment with Natural England.

7.6.3 An Arboricultural Implications Assessment accompanies this planning application and highlights the tree and hedgerows that bound the site. There are no trees within the main body of the site itself, only the boundaries, and therefore there is confidence that the scheme can be developed without having a detrimental impact on trees. No objection has been raised by the Councils tree protection officer subject to conditions associated with securing the implementation of the Arboricultural Implications Assessment and also to ensure that a Tree Method Survey is submitted in advance of any works occurring on site.

7.7 Infrastructure

7.7.1 The County Council as Education Authority for the district have requested there would be a shortfall of 211 secondary places in 5 years' time, this equates to a need of a financial contribution of £94,949.12, for the provision of 4 secondary school places. With respect to primary places no contribution would be required as it is only envisaged that there would be 66 pupils at Cockerham Parochial School in 2023 when the future planned capacity is 102, although the County caveat that this position could change with planning applications that are pending consideration (these are namely located within Wyre Borough Council). Approval of this scheme would assist in contributing to the vitality of the school, as this is a key community asset.

7.8 Other Matters

7.8.1 The site falls within an aerodrome safeguarding zone where obstacles higher than 6 metres (covering 10% of the site) and no higher than 10 metres for the remainder of the site will not be permitted. The Civil Aviation Authority have been consulted and to date have not provided any response to the scheme. It is considered that the principle of development would not pose a danger to aircraft or parachutists, and in any event the group would be consulted on the detail at the reserved matters stage when matters concerning scale and layout will be considered then.

7.8.2 The scale of the site is such that there is unlikely to be a need for an on-site play area, although there will be a need for open space to be provided on the site. It is recommended that a condition is imposed regarding the provision of open space and also for an open space contribution to be assessed based on the needs of the village once the reserved matters application has been received (to be addressed by legal agreement).

7.8.3 The site is unlikely to be contaminated, given its previous use but it is considered reasonable in the circumstances to include a planning condition to cater for any unforeseen land contamination. The site is considered to have a low accessibility and from a sustainability perspective it is considered reasonable to impose a planning condition associated with the provision of electric vehicle charging points.

7.8.4 Concern has been raised regarding noise associated with the build process of the dwellings and this is inevitable with any form of development, but in the circumstances it is unlikely that the build process would be longer than 18-24 months. Any issues associated with noise arising from construction activity should be investigated under the Environmental Protection Act 1990.

8.0 Planning Obligations

8.1 The applicant is amenable to securing the following requirements by way of legal agreement. These requirements are considered to meet the tests set out in paragraph 56 of the NPPF.

- The provision of up to 40% and no lower than 37.5% of the total number of dwellings to be affordable housing to be based on a 50:50 (affordable rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be address at Reserved Matters stage based on local housing needs);
- The payment of **£94,949.12** for four secondary school places (to be assessed at reserved matters stage when the number of units and bedroom numbers is known);

- Financial contribution towards the upgrade of footway 14 to ensure an appropriate linkage towards the village;
- Off-site open space contribution to be assessed based on the needs of the village of Cockerham (at the time of the reserved matters application); and,
- Long term maintenance of non-adopted highways, open space, landscaping and creation of management-company.

9.0 Conclusions and Planning Balance

- 9.1 The local authority are able to demonstrate a deliverable 5 year housing land supply, but cannot demonstrate to have an up to date local plan, and as such the presumption in favour of sustainable development and the titled balance provided for by the Framework is engaged in this circumstance.
- 9.2 The proposal would result in the provision of up to 24 dwellings which are likely to come forward within the next five years. The framework is a material consideration and it seeks to boost significantly the supply of housing. There is a clear need for affordable housing in the local area and the scheme would deliver 9 affordable homes, of which the applicant has submitted to provide the full quantum of. Great weight should be attached to the provision of market housing and affordable housing and the need in the Lancaster District. These factors contribute to the social and economic limbs of sustainability and considerable weight accrues from these additional dwellings. The provision of the affordable homes is a significant benefit, although this is dictated by the development plan policy and therefore should be the same in any similar scheme.
- 9.3 The site benefits from being situated within a sustainable rural village, and whilst public transport is limited, there is a bus stop within 100 metres of the site, and the site is on the northern loop cycle route and therefore whilst private car transport is likely to be the mainstay of trip movements there are other options open to future residents.
- 9.4 Surface water management has been raised as a concern by local residents and officers are acutely aware that many parts of the district were affected by flooding in November 2017 and also in July 2018. United Utilities, and the Lead Local Flood Authority raise no objection to the applicant's proposals.
- 9.5 A planning judgement is required, and many of the benefits of the scheme are policy compliant (such as the provision of open space, or affordable housing). It is however considered that the weight attached to the provision of housing within the district outweighs the minimal localised landscape harm associated with the development, and it is recommended to Members that the scheme be supported.

Recommendation

That subject to the applicant entering into a Section 106 Agreement to secure the obligations contained within Paragraph 8.1, that Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard Timescales;
2. Approved Plans
3. Surface Water Drainage Scheme;
4. Foul Water Drainage Scheme;
5. Access Works;
6. Off-site Highway Improvements;
7. Development to be in accordance with an updated AIA and Tree Protection Plan;
8. Linkage to the public right of way and improvements;
9. Finished Floor Levels (to include plots, gardens, open space and roads);
10. Scheme for open space;
11. Unforeseen contamination;
12. Ecological mitigation to be carried out as per the approved plans;
13. Scheme for electric vehicle charging points to be submitted to and approved;
14. Surface Water Management and Maintenance Programme;
15. Environmental Construction Method Statement.
16. Provision of home owner packs

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the 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 A9	Committee Date 12 November 2018	Application Number 18/00900/FUL
Application Site Melling House Hala Road Lancaster Lancashire	Proposal Change of use of former managers house (C3) to 2 self-contained 1-bed flats (C2) and installation of a new external door	
Name of Applicant Mr Thomas Richardson	Name of Agent	
Decision Target Date 10 October 2018	Reason For Delay Submission of additional information and committee cycle	
Case Officer	Ms Charlotte Seward	
Departure	No	
Summary of Recommendation	Approval with conditions	

1.0 The Site and its Surroundings

1.1 Melling Housing is sheltered housing scheme for retired persons over the age of 60. Classed as a category two elderly residential housing scheme, no care is provided at this site. Built in the early 1970s the scheme provides 20 1 x bed flats. The site is located within immediate access of bus stops, a number of smaller retail shops and takeaways, and within 50m of a designated public open space. Within 150m walking distance there is a supermarket and a pub, and within 300m a bowling green. Lancaster Royal Infirmary is 2.1km away and there are bus routes that run from the site to the hospital. The former scheme manager's property is currently vacant and no longer needs to be retained for this purposes.

2.0 The Proposal

2.1 The proposal seeks to convert the existing vacant former scheme manager's 2 bed 2 storey house into 2 x 1 bed flats to form part of the wider category two elderly sheltered housing scheme at the site. To facilitate the proposed change of use, a new external door will be provided and a new entrance formed for the first floor flat. Internally at ground floor a new entrance will be created and the stairs blocked off, partition walls will be removed and amended to create a shared living room and kitchen, and create a bathroom at ground floor. At first floor a new corridor partition will be created to enclose the stairwell, internal partitions will be removed and amended to create a shared living room and kitchen, a smaller bedroom and a larger bathroom.

3.0 Site History

3.1 The most relevant planning history is set out below:

Application Number	Proposal	Decision
17/00577/FUL	Erection of a detached outbuilding to store mobility scooters	Permitted

1965 LA.89	Erection of Old Peoples Flatlets, Wardens House, 3 Storey Flats and lock up garages	Permitted
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4.0 Consultation Responses

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

Consultee	Response
County Highways	No highway objection.
Housing Strategy Officer	The proposed units are of a similar size and style to typical single person's sheltered housing found across the district. Units are constrained by the size of existing building and as a result do not meet accessibility standard, but this scheme will generate additional income and make the scheme more viable in terms of management costs and apportionment of services charges.

5.0 Neighbour Representations

5.1 The consultation period has expired. No representations have been received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

- 6.1.2
- 8-11 – Sustainable development
 - 59 – Sufficient supply of homes
 - 127 – Achieving well-design places

6.2 Local Planning Policy Overview – Current Position

- 6.2.1 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 enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination, which is scheduled to commence in early January 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council in mid-2019.

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)

- 6.3.1
- SC1 – Sustainable Development
 - SC4 – Meeting the District's Housing Requirements
 - SC5 – Achieving Quality in design

6.4 Development Management DPD

- 6.4.1
- DM22 – Vehicle Parking Provision

- DM35 – Key Design Principles
- DM44: Residential conversions
- DM45 – Accommodation for Vulnerable Communities
- Appendix B – Car Parking Standards
- Appendix E – Flat Conversions

7.0 Comment and Analysis

7.1 The key considerations arising from the proposal are:

- Principle of the use
- Scale, design and landscape impact
- Residential amenity
- Highways and Parking

7.2 Principle of the use

7.2.1 The proposal forms part of the wider sheltered housing scheme at Parkside Court, and proposes to provide two additional self-contained residential units through the conversion of the former scheme manager's house. This house is now vacant and redundant to the sheltered housing scheme. The proposal to provide two additional units for housing vulnerable communities within and managed as part of an existing sheltered housing scheme is considered to be acceptable in principle, and would make a modest contribution to meeting the districts housing needs for those requiring sheltered residential units. Furthermore, the proposed additional units are in a location that can be considered sustainable with good links to public transport, and access to services within 150m walking distance on the site on level footpaths.

7.3 Scale, design and landscape impact

7.3.1 The building will remain externally very similar to existing, with proposed changes being limited to a new external door proposed as access to both properties. Internally a new entrance formed at ground floor providing access for the first floor flat from the internal shared corridor. The proposed changes will be indiscernible in the wider street scene being confined to the rear part of the existing buildings, and with the first floor flat door being screened behind the existing enclosed external walkway area. As a result the proposal is considered to be of acceptable design and will have no undue impact upon the streetscene or wider landscape.

7.4 Residential amenity

7.4.1 Appendix E of the Development Management DPD sets out the space size requirements for flat conversions. The proposed flats meet the internal space standards for living rooms, kitchens, bedrooms and bathrooms. The existing windows provide adequate light and an acceptable outlook. There will be a degree of overlooking between the bedroom/bathroom windows of the flats and the adjacent existing flats as a result of the location of the windows and the short distance between the buildings. Whilst such a relationship would not be acceptable in a new build development, this proposal would not materially worsen and existing established overlooking arrangement between the manager's house and the existing flats, and therefore would not warrant a refusal in this case. Externally there is no allocated private space for each of the flats, however the flats sit within a landscaped grounds in size cumulatively exceeds the required 9.3 sqm for each flat, providing more than adequate external space.

7.4.2 Development Management Policy DM45 requires that accommodation for older people meets the genuine needs of older people and is wheelchair accessible. In consultation with the Housing Strategy Officer the accommodation is considered to be similar to existing provision for this user group in the District. In relation to wheelchair accessibility, the proposals do not meet the required standards. The applicant has stated that the proposals are not intended for a wheelchair user to live in them, but notwithstanding this have been made as accessible as possible (given the constraints of the existing building) through the widening of doors to 850mm and provision of level access to showers. It is also stated that adaptations could be made in the future where required. While the creation of new elderly persons homes without wheelchair access is not normally supported and is contrary to Policy DM45 Criteria III, this proposal would use a part of scheme which is now redundant for its former use, would positively make a small increase in units for an existing scheme and would be managed to ensure that the occupants are appropriate for the accommodation. Given

constrained existing circumstances and the benefits of utilising a redundant building from increasing elderly housing provision in the District, it is considered that a lack of wheelchair accessibility can be accepted in this case.

7.5 Highways and Parking

7.5.1 Appendix B of the Development Management DPD sets out parking requirements. C2 uses should provide a maximum of 1 car park per 2 beds, 3 disabled bays, and 1 bicycle space per 20 beds and 2 motorcycle spaces. There is no parking provision for the existing scheme and no provision is sought to be made for the additional 2 units. County Highways has raised no objection to the lack of parking, and has advised that there would be no adverse impact on the public highways network as a result of parking on the road network in this area due to the unrestricted highways surrounding the site. If this were a new build proposal parking would be required as part of the scheme, however given that there is no on-site parking for the scheme at present, the close proximity of bus stops, and the location of the scheme within short walking distance to a supermarket and local shops, it is considered that in this case the provision of no parking can be accepted without any adverse impact on highways safety or the operation of the local highways network.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The proposed conversion of an existing scheme manager's house to 2 x 1 bed flats for elderly accommodation can be considered to be acceptable in principle, providing a modest increase to accommodation available for elderly persons in a sustainable location within the District. The accommodation would meet required internal and external space standards without change to the amenity of the existing properties. The physical alterations to facilitate the change of use are modest and will appear inconspicuous. The lack of provision of wheelchair accessibility or parking are a dis-benefit of the scheme, but given the existing physical constraints of the building, the sustainability of the location, the lack of any highway safety impact and the benefits from the provision of additional elderly accommodation in an appropriate location, it is considered that a lack of wheelchair accessibility and parking can be accepted in this case.

Recommendation

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

1. Standard time condition
2. Development to be carried out in accordance with approved plans
3. To be owned and operated as part of the sheltered housing scheme at Melling House only

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

Agenda Item A10	Committee Date 12 November 2018	Application Number 18/01216/FUL
Application Site Greenfingers Allotment Smithy Lane Heysham Lancashire		Proposal Part retrospective application for the retention of a metal storage container, retention of hardstanding and erection of a polytunnel
Name of Applicant Mrs Dorothy Kirkley		Name of Agent N/A
Decision Target Date 21 November 2018		Reason For Delay N/A
Case Officer	Mrs Kim Ireland	
Departure	No	
Summary of Recommendation	Approval	

(i) Procedural Matters

This form of development would normally be dealt with under the scheme of delegation. However, the land is in the ownership of Lancaster City Council and as such the application must be determined by the Planning Committee.

1.0 The Site and its Surroundings

- 1.1 The allotment site which forms the subject of this application is located on the southern side of Smithy Lane, due west of Heysham Village and approximately 0.5 miles from Half Moon Bay and Heysham Sands. The site lies on an incline rising from west to east towards the rear of the properties located on Delamere Avenue and covers approximately 1.04 hectares in area. The site is screened and characterised by its boundary treatments which include well established and mature vegetation along northern western and southern boundaries.
- 1.2 The allotment was established in 2011. Vehicular access to the site is gained on the outside of a bend of Smithy Lane towards the north western corner of the site. The site access has a 1 metre high stone wall on either side with two 2m high green powder coated steel gates set back 3m from the highway.
- 1.3 The surrounding area is predominantly residential in character, however, beyond the southern boundary is a vast area of treescape and rough land which separates the site and the Port of Heysham Industrial Estate. There is an elevated footpath adjacent to Smithy Lane which links the allotment site to the surrounding residential properties.
- 1.4 The allotment site is allocated as 'Key Urban Landscape' within the Lancaster District Local Plan proposals map and adjoins a designated Biological Heritage Site (BHS).

2.0 The Proposal

- 2.1 The application is applying for part retrospective application for the retention of a metal storage container, retention of hardstanding and erection of a polytunnel.

- 2.2 The metal storage container is sited to the west of the site, adjacent to the hardstanding that is used for the parking of vehicles. It has a length of 6.2m, 2.4m in width and 2.9m in height. The metal storage container is finished in a juniper green paint.
- 2.3 The hardstanding is laid to the west of the site and is situated between the entrance of the allotment and the metal storage container. It has a maximum length of 24.5m and a maximum width of 15m. The hardstanding is made up of blue slate chippings, however more is proposed to be laid, as the existing blue slate chippings have become sparse.
- 2.4 The proposed polytunnel is to be sited to the west of the site, directly to the east of the hardstanding and the metal storage container. It will be 6m in length, 3.6m in width, 2.3m in height and will be made up of a galvanised steel frame, covered with a white opaque polytunnel plastic.

3.0 Site History

- 3.1 There is one planning application which relates to the Greenfingers Allotment, which is listed below:

Application Number	Proposal	Decision
11/01171/FUL	Placement of Steel Container, erection of a timber building and creation of pathways and hard standing	Permitted

4.0 Consultation Responses

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

Consultee	Response
Heysham Parish Council	No comments received during the statutory consultation period.
Public Realm Officer	No comments received during the statutory consultation period.
Property Services	No comments received during the statutory consultation period.

5.0 Neighbour Representations

- 5.1 No correspondence has been received at the time of compiling this report. Any comments subsequently received will be reported verbally.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph 11 – Presumption in Favour of Sustainable Development
 Paragraphs 124 and 127 – Requiring Good Design

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 enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination, which is scheduled to commence in early January 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council in mid-2019.

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

DM25 – Green Infrastructure

DM28 – Development and Landscape Impact

DM35 – Key Design Principles

6.4 Saved policy Lancaster District Local Plan

E31 - Key Urban Landscape

7.0 Comment and Analysis

- 7.1
- Principle of Development
 - Design and Impact on Character of the Area

7.2 Principle of Development

The site is located within the urban area of Heysham, it is currently used as allotment gardens. Therefore it is within a sustainable location that the provision of new allotment facilities and other food growing places are encouraged, where opportunities arise and a clear need is demonstrated.

- 7.2.1 Policy DM25 states that allotments are an important element of open space and offer a significant range of benefits for people, communities and environments. They provide recreational value, contribute towards the urban landscape, support local biodiversity, contribute towards physical and mental well-being, provides the opportunity to grow fresh produce and contributes towards a healthy lifestyle that is active, sustainable and socially inclusive.

- 7.2.2 Therefore the principle of the retained metal storage container, hardstanding and the proposed polytunnel is looked upon favourable as they respectively provide storage for site tools, parking and an allotment that can be used by members of the allotment community.

7.3 Design and Impact on Character of the Area

The DPD Policy DM35 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, separating 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.

- 7.3.1 The DPD Policy DM28 also states that the development proposals should, through their siting, scale, massing, materials and design seek to contribute positively to the conservation and enhancement of the protected landscape. In considering policy, this [proposal must have regard to the container, hardstanding and polytunnel separately and cumulatively.

7.3.2 Metal Storage Container

The metal storage container was granted planning permission in 2012 for a temporary period of five years. This was due to the temporary nature of the container and materials were thought to be inappropriate on a permanent basis in this location. Since this time there has been a new

appointment of Secretary at Greenfingers Allotment, who was unaware of the condition that was imposed onto the previous application to remove the metal storage container from site by 2nd April 2017. Consequently planning permission is sought for a further temporary period of five years, while sufficient funding is raised for a permanent building.

7.3.3 Given that the building is used for the storage of site tools that are used by members of the allotment community and that there are no other buildings within the site that are available and could provide secure storage. It is thought that in this case the metal storage building can be viewed favourably, however given that the storage building has been in situ for six years already, it is thought that a temporary period of two years is adequate. This is to provide time for sufficient funding to be raised for a permanent building that would be in keeping and suitable with other buildings that are located within the allotment.

7.3.4 The metal storage container when viewed from nearby roads and residential properties is not seen to have an adverse visual impact. This is mainly due to the colour of the metal storage container that blends in with the grassed surrounding and the mature vegetation along this western boundary. Furthermore it does not have any visual or overbearing impacts on the properties on Delamere Avenue. However it is noted that a metal storage container is not suitable on an allotment, due to the appearance of the container being appropriate on an industrial site and consequently a permanent building will be welcomed.

7.3.5 Hardstanding

The hardstanding areas allow for safe and ease of access when moving around the various plots and for the parking of cars. The layout is seen to be reasonable whilst limiting the amount of impact this could have on this area of Key Urban Landscape.

7.3.6 Polytunnel

The proposed polytunnel is seen to be in keeping with the surrounding chattels and timber units that are located within individual plots and is not thought to be out of character with the overall allotment. Furthermore it does not have any visual or overbearing impacts on the properties on Delamere Avenue.

8.0 Planning Obligations

8.1 Given the nature of the proposal there are no requirements for a legal obligation.

9.0 Conclusions

9.1 The part retrospective application for the retention of a metal storage container, retention of hardstanding and erection of a polytunnel is within a sustainable location where the provision of new allotment facilities and other food growing places are encouraged.

9.2 The retention of the metal storage container can be viewed favourably, as it is used for site tools that are used by members of the allotment community and there are no other buildings within the site that are available and could provide secure storage. However it is suggested to give consent for a temporary period of two years, while funding is sought for a replacement permanent building, as a metal storage container is not suitable or in keeping on an allotment site.

9.3 It is considered the retention of the hardstanding, with the proposal to lay additional hardstanding and the proposed polytunnel are of a simple design and style that is in keeping with the scale of the allotment. The proposed works are not thought to have a detrimental impact to the residential amenities of Delamere Avenue, given they are all situated to the far west of the site, that is the furthest point away from the residential properties.

Recommendation

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

1. Standard 3 year timescale
2. Development to accord to approved plans

3. Removal of metal storage container after a temporary period of two years

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>Agenda Item</p> <p>A11</p>	<p>Committee Date</p> <p>12 November 2018</p>	<p>Application Number</p> <p>18/00889/PLDC</p>
<p>Application Site</p> <p>Woodlands Garstang Road Cockerham Lancaster</p>	<p>Proposal</p> <p>Proposed Lawful Development Certificate for conversion of detached garage to create ancillary accommodation in association with Woodlands</p>	
<p>Name of Applicant</p> <p>Mrs Helen Helme</p>	<p>Name of Agent</p>	
<p>Decision Target Date</p> <p>12 November 2018</p>	<p>Reason For Delay</p> <p>None</p>	
<p>Case Officer</p>	<p>Mr Andrew Clement</p>	
<p>Departure</p>	<p>None</p>	
<p>Summary of Recommendation</p>	<p>Planning Consent is not required and a Lawful Development Certificate for a Proposed Use or Development should be issued</p>	

(i) Procedural Matters

The application is one which would normally be dealt with under delegated powers but is required to be placed before the Planning and Highways Regulatory Committee as the applicant is an elected member within the district.

1.0 The Site and its Surroundings

1.1 The application site is located within a row of detached properties to the south side of Cockerham village centre. The site proposed for development lies within the rear curtilage of the property known as The Woodlands. The site is an existing detached double garage located to the western side of the curtilage within the rear garden land of the existing residential property, which is enclosed by large mature trees and other forms of vegetation.

1.2 There are no statutory development restrictions affecting the property. Specifically, it is not situated within Article 2(3) Land; (in Lancaster this means a Conservation Area or Area of Outstanding Natural Beauty) and is not subject to an Article 4 Direction.

2.0 The Proposal

2.1 This is not a planning application but an application for a Lawful Development Certificate for a Proposed Use or Development (PLDC). PLDC applications seek to establish whether a building, use or activity is 'permitted development' under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). If it is considered to be 'permitted development' (and thus, does not require express planning permission), then a Certificate is granted to confirm this. It is purely a determination as to whether the proposal complies with the provisions of the aforementioned Order.

2.2 In this particular case the applicant has submitted a PLDC to ascertain whether the conversion of an

existing detached double garage into living accommodation in the form of an ancillary residential annexe requires the benefit of planning permission or whether it is 'Permitted Development' by virtue of the provisions of Schedule 2, Part 1, Classes A, of the aforementioned Order. Class A refers to the enlargement, improvement or alteration of a dwellinghouse.

- 2.3 The proposed works would involve the replacement of a garage door opening with glazing, and partially blocking the other garage door opening and finished in matching render with a pedestrian door and window in this space. Existing window openings are proposed to be replaced with new windows in the existing opening in matching materials and colour. Internally, the open garage space is to be subdivided by internal walls to form a bedroom, bathroom and living/kitchen room for the use as a detached ancillary residential annexe to the existing dwellinghouse.

3.0 Site History

- 3.1 The application site was granted planning permission for the erection of the double garage that is the subject of this application, and subsequently outline and reserved matters consent for erection of a detached dwelling within the site:-

Application Number	Proposal	Decision
83/00286	Double garage & extensions to kitchen & lounge & a conservatory	Permitted
03/01275/OUT	Renewal of application 00/00995/OUT for the erection of detached bungalow and garage	Permitted
10/00396/RENU	Application for extension of time on application 07/00350/REM for the erection of a detached dwelling	Permitted

4.0 Consultation Responses

- 4.1 The application is purely a legal determination based on a factual assessment of the proposal against 'permitted development' rights. The proposal has been discussed with the council's legal services, with particular reference to a planning condition attached to consent 83/00286/HST001, which is considered to restrict the use of the detached double garage from trade or business use, but does not prevent the conversion to residential use ancillary to the existing dwellinghouse.

5.0 Neighbour Representations

- 5.1 For the reasons given in 4.1 above, no neighbour consultations were undertaken at the time of writing this report.

6.0 Principal National and Development Plan Policies

- 6.1 None applicable.

7.0 Comment and Analysis

- 7.1 There are no matters for Members to consider other than to determine whether or not the proposal is 'permitted development'. The wording of the relevant legislation is provided within the background paper attached to this report.

- 7.2 For the purpose of determining this proposal it should be considered against the provisions of Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse. The consent for the original development of the double garage includes a condition stipulating that this garage shall be used solely as a private lock up garage, and no trade or business shall be carried on in or from the building.

- 7.3 Although the latter part of this condition is considered to be specific enough to restrict the building from being used for trade or business, the use as a private lock up garage does not state the specific use of this, such as solely for the parking of vehicles or domestic storage. As this is not specified, it is considered that the proposed conversion of this detached double garage building to an ancillary residential annexe building within the curtilage of the subject dwelling is not restricted by this

condition, nor does it involve a change of use. Therefore, this proposal does not require the benefit of planning consent, as the proposal remains incidental to the enjoyment of the dwellinghouse if used as an ancillary annexe as proposed.

- 7.4 In consideration of the provisions of the aforementioned Order, it has been determined that the conversion of the detached double garage to ancillary annexe living accommodation, which creates no increase in the footprint or volume of the property, with external work finished in similar appearance materials to facilitate the use, constitutes permitted development.

8.0 Planning Obligations

- 8.1 None (not applicable).

9.0 Conclusions

- 9.1 It is considered that the development as proposed meets the requirements of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and that Planning Consent **IS NOT REQUIRED** for the proposed works.

Recommendation

That a Certificate of Lawfulness of Proposed Use or Development be granted.

Background Papers

1. Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

BACKGROUND PAPER – ITEM A11

SCHEDULE 2 Permitted development rights

PART 1 - Development within the curtilage of a dwellinghouse

Class A – enlargement, improvement or other alteration of a dwellinghouse

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);
- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;
- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;
- (e) the enlarged part of the dwellinghouse would extend beyond a wall which—
 - (i) forms the principal elevation of the original dwellinghouse; or
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;
- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;
- (g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;
- (h) the enlarged part of the dwellinghouse would have more than a single storey and—
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
 - (i) exceed 4 metres in height,
 - (ii) have more than a single storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse; or
- (ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);
- (k) it would consist of or include—
 - (i) the construction or provision of a verandah, balcony or raised platform,
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

A.4— (1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

- (2) Before beginning the development the developer must provide the following information to the local planning authority—
 - (a) a written description of the proposed development including—

- (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
- (ii) the maximum height of the enlarged part of the dwellinghouse; and
- (iii) the height of the eaves of the enlarged part of the dwellinghouse;
- (iv) where the enlarged part will be joined to an existing enlargement of the dwellinghouse, the information in sub-paragraphs (i) to (iii) must be provided in respect of the total enlargement (being the enlarged part together with the existing enlargement to which it will be joined);
- (b) a plan indicating the site and showing the proposed development and any existing enlargement of the original dwellinghouse to which the enlarged part will be joined;
- (c) the addresses of any adjoining premises;
- (d) the developer's contact address; and
- (e) the developer's email address if the developer is content to receive communications electronically.
- (3) The local planning authority may refuse an application where, in the opinion of the authority—
 - (a) the proposed development does not comply with, or
 - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).
- (4) Sub-paragraphs (5) to (7) and (9) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.
- (5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which—
 - (a) describes the proposed development, including—
 - (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
 - (ii) the maximum height of the enlarged part of the dwellinghouse; and
 - (iii) the height of the eaves of the enlarged part of the dwellinghouse;
 - (a) describes the development by setting out the information provided to the authority by the developer under paragraph A.4(2)(a);
 - (b) provides the address of the proposed development;
 - (c) specifies the date when the information referred to in sub-paragraph (2) was received by the local planning authority and the date when the period referred to in sub-paragraph (10)(c) would expire; and
 - (d) specifies the date (being not less than 21 days from the date of the notice) by which representations are to be received by the local planning authority.
- (6) The local planning authority must send a copy of the notice referred to in sub-paragraph (5) to the developer.
- (7) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.
- (8) The local planning authority may require the developer to submit such further information regarding the proposed development as the authority may reasonably require in order to determine the application.

- (9) The local planning authority must, when considering the impact referred to in sub-paragraph (7)—
- (a) take into account any representations made as a result of the notice given under subparagraph (5); and
 - (b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.
- (10) The development must not begin before the occurrence of one of the following—
- (a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;
 - (b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or
 - (c) the expiry of 42 days following the date on which the information referred to in subparagraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.
- (11) The development must be carried out—
- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
 - (b) where prior approval is not required, or where sub-paragraph (10)(c) applies, in accordance with the information provided under sub-paragraph (2), unless the local planning authority and the developer agree otherwise in writing.
- (12) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the impact of the proposed development on the amenity of any adjoining premises.
- (13) The development must be completed on or before 30th May 2019.
- (14) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.
- (15) The notification referred to in sub-paragraph (14) must be in writing and must include—
- (a) the name of the developer;
 - (b) the address or location of the development, and
 - (c) the date of completion.
- (16) When computing the number of days in sub-paragraph (5)(d), any day which is a public holiday must be disregarded.

Planning and Highways Regulatory Committee

Constitution: Scheme of Delegation Planning Applications

12 November 2018

Report of the Planning Manager

PURPOSE OF REPORT

To enable the Committee to consider a change to its delegations to officers regarding referral of planning applications to the Committee by Councillors.

This report is public

RECOMMENDATIONS

- (1) That the Committee considers amending its delegations to officers as set out in paragraph 3 of the report.
- (2) That, if the Committee agrees any amendment, the Monitoring Officer be requested to prepare a report to Council seeking approval to accept a change to the Scheme of Delegation in the Council's Constitution.

1.0 Introduction

1.1 The Council's Constitution sets of the Scheme of Delegation for the determination of planning applications. It delegates authority for the Chief Officer (Regeneration and Planning)¹ and any other officer designated by them to make planning decisions except in the following categories:

- i. Applications in the major category which are recommended for approval and are the subject of any objections;*
- ii. Applications recommended for approval which are departures from the Development Plan;*
- iii. Applications made by the City Council or major applications made by the County Council;*
- iv. Applications by Members or officers of the Council and other parties where considerations of probity indicate that a Committee decision is required;*
- v. Any applications which the Chief Officer (Regeneration and Planning)*

¹ The Chief Officer (Regeneration and Planning) post has been dis-established and all delegations currently sit with the Managers in the service. The Constitution is under review and all delegations will be redistributed to appropriate Directors/Service Heads once the new structure is in situ.

considers should be determined by the Committee; or

- vi. *Any application which a Member of the Council asks to be referred to the Committee.*
- 1.2 It is only the last bullet point, which allows Elected Members to request that any planning application is referred to the Planning and Highways Regulatory Committee, which is the subject of this report.

2.0 Current System and Impacts

- 2.1 The ability to refer planning applications is an important part of the local planning system, and it is clear that it is an important part of local democracy and should be maintained. However, the currently unrestricted nature of the referral system is creating effects that are contrary to Paragraph 47 of the National Planning Policy Framework, which requires decisions on planning applications to be made as quickly as possible and within statutory timescales.
- 2.2 Currently, Member requests for a referral to the Planning and Highways Regulatory Committee can be received at any time in the planning process. This often has an impact on the timescale for decision-making, especially given the Monthly Committee cycles. Failing to determine a planning application within the timescale puts the Council at risk of not meeting Government's targets, which in turn can result in the Council being formally designated as a poorly performing authority. The resultant impacts can be financial (loss of planning application fees) and democratic (loss of decision-making powers), if Government were to decide to intervene.
- 2.3 Under the current scheme any Member can make a request to refer an application, although it is often the Ward Councillor.
- 2.4 Unfortunately, some applicants and agents have started to tactically contact Elected Members when it becomes apparent (usually later in the process) that a planning application is unlikely to be supported by Officers, in the hope that the Planning and Highways Regulatory Committee may come to a different decision. This was never the intent behind the Member referral system. The system exists to allow Members to take a balanced view as to what is the appropriate decision level of an individual planning application, rather than act as an informal lobbying system for Member support. The current system could be seen as encouraging Committee Members to pre-determine their support or objection for individual planning applications. This is a risk to the Council. To address the risk, officers recommend that the scheme be revised as detailed in 4.0 overleaf.

3.0 Approach in other Authorities

- 3.1 The Regeneration and Planning Service has contacted other local authorities in Lancashire to assess how the Councillor Referral system is managed. That comparison has revealed that Lancaster's current arrangements for referral lack structure.
- 3.2 Eleven of the Lancashire authorities responded to our request to provide information regarding their own Councillor Referral systems. All of the responding authorities specify a timescale for the submission of a Councillor Referral, ranging from 10 days to 21 days from publication of the proposal on the Weekly List.

- 3.3 Most responding authorities (seven) require referral requests to be made by the Ward Councillor only. Two authorities require 3 signatories. Six of the authorities have also introduced a system where referral requests can be turned down (in some of those cases, requests are assessed by either the Chair of Planning Committee; or by Officers; or by a group incorporating Chair, Vice-Chair and Opposition Spokesperson).
- 3.4 Several authorities required requests to be made on a requisite form (for auditing purposes) and some stated that the referral request could only be considered on an initial application (not a re-submission). This re-submission point is important. It removes the scope for a developer to tactically withdraw a planning application just to resubmit to enable a Committee-level decision to be taken instead.

4.0 Proposal

- 4.1 Officers have considered the benchmarking exercise with Lancashire authorities. It is clear that there is a need for Lancaster to introduce a more structured timescale for referral requests to be made. The unrestricted system that operates at present is the only one amongst the responding Lancashire authorities, and it hinders timely decision-making and also provides no certainty (regarding timeliness of decision) for applicants/developers. It is also clear that it would be appropriate for the request to come from a Ward Councillor and that there should be an auditable trail of the receipt of the request.
- 4.2 Other arrangements that are used by some of the responding authorities, such as requiring additional signatures before a referral can be considered; or introducing a system where referral requests can be refused; are not considered appropriate at Lancaster and do **not** form part of the proposal described below.
- 4.3 Therefore the proposal is solely to amend point (vi) in the current Scheme of Delegation to read as follows:

(vi) Any application which a Member of the Council asks to be referred to the Committee. This request must be made to the Case Officer within 14 days of the application appearing on the Weekly List of Applications; it must be submitted on the requisite form; it must be submitted only by the relevant Ward Councillor(s); and the request cannot be made on a resubmitted application.

NB: In respect of (vi) the Ward Councillor submitting the request, where that Councillor is also a Member of the Planning and Highways Regulatory Committee, that Member would be expected to register to speak at the Planning and Highways Regulatory Committee Meeting.

- 4.4 These amendments are considered to aid the timely delivery of planning application decisions in line with national planning policy. They also provide additional protection to Members from accusations of pre-determination, whilst still protecting their democratic right to refer any planning application to Committee where they believe that there is a legitimate reason for doing so.

5.0 Options and Options Analysis (including risk assessment)

	Option 1: Not to revise the Scheme	Option 2: To revise the Scheme with wording as set out in para 4.1	Option 3: To revise the Scheme with other wording
Advantages	None identified. The risks outweigh any advantages of leaving the system as it stands.	Addresses any risk that Committee Members could be lobbied and put in a position where there could be allegations of 'pre-determination'. Will also help reduce delays in determining applications to meet Government targets for performance.	Would depend on the wording proposed.
Disadvantages	Leaves the Council and Committee Members open to the risks and performance issues described in the report.	None identified. Although the current scheme gives Members greater freedom to refer applications, the risks to the Council outweigh those freedoms.	The Scheme of Delegation is part of the Council's Constitution. If other wording is suggested by the Committee, the Monitoring Officer will need to be consulted. The Monitoring Officer has already been consulted on the wording proposed in 4.1
Risks	As set out in 2.0 above. Would leave the Council at risk of allegations of 'pre-determination' in consideration applications and slow down the process of decision-making, which may affect the Council's performance to Government-set targets.	This course of action would reduce risks of both the issue of perceptions of 'pre-determination' and missing the Government's performance timescales for decision-making.	This would depend on the wording proposed, however the Monitoring Officer must make a report to Council and would set out any issues in that report.

6.0 Conclusion

- 6.1 Committee Members are asked to consider the proposed change to its delegations to Officers, having regard to the potential risks attached to continuing with the current arrangements.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing): None.</p>	
<p>LEGAL IMPLICATIONS The proposals would help reduce any risk that a Councillor could vote having pre-determined their view prior to hearing the facts and representations presented by officers and any interested parties speaking at Committee.</p>	
<p>FINANCIAL IMPLICATIONS None identified.</p>	
<p>OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces: None identified.</p>	
<p>SECTION 151 OFFICER'S COMMENTS The Section 151 Officer has been consulted and has no further comments to make.</p>	
<p>MONITORING OFFICER'S COMMENTS The Monitoring Officer has been consulted and has no further comments to make.</p>	
<p>BACKGROUND PAPERS None.</p>	<p>Contact Officer: Mark Cassidy Telephone: 01524 582390 E-mail: mcassidy@lancaster.gov.uk</p>

Planning & Highways Regulatory Committee - Quarterly Reports

- (a) **Planning Application Determination Timescales**
The table provides performance figures for the determination of Major Applications, Minor Applications and Other Applications by Planning Officers in accordance with national timescales.
- (b) **Number of Planning Applications and Related Cases**
The table lists the number of planning applications and other planning application-related cases that are received by the Development Management Service per quarter.
- (c) **New Tree Preservation Orders Made**
The table lists the location of new Tree Preservation Orders (TPOs) made during the last quarter.
- (d) **Number of Applications for Works to Trees**
The table lists the number of Tree Works applications received in respect of protected trees (protected by TPO or by Conservation Area status)
- (e) **Planning Appeal Decisions**
The table lists the planning appeal decisions issued by the Planning Inspectorate during the last quarter.
- (f) **Planning Enforcement Casework**
The table lists the planning enforcement case turnover by Planning Enforcement Officers during the last quarter.
- (g) **Planning Enforcement Casework – Performance Standards**
The table lists the performance against planning enforcement standards stated in the Planning Enforcement Charter.

(a) Planning Application Determination Timescales

Period	Major Applications Determined In Time *	Major Applications Determined In Under 13 Weeks	Minor Applications Determined In Time *	Minor Applications Determined In Under 8 Weeks	Other Applications Determined In Time *	Other Applications Determined Under 8 weeks
Jan - Mar 2017	90%	67%	99%	64%	99%	70%
Apr - Jun 2017	100%	94%	100%	63%	99%	83%
Jul - Sep 2017	100%	90%	98%	91%	100%	90%
Oct – Dec 2017	100%	50%	100%	68%	100%	90%
Jan - Mar 2018	100%	70%	100%	78%	97%	88%
Apr - Jun 2018	100%	30%	98%	72%	98%	87%
Jul - Sep 2018	100%	77%	100%	75%	100%	84%
Oct – Dec 2018						

Year	Major Applications Determined In Time *	Major Applications Determined In Under 13 Weeks	Minor Applications Determined In Time *	Minor Applications Determined In Under 8 Weeks	Other Applications Determined In Time *	Other Applications Determined Under 8 weeks
2014 Average	88%	75%	59%	58%	69%	68%
2015 Average	95%	64%	46%	43%	64%	63%
2016 Average	100%	65%	86%	62%	93%	83%
2017 Average	97.5%	75%	99%	71.5%	99.5%	83%
2018 Average #	100% to date	59% to date	99% to date	75% to date	98% to date	86% to date

* Total applications determined in time includes those where the applicant and the local planning authority have agreed an extension of time.

Annual Average to Date Only

(b) Number of Planning Applications and Related Cases

	Jan-Mar 2017	Apr-Jun 2017	Jul-Sep 2017	Oct-Dec 2017	2017 TOTAL	Jan-Mar 2018	Apr-Jun 2018	Jul-Sep 2018	Oct-Dec 2018	2018 TOTAL
Major Applications	25	12	23	16	76	9	18	18		
Minor Applications	70	78	88	53	289	83	82	82		
Other Applications	183	207	188	173	751	188	195	185		
Discharge of Planning Condition Applications	50	56	40	55	201	55	45	51		
Non-Material Amendment Applications	12	11	14	10	47	9	12	13		
Variation of Legal Agreement/Condition Applications	3	3	4	0	10	2	1	1		
Prior Approval (Commercial/ Householder PA, Flexible Use etc) or Ecclesiastical Applications	14	11	9	13	47	10	13	17		
TOTAL NUMBER OF DECISION-MAKING APPLICATIONS	357	378	366	320	1421	356	366	367		
Pre-Application, Consultations and EIA Screening/Scoping Opinions										
Environmental Screening and/or Scoping Opinions	8	2	8	6	24	7	3	6		
Infrastructure Planning Commission Consultations	0	0	0	0	0	0	0	0		
Pre/Post-Application Advice Submissions or Charged Meetings (inc. Specialist Heritage Advice)	31	40	50	54	175	45	54	49		

(c) New Tree Preservation Orders Made

Tree Preservation Order Number	Date Made	Location	Extent of Protection
656 (2018)	17.07.18	Land off Stoney Lane, Galgate	T1 & T2
657 (2018)	26.07.18	Former Ridge Lea Hospital, Lancaster	W1 & W2
658 (2018)	09.08.18	Land to rear 1 and 2 Lea Lane, Heysham	T1-T3
659 (2018)	17.08.18	Land to side & rear, 67 & 69 Slyne Road, Lancaster	T1, T2, G1 – G3
660 (2018)	20.09.18	2 Well Lane, Yealand Redmayne	T1-T4
661 (2018)	25.09.18	Home Farm, Ellel Grange, Main Road, Ellel	T1-13, G1-G3, W1-W3, W3A-W19
662 (2018)	26.09.18	5 Peacock Crescent, Hest Bank	T1
663 (2018)	26.08.18	Land at Springfield House, Ball Lane, Caton	T1-T15, G1

* T = Individual Tree; G = Group of Trees; W = Woodland of Trees; A = Area of Trees.

(d) Number of Applications for Works to Trees

	Applications for Works to Trees Protected by Tree Preservation Orders	Applications for Works to Trees Protected by Conservation Area Status
January-March 2017	18	19
April-June 2017	21	25
July-September 2017	18	27
October-December 2017	16	19
TOTAL APPLICATIONS 2017	73	90
January-March 2018	28	30
April-June 2018	17	19
July-September 2018	22	27
October-December 2018		
TOTAL APPLICATIONS 2018	67 to date	76 to date

(e) Planning Appeal Decisions

Application Number	Application Site	Proposal	Appeal Decision
16/00274/FUL	23 - 25 North Road Lancaster	Phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising 32 studios, one 3-bed, two 5-bed cluster flats (C3), four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis) and gym area with associated internal and external alterations, erection of two 2-storey rear extensions, associated landscaping and carparking and Relevant Demolition of existing rear extensions	Appeals allowed
17/01526/FUL	Land Adj The Eagles Head, Nether Kellet Road, Over Kellet	Erection of 2 dwellings with associated landscaping and access	Appeal dismissed
17/01432/CU	Higher Barn, Aughton Road, Aughton	Change of use of offices (B1) to two dwellings (C3)	Appeals dismissed
17/01038/CU	Land Off Green Lane Heaton With Oxcliffe	Change of use of land for the siting of 11 holiday caravans	Appeal dismissed
18/00255/FUL	14 Hayfell Avenue Morecambe	Erection of a single storey side extension	Appeal dismissed
18/00412/FUL	20 School Road Heysham	Demolition of existing single storey side extension and erection of a single storey side extension to link to existing garage	Appeal dismissed
17/01374/OUT	Land Adjacent Burrow House, Burrow Heights Lane, Lancaster	Outline application for the erection of 2 residential dwellings and associated access	Appeal allowed
17/01158/ADV	Gala Club, Marine Road East, Morecambe	Advertisement application for retained display of two internally illuminated fascia signs and one internally illuminated totem sign	Appeal dismissed
17/01360/FUL	4 Chelsea Mews, Lancaster	Retrospective application for the retained change of use of a garage to a bedroom, the removal of the garage door and installation of a replacement window	Appeal dismissed

(f) Planning Enforcement Casework – Volume and Breakdown of Cases

Period		Number of Current Live (Allocated) Enforcement Cases (at the time of compiling this table)							New Cases Received Within the Quarter	Closed Cases Within the Quarter
	Breach of Condition	Conflicts with Approved Plans	(Separate) Conservation Area Development	Unauthorised Adverts	Unauthorised Development	Unauthorised Use	Untidy Land (& Tipping)	Works Affecting a Listed Building		
Jan - Mar 2017	32	19	2	31	92	62	24	43	113	75
Apr - Jun 2017	38	14	3	28	85	73	25	30	107	88
Jul - Sep 2017	43	23	3	40	93	85	26	27	116	90
Oct - Dec 2017	37	23	4	36	88	80	22	28	70	87
Jan - Mar 2018	35	22	4	30	92	86	24	18	95	76
Apr - Jun 2018	48	25	4	28	107	99	27	24	96	77
Jul - Sep 2018	49	24	4	27	105	92	25	24	97	83
Oct - Dec 2018										

(g) Planning Enforcement Casework – Performance Standards

Period	Breaches Remedied Within 60 Working Days	% of Cases closed within the Quarter, where the Initial Investigations were concluded within Enforcement Charter Standards	% of Cases where Notice Compliance Site Visits Occurred Within 5 Working Days	Number of New Notices Issued by Enforcement Officers
Jan – Mar 2017	36%	80%	50%	3
April-June 2017	30%	64%	100%	9
Jul – Sep 2017	40%	56%	75%	6
Oct – Dec 2017	43%	53%	50%	0
2017 AVERAGE/ TOTALS	37% AVERAGE	63% AVERAGE	69% AVERAGE	18 TOTAL
Jan - Mar 2018	49%	55%	0%	2
Apr - Jun 2018	61%	44%	0%	2
Jul - Sep 2018	56%	<i>Data for this field to follow verbally due to technical problems with data retrieval</i>	50%	4
Oct - Dec 2018				
2018 AVERAGE/ TOTALS	55% to date	49.5% to date	0% to date	4 to date in total

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
17/01219/OUT	J Wedlake And Son, Wheatfield Street, Lancaster Outline application for the erection of a 2 storey and one 4 storey buildings comprising 12 apartments (C3) with associated access and relevant demolition of general industrial building (B2) and ancillary outbuildings for Mr R Smith (Castle Ward 2015 Ward)	Application Permitted
18/00056/DIS	Development Site, Bulk Road, Lancaster Discharge of conditon 4 on approved application 17/01413/VCN for Eric Wright Construction (Bulk Ward 2015 Ward)	Split Decision
18/00110/DIS	Land Adjacent To , Bulk Road, Lancaster Discharge of condition 11 on approved application 17/01413/VCN for Stride Treglown (Bulk Ward 2015 Ward)	Split Decision
18/00112/DIS	Development Site, Bulk Road, Lancaster Discharge of conditions 2 and 5 on approved application 17/01413/VCN for Eric Wright Construction (Bulk Ward 2015 Ward)	Split Decision
18/00121/FUL	Lancaster Girls Grammar School, Regent Street, Lancaster Erection of a two storey extension to create teaching block and creation of a new entrance to main building with single storey glazed link for Lancaster Girls Grammar School (Castle Ward 2015 Ward)	Application Permitted
18/00122/LB	Lancaster Girls Grammar School, Regent Street, Lancaster Listed building application for erection of a two storey extension to create teaching block, creation of a new entrance to main building with single storey glazed link and part demolition and rebuild of curtilage wall for Lancaster Girls Grammar School (Castle Ward 2015 Ward)	Application Permitted
18/00136/DIS	Development Site, Bulk Road, Lancaster Discharge of condition 9 on approved application 17/01413/VCN for . (Bulk Ward 2015 Ward)	Split Decision
18/00137/DIS	Whittington Farm, Main Street, Whittington Discharge of conditions 2,3,4,5,6,7,8,9,10,11,12,13,14,15,22 on approved application 16/00397/OUT for Mr john simm (Upper Lune Valley Ward 2015 Ward)	Split Decision
18/00140/DIS	Land To The Rear Of, Queens Hotel, 34 - 36 Market Street Discharge of conditions 5, 11 on approved applcation 16/00051/FUL for Mr Kiely (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
18/00143/DIS	Lawsons Quay Student Village , Land Adjacent To Bulk Road / Caton Road, Lancaster Discharge of conditions 8 and 16 on approved application 17/01413/VCN for . (Ward)	Split Decision

LIST OF DELEGATED PLANNING DECISIONS

18/00154/DIS	Land North Of, Yenham Lane, Overton Discharge of conditions 3 and 4 on previous approved application 18/00211/FUL for Mr A Hoyle (Overton Ward 2015 Ward)	Application Permitted
18/00557/FUL	Poplar Farm, Gulf Lane, Cockerham Demolition of existing dwelling and erection of a replacement 2-storey detached dwelling for Mr Carter (Ellel Ward 2015 Ward)	Application Withdrawn
18/00628/FUL	Unit 1A Ironworks, Keer Park, Warton Road Change of use of storage and distribution unit (B8) to a car workshop and MOT garage (B2) for Mr P Rogerson (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
18/00630/FUL	2 Aysgarth Drive, Lancaster, Lancashire Demolition of existing garage, erection of a single storey rear extension, construction of replacement front porch, installation of raised roof with dormer extensions to the front elevation for Mr & Mrs D. Lesnik (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/00692/FUL	Land At, Sand Lane, Warton Demolition of two storage buildings, erection of two single storey buildings joined by a covered walkway with associated parking and access for the use of the site as a Funeral Directors for Mrs A Western (Warton Ward 2015 Ward)	Application Permitted
18/00740/FUL	Gardens Rear Of 1-4 The Sheiling, Kirkby Lonsdale Road, Arkholme Installation of land drainage pipes to the rear gardens of Plots 1-4 at The Sheiling for Mr Richard Wood (Kellet Ward 2015 Ward)	Application Permitted
18/00761/FUL	Land To The Rear Of 1 And 2 Lea Lane, Heysham, Morecambe Erection of 2 semi-detached dwellings, creation of domestic garden and associated access for Ashton Homes Lancashire Ltd (Heysham South Ward 2015 Ward)	Application Refused
18/00770/FUL	Land Adjacent To Castle O Trim Farmhouse, Procter Moss Road, Abbeystead Erection of agricultural livestock building and alterations to land levels for Mr & Mrs Johnny and Freya Miller (Ellel Ward 2015 Ward)	Application Refused
18/00779/FUL	Ryelands Service Station, Owen Road, Lancaster Retrospective application for the retention of boundary fencing and siting of a storage container for Euro Garages Ltd (Skerton East Ward 2015 Ward)	Application Refused
18/00844/FUL	Woods Barn, Laverick Road, Halton Change of use of agricultural land to domestic and erection of a single storey side extension for Mr Towers (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
18/00846/VCN	Neville House, Moorside Road, Brookhouse Demolition of domestic store/workshop and erection of a 2 storey dwelling with associated landscaping (pursuant to the variation of condition 2 on planning permission 17/01515/VCN to amend the plans and provide further information on materials and boundary treatment) for Mr & Mrs D Brown (Lower Lune Valley Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

18/00856/FUL	Edenbrook Farm, Crag Bank Lane, Carnforth Demolition of outbuildings and garage and erection of a replacement garage, storage building and a covered parking area for Mr C Loxam (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
18/00872/FUL	12 Sylvan Place, Heysham, Morecambe Erection of a two storey side extension for Mr John Chadwick (Heysham South Ward 2015 Ward)	Application Permitted
18/00887/LB	Virgin Trains, Castle Station, Westbourne Road Listed Building application for replacement windows to the south and west elevations for Network Rail Infrastructure Ltd (Castle Ward 2015 Ward)	Application Permitted
18/00893/FUL	1 Longtons Cottages, Kirkby Lonsdale Road, Over Kellet Regrading of land with new retaining wall, creation of an area of hardstanding, a new access and a dropped kerb for Miss Amy Barlow (Kellet Ward 2015 Ward)	Application Withdrawn
18/00895/ADV	Gala Club, Marine Road East, Morecambe Advertisement application for the display of 2 externally illuminated fascia signs, 3 non illuminated fascia signs and 1 externally illuminated double-sided totem sign for Mr Whalley (Poulton Ward 2015 Ward)	Application Permitted
18/00896/FUL	Riverside Cottage, Bazil Lane, Overton Erection of a part two part single storey side extension, single storey rear extension, single storey front extension and construction of a dormer extension with balcony to the rear for Dr Andrew Jarvis (Overton Ward 2015 Ward)	Application Withdrawn
18/00908/FUL	20 Dutton Drive, Lancaster, Lancashire Retrospective application for the retention of a single storey rear extension for Dr. Kamran Aftab (Bulk Ward 2015 Ward)	Application Permitted
18/00912/PLDC	14 Winmarleigh Road, Lancaster, Lancashire Proposed Lawful Development Certificate for the conversion of garage into utility room, removal of existing garage door and installation of replacement door and windows, and insertion of new window to existing side elevation for Mr Michael Mayfield (Scotforth East Ward 2015 Ward)	Lawful Development Certificate Granted
18/00917/FUL	Cawood House, Main Street, Arkholme Erection of a single storey rear extension and construction of a pitched gable roof for Mr & Mrs Hargreaves (Kellet Ward 2015 Ward)	Application Permitted
18/00918/LB	Cawood House, Main Street, Arkholme Listed building application for alterations to attached outbuilding to form internal residential floorspace, construction of a pitched gable roof and erection of a single storey rear extension, demolition of an existing chimney, internal works comprising the insertion of partition walls and demolition of internal walls, internal boxing of existing window, installation of an internal stairwell and partial blocking of existing doorway to form window opening for Mr & Mrs Hargreaves (Kellet Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

18/00943/FUL	10 Windermere Avenue, Morecambe, Lancashire Demolition of existing garage and erection of a detached garage for Mr Samiloglu (Westgate Ward 2015 Ward)	Application Permitted
18/00947/FUL	Wilsons Endowed CE School, School Lane, Over Kellet Erection of a detached hall building for Mrs Jo Williams (Kellet Ward 2015 Ward)	Application Permitted
18/00961/FUL	18 Storey Avenue, Lancaster, Lancashire Erection of a single storey rear extension for Mr Jamie Shaw (Marsh Ward 2015 Ward)	Application Permitted
18/00965/FUL	Bambers Farm, Moss Lane, Thurnham Erection of an agricultural building incorporating milking parlour and collecting yard for Mr Martin Ayrton (Ellel Ward 2015 Ward)	Application Permitted
18/00967/FUL	8 Bryn Grove, Hest Bank, Lancaster Construction of 3 dormer extensions to the front elevation for Mr And Mrs James (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/00971/FUL	32 Claughton Drive, Lancaster, Lancashire Erection of single storey porch to front elevation, two storey side extension and single storey rear extension with balcony and changing of land levels for Mr & Mrs A Higham (Scotforth East Ward 2015 Ward)	Application Permitted
18/00974/FUL	105 High Road, Halton, Lancaster Erection of a first floor extension to the rear elevation for Mr & Mrs Buntin (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
18/00988/OUT	Land Adjacent To Stonehaven, Bay Horse Lane, Bay Horse Outline application for the erection of 4 dwellings with associated access for Mr & Mrs Armer (Ellel Ward 2015 Ward)	Application Refused
18/00992/FUL	61 Beech Road, Halton, Lancaster Erection of an outbuilding for Mr Daryn Scally (Halton-with-Aughton Ward 2015 Ward)	Application Refused
18/00993/FUL	LPC Furniture, 4 - 6 Parliament Street, Lancaster Change of use from retail (A1) to mixed use retail and massage/spa (A1/Sui Generis) for Mr NEIL SPOONER (Bulk Ward 2015 Ward)	Application Permitted
18/00994/PLDC	21 Camborne Avenue, Carnforth, Lancashire Proposed Lawful Development Certificate to remove a conservatory and erection of a single storey side extension for Mr Brian Abraham (Carnforth And Millhead Ward 2015 Ward)	Lawful Development Certificate Granted
18/00995/HLDC	Sellet Mill, Mill Lane, Whittington Application for a Certificate of Lawfulness for proposed works to a Listed Building to repair/replace roof for Mr Colin Anthony Tomlinson (Upper Lune Valley Ward 2015 Ward)	Lawful Development Certificate Granted
18/00999/PLDC	4 Sunningdale Avenue, Hest Bank, Lancaster Proposed lawful development certificate for the erection of a single storey side extension. for Mr & Mrs Simon Byrne and Lisa Law-Byrne (Bolton And Slyne Ward 2015 Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

18/01006/FUL	Hoggetts Lane Farm, Kirkby Lonsdale Road, Over Kellet Regrading of land levels, erection of an agricultural building with slurry store below and a bulk feed bin for Mr J Robinson (Kellet Ward 2015 Ward)	Application Permitted
18/01012/FUL	St Marys Church, Borwick Lane, Borwick Erection of a single storey extension to the west side elevation and an access ramp for Rev Robin Figg (Kellet Ward 2015 Ward)	Application Permitted
18/01013/FUL	School House, Main Street, Whittington Erection of a single storey extension to the rear elevation and erection of detached garage. for Mr And Mrs Raistrick (Upper Lune Valley Ward 2015 Ward)	Split Decision
18/01014/PLDC	Langthwaite Heights, Langthwaite Road, Quernmore Proposed lawful development certificate for the replacement of existing concrete hardstanding for Mr Nelson Pye (University And Scotforth Rural Ward)	Application Permitted
18/01015/FUL	18A Brock Street, Lancaster, Lancashire Change of use of a retail unit (A1) to cafe (A3) and installation of rear window for Miss Luiza Woods (Castle Ward 2015 Ward)	Application Permitted
18/01016/LB	18A Brock Street, Lancaster, Lancashire Listed building application for the installation of rear window and relocation of internal walls for Miss Luiza Woods (Castle Ward 2015 Ward)	Application Permitted
18/01030/FUL	12 Pierce Close, Lancaster, Lancashire Erection of single storey side and rear extension for Mr Mustapha (Marsh Ward 2015 Ward)	Application Permitted
18/01034/CU	Old Builders Yard, Chapel Lane, Galgate Retrospective application for the change of use of land to car park for Mr John Barnes (Ellel Ward 2015 Ward)	Application Permitted
18/01040/FUL	17 Lymm Avenue, Lancaster, Lancashire Erection of single storey side/rear extension and construction of a front porch and canopy for C.Allison and V.Mangan (Skerton West Ward 2015 Ward)	Application Permitted
18/01047/PLDC	303 Heysham Road, Heysham, Morecambe Proposed Lawful Development Certificate for the erection of a single storey side extension and construction of a dormer extension to the rear elevation for Mrs A. Ciesinska (Heysham Central Ward 2015 Ward)	Lawful Development Certificate Granted
18/01055/FUL	Old School Building, Adjacent To Friends Meeting House, Yealand Road Construction of a ramp and planting bed and installation of a downpipe to the front and installation of replacement windows and doors for Lancashire Central And North Area Meeting Trustees (Warton Ward 2015 Ward)	Application Permitted
18/01059/FUL	Yew Trees, Upphall Lane, Priest Hutton Erection of a detached double garage for Ms Thomas (Kellet Ward 2015 Ward)	Application Permitted
18/01061/FUL	69 Sand Lane, Warton, Carnforth Erection of an outbuilding for Mr Cook (Warton Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

18/01067/FUL	29 Church Street, Lancaster, Lancashire Installation of a flue to the rear for Mr Bruno Buccelli (Castle Ward 2015 Ward)	Application Refused
18/01077/PLDC	29 Yewdale Avenue, Heysham, Morecambe Proposed lawful development certificate for the construction of a hip to gable extension and dormer extension to the rear elevation for Mr & Mrs H. Hanson (Heysham South Ward 2015 Ward)	Lawful Development Certificate Granted
18/01078/FUL	4 Hayfell Grove, Hest Bank, Lancaster Demolition of dwelling and erection of a new dwelling (C3) and detached garage for Mr & Mrs R Hoggarth (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/01081/FUL	3 Main Street, Hornby, Lancaster Erection of a single storey rear extension for Mr A. Thwaite (Upper Lune Valley Ward 2015 Ward)	Application Permitted
18/01082/LB	School House, Main Street, Whittington Listed building application for the erection of a single storey extension to the rear elevation, erection of detached garage and works to internal walls and partition for Mr And Mrs Raistrick (Upper Lune Valley Ward 2015 Ward)	Application Refused
18/01083/PLDC	134 West End Road, Morecambe, Lancashire Proposed lawful development certificate for the erection of a single storey extension to the rear elevation for Mr Thomaz Barczynski (Harbour Ward 2015 Ward)	Lawful Development Certificate Granted
18/01084/LB	Lancaster Railway Station, Westbourne Road, Lancaster Listed Building application for the replacement of leadwork in the roof with a lead alternative for Miss Helen Williams (Castle Ward 2015 Ward)	Application Permitted
18/01095/FUL	1 Drewton Avenue, Heysham, Morecambe Construction of an extension to existing rear dormer with a second floor balcony for Mr Anthony Smith (Heysham Central Ward 2015 Ward)	Application Permitted
18/01102/FUL	The Spinney, Willey Lane, Cockerham Demolition of existing detached garage and erection of an attached garage and store, and erection of a front porch for Mrs A Manning (Ellel Ward 2015 Ward)	Application Permitted
18/01104/ADV	Development Site, Bulk Road, Lancaster Advertisement application for the display of one non-illuminated fascia sign and one non-illuminated high level wall mounted sign for Eric Wright Construction (Bulk Ward 2015 Ward)	Application Permitted
18/01106/OUT	Land At Higher Bond Gate, Abbeystead Road, Dolphinholme Outline application for the development of 9 residential dwellings with associated access, public open space and associated infrastructure for Mr & Mrs Wallbank (Ellel Ward 2015 Ward)	Application Refused
18/01112/FUL	Lane Foot House, Kirkby Lonsdale Road, Newton Retrospective application for a muck storage area and hard standing for Mr & Mrs Hugh Redmayne (Upper Lune Valley Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

18/01122/PAA	Bullcopy Farm, Kirkby Lonsdale Road, Arkholme Prior approval for the change of use of agricultural building to dwelling (C3) for Mrs K Warburton (Kellet Ward 2015 Ward)	Prior Approval Granted
18/01123/FUL	3 Moorside Close, Melling, Carnforth Construction of a dormer extension to the rear and two rooflights to the front for Mr Matthew Blundell (Upper Lune Valley Ward 2015 Ward)	Application Permitted
18/01125/OUT	Land East Of, Bay Horse Lane, Bay Horse Outline application for the erection of three dwellings and associated access for Mr & Mrs Spence (Ellel Ward 2015 Ward)	Application Refused
18/01126/FUL	6 Sunningdale Crescent, Hest Bank, Lancaster Erection of two storey side extension for Rev Pauline Nixon (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/01127/AD	Challan North, Ford Lane, Silverdale Agricultural determination for resurfacing of track and yard for Mrs Catherine Grayson (Silverdale Ward 2015 Ward)	Prior Approval Not Required
18/01134/FUL	14 St Annes Close, Brookhouse, Lancaster Erection of a single storey rear extension with raised terrace, porch to the front elevation, construction of a dormer extension to the rear elevation and conversion of the garage and construction of a replacement roof for Mr & Mrs J. Airey (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/01138/FUL	40 Silverdale Road, Yealand Redmayne, Carnforth Erection of summerhouse for Mr & Mrs Beynon (Silverdale Ward 2015 Ward)	Application Permitted
18/01143/VCN	Deep Clough, Roeburndale Road, Littledale Reconstruction and change of use of agricultural barn to 3 holiday let units (pursuant to the variation of condition 8 on planning permission 09/00947/CU to allow for the occupation of holiday accommodation independent of the Deep Clough Farm agricultural holding) for Mr Nathan Brown (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/01145/FUL	12 Bryn Grove, Hest Bank, Lancaster Erection of single storey side and rear extension, construction of 2 dormer extensions to the front and rear elevations and a porch to front for Mr & Mrs D. Derham (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/01148/FUL	Court House, Nether Kellet Road, Over Kellet Erection of porch to front elevation for Professor and Mrs M+G McIlmurray (Kellet Ward 2015 Ward)	Application Permitted
18/01149/ADV	The Pub, 45 - 47 China Street, Lancaster Advertisement application for the retained temporary display of a mural on side elevation for Mr Kevin Pegram (Castle Ward 2015 Ward)	Application Permitted
18/01150/FUL	Slieve Na Mon, Hasty Brow Road, Slyne Erection of single storey rear extension, first floor side extension incorporating a front balcony and construction of dormer extension to the front elevation and a dormer/balcony extension to the rear elevation for Mr & Mrs Collins (Bolton And Slyne Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

18/01158/PLDC	Chapel House, Chapel Lane, Ellel Proposed lawful development certificate for conversion of detached outbuilding to create ancillary accommodation for Mr Peter Ballard (Ellel Ward 2015 Ward)	Lawful Development Certificate Granted
18/01159/PAA	Agricultural Building At, Greendales Stables, Carr Lane Prior approval for the change of use of agricultural building to a dwelling (C3) for Mr And Mrs Beswick (Overton Ward 2015 Ward)	Prior Approval Refused
18/01161/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 Permitted
18/01164/NMA	Land To The South Of The Spinney, Haverbreaks Road, Lancaster Non material amendment to planning permission 17/00260/FUL to alter the external finishes for Mr & Mrs D Watson (Scotforth West Ward 2015 Ward)	Application Permitted
18/01168/FUL	1 Pottery Gardens, Lancaster, Lancashire Conversion of existing garage into ancillary living accommodation and removal of garage doors and installation of 2 replacement windows to the existing front elevation and creation of an area of hardstanding for Mr & Mrs Wood (John O'Gaunt Ward 2015 Ward)	Application Permitted
18/01170/FUL	Yealand Hall, 81 Silverdale Road, Yealand Redmayne Erection of a single storey rear and side extension to existing outbuilding for Mr & Mrs Lock (Silverdale Ward 2015 Ward)	Application Withdrawn
18/01173/LB	Lancaster Castle, Castle Park, Lancaster Listed Building application for the retrospective removal of cast iron security bars to fifth floor window for Duchy Of Lancaster (Castle Ward 2015 Ward)	Application Permitted
18/01176/PAA	Cockshotts Barn, Lodge Lane, Wennington Prior approval for the change of use of agricultural building to a dwelling (C3) for Mr And Mrs Smith (Upper Lune Valley Ward 2015 Ward)	Prior Approval Granted
18/01180/ADV	Land Between Low Road And Forge Lane , Halton, Lancashire Advertisement application for the display of 3 flags and 1 free standing v-board sign for Miss Siobhan Sweeney (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
18/01181/PLDC	68 Wingate Saul Road, Lancaster, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension for Mrs M Maughan (Castle Ward 2015 Ward)	Lawful Development Certificate Granted
18/01184/FUL	113 Barley Cop Lane, Lancaster, Lancashire Erection of a replacement conservatory to the rear elevation for Mrs Clare Hartley (Skerton West Ward 2015 Ward)	Application Permitted
18/01185/FUL	42 Schoolhouse Lane, Halton, Lancaster Erection of single storey rear and side extension for Mr And Mrs M Shackelton (Halton-with-Aughton Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

18/01191/CCC	Cloughton Manor Brickworks, Hornby Road, Cloughton Variation of condition 1 of permission 1/88/955 to extend the duration of the brick manufacturing operations to 31 December 2036 with restoration of the site by 31 December 2037 for Mr Tim Darling (Lower Lune Valley Ward 2015 Ward)	No Objections
18/01192/CCC	Cloughton Moor Quarry, Quarry Road, Halton Variation of condition 1 of permission 1/98/29 to extend the mining operations until 31 December 2036 with site restoration by 31 December 2038 for Mr Tim Darling (Lower Lune Valley Ward 2015 Ward)	No Objections
18/01196/PLDC	4 Forgewood Drive, Halton, Lancaster Proposed lawful development certificate for the erection of a single storey rear and side extension for Mr J. Bland (Halton-with-Aughton Ward 2015 Ward)	Lawful Development Certificate Refused
18/01198/FUL	51 Slyne Road, Bolton Le Sands, Carnforth Demolition of outbuilding and erection of single storey side/rear extension for Mr & Mrs M Preddy (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/01199/FUL	19 Golgotha Road, Lancaster, Lancashire Erection of a part single part two storey rear extension for Mr Grahame O'Neill (John O'Gaunt Ward 2015 Ward)	Application Withdrawn
18/01200/FUL	5 The Roods, Warton, Carnforth Erection of a single storey rear extension for Mr & Mrs A. Brayshaw (Warton Ward 2015 Ward)	Application Permitted
18/01202/CCC	Ellel Crag Quarry, Bay Horse Road, Ellel Compliance with condition 30C of planning permission 01/08/0629 for Mr Andy Duckett (Ellel Ward 2015 Ward)	Objection
18/01204/FUL	National Probation Service, 39 - 41 West Road, Lancaster Replacement of timber windows with uPVC windows on all elevations for Mr Duncan Watt (Castle Ward 2015 Ward)	Application Permitted
18/01208/PAD	Heaton Hall, Morecambe Road, Lancaster Prior approval for demolition of public house for Tom Hill (Skerton West Ward 2015 Ward)	Application Refused
18/01210/PLDC	13 Lythe Fell Avenue, Halton, Lancaster Proposed Lawful Development Certificate for the erection of a single storey rear extension and construction of a dormer extension to the rear elevation for Mr & Mrs Macpherson (Halton-with-Aughton Ward 2015 Ward)	Lawful Development Certificate Granted
18/01214/RCN	St Leonards House, St Leonards Gate, Lancaster Change of use of offices (B1) to student accommodation comprising of 80 studios, four 4-bed, seven 5-bed and eight 6-bed cluster flats (C3), student gym (D2) and ancillary communal facilities, installation of a replacement roof to create additional living accommodation and recladding of existing rear stairwells (pursuant to the removal of condition 16 on planning permission 16/01155/FUL to remove the need for pre-occupation noise testing) for C/O Agent (Bulk Ward 2015 Ward)	Application Withdrawn

LIST OF DELEGATED PLANNING DECISIONS

18/01221/FUL	30 Bay View Avenue, Slyne, Lancaster Construction of a dormer extension to the rear elevation and construction of a raised terrace area for Mr Jonathan Kidd (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/01225/PLDC	University Of Cumbria, Bowerham Road, Lancaster Proposed lawful development certificate for the erection of a fence and gates for Mr Nigel Beeden (John O'Gaunt Ward 2015 Ward)	Lawful Development Certificate Granted
18/01230/FUL	2 Coppice Brow, Carnforth, Lancashire Erection of a rear conservatory for Mr And Mrs E And J Greenough (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
18/01235/PLDC	108 Lancaster Road, Carnforth, Lancashire Proposed Lawful Development Certificate for the erection of two single storey rear extensions and erection of a detached outbuilding for Mr & Mrs A Toner (Carnforth And Millhead Ward 2015 Ward)	Lawful Development Certificate Granted
18/01246/PLDC	11 Connaught Road, Heysham, Morecambe Proposed Lawful Development Certificate for the erection of a single storey rear extension for Mr & Mrs S Thornton (Overton Ward 2015 Ward)	Lawful Development Certificate Granted
18/01249/VCN	6 Coastal Road, Hest Bank, Lancaster Change of use of ground floor from cafe/restaurant (A3) into drinking establishment (A4) (Pursuant to the variation of condition 6 on planning permission 17/01232/CU to amend the opening hours) for Mr John Hughes (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/01253/PLDC	14 Hayfell Avenue, Morecambe, Lancashire Proposed Lawful Development Certificate for the erection of a detached outbuilding for Mr & Mrs P. McNally (Westgate Ward 2015 Ward)	Lawful Development Certificate Granted
18/01254/FUL	240 Torrisholme Road, Lancaster, Lancashire Erection of single storey side extension for Mr & Mrs P. Bricknell (Skerton West Ward 2015 Ward)	Application Permitted
18/01256/NMA	6 Meadowside, Cloughton, Lancaster Non-material amendment to planning permission 18/00009/FUL to remove the first floor window on the side (south west) elevation and increase the width of the first floor rear elevation window from 1.85m to 2.45m for Mr Justin Beamer (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/01267/PLDC	3 Crake Bank, Lancaster, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension and conversion of garage for Mr & Mrs D. Carlton (Skerton West Ward 2015 Ward)	Lawful Development Certificate Granted
18/01269/PLDC	42 Palatine Avenue, Lancaster, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension for Miss Brogan (Scotforth West Ward 2015 Ward)	Lawful Development Certificate Granted
18/01270/NMA	Lancaster University, Bigforth Drive, Bailrigg Non material amendment to planning permission 18/00102/FUL to change a material from matt finish to gloss for Lancaster University (University And Scotforth Rural Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

18/01273/AD	Marl House, Doeholme Rake, Over Wyresdale Agricultural determination for the construction of new forestry access road for Mr Douglas Williams (Ellel Ward 2015 Ward)	Prior Approval Is Required
18/01291/VCN	Land Adjacent To , Bulk Road, Lancaster Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping (Pursuant to the variation of condition 7 on planning permission 17/01413/VCN to allow for an amended offsite highway scheme) for Eric Wright Construction (Bulk Ward 2015 Ward)	Application Withdrawn