



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 10 DECEMBER 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 12 November, 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 18/00921/FUL	Land to the North of Foundary Lane Halton	Halton-with-Aughton Ward	(Pages 1 - 10)
		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		
6	A6 18/00645/REM	Land East of Arkholme Methodist Church, Kirkby Lonsdale Road, Arkholme	Kellet Ward	(Pages 11 - 20)
		Reserved matters application for the erection of 16 dwellings (C3)		
7	A7 18/01144/FUL	Carnforth Business Park, Kellet Road, Carnforth	Carnforth and Millhead Ward	(Pages 21 - 31)
		Erection of office (B1a) and storage and distribution (B8) building with associated parking and access		

8	A8 18/01423/VCN	Aldi, Marine Road West, Morecambe	Harbour Ward	(Pages 32 - 35)
		Demolition of existing supermarket, bowling alley and retail units and erection of a replacement supermarket with associated car parking and hard and soft landscaping (Pursuant to the variation of condition 17 to allow for unrestricted servicing hours)		
9	A9 18/01412/FUL	65 Lymm Avenue, Lancaster	Skerton West Ward	(Pages 36 - 39)
		Demolition of existing rear conservatory and erection of a part two part single storey side extension and single storey rear extension		
10	A10 18/01436/CU	Bus Station, Central Drive, Morecambe	Poulton Ward	(Pages 40 - 43)
		Change of use of bus shelter to young persons assembly and recreation building (D2)		
11	A11 18/01364/CU	Pedestrian Highway , Church Street, Lancaster	Castle Ward	(Pages 44 - 48)
		Change of use of pedestrian highway for the temporary siting of 6 market cabins		
12	A12 18/01346/FUL	Land West Of Barrows Lane, Heysham	Heysham South Ward	(Pages 49 - 53)
		Installation of a sculpture		
13	A13 18/01229/FUL	9 Beech Avenue, Galgate, Lancaster	Ellel Ward	(Pages 54 - 58)
		Change of use of a shop (A1) to dwelling (C3), erection of single storey extensions to the side and rear, construction of a ramp to the front, installation of replacement window and replacement of a door with a window		
14	Councillor Referrals to Planning and Highways Regulatory Committee (Pages 59 - 64)			
15	Delegated Planning List (Pages 65 - 71)			

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 Tuesday 27th November, 2018.

Agenda Item	Committee Date	Application Number
A5	10 December 2018	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, deferral for legal opinion 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. The application was due to be heard at Committee on 12 November but due points raised within an item of public comment the application was deferred to in order to allow time for Officers to seek legal advice regarding the representation. Members will recall visiting the site on 18 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. The consultee confirms that the means of access from Foundry Lane is considered sufficient to enable access to / from the site by heavy goods vehicle, trailer or low loader suitable for the carriage of static caravans and is satisfied that the means of access is acceptable.
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 14 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.
 - Questions as to whether the proposal is compliant with policy DM47.
- 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 spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 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. The NPPF must be read in conjunction with the Government's Planning Policy for Traveller Sites (PPTS). Policy H of the PPTS, requires applications for gypsy sites to be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in both the Framework and the PPTS.
- 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. Policy DM47 allows for the consideration of sites for Gypsy Traveller accommodation outside Lancaster, Morecambe, Heysham or Carnforth where it is demonstrated that appropriate sites cannot be provided within these specified urban areas. Therefore the proposal is not a departure from this policy. 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. Although the policy does not refer to allocated sites, 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 that 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. As part of the preparation for the Site Allocations DPD for Gypsy and Traveller Accommodation the Council has made a Call for Sites which has been ongoing since June 2018. To date only 4 sites have been put forward, including the application site. The 3 other sites are constrained by flood risk, surrounding uses (industrial estate) or lack of accessibility (a remote rural area). Only the application site is relatively unconstrained. Therefore given the identified need and the lack of alternative sites in the District, as evidenced by the Call for Sites exercise, it is considered that the proposal addresses the third criteria of the policy.

- 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. With regard to criteria iii, it is acknowledged that the site lies outside of the main urban areas of Lancaster, Morecambe, Heysham or Carnforth. However, this criteria allows for sites in other locations if it can be demonstrated that appropriate sites cannot be identified within the specified urban areas. The submission highlights that there is currently an unmet need in terms of provision for accommodation for Gypsies and Travellers within the District and this is a key factor in the balancing exercise when considering this proposal. While it is accepted that the site is on the fringes of a rural settlement junction 34 of the M6 and the local facilities within Halton (1km from the site) are easily accessible by vehicle and on foot respectively.

- 7.3.7 In terms of the locational requirements highlighted within policy DM47, the site is not within flood zone 2 or 3 and 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 due to the distances involved and therefore meets criterion (vi) of DM47.

- 7.3.8 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 submitted Noise Assessment assumes that the caravans are to be located some 100m from the nearside lane of the M6 while the submitted plan indicates that the static units will be sited 90m from this highway. Notwithstanding this the Environmental Health Officer considers the submitted Noise Assessment

to be robust and has stated that in terms of sound levels there would be a negligible difference (not perceptible to the human ear) between 80m and 100m. Given that the static caravans would be sited 90m away from the motorway, coupled with the proposed mitigation of a 2.1m acoustic fence, the Environmental Health Officer is satisfied that there would be no adverse noise impacts to the occupants. It is noted that the public comments highlight concerns regarding possible adverse health implications and that future occupants would be harmed by air pollution due to vehicle emissions from the M6 motorway. The Air Quality Officer has considered the submission and is of the view that air pollution levels would not be prohibitive in this location.

- 7.3.9 In terms of location, consideration is also given to paragraph 25 of the Planning Policy for Traveller Sites (2015) (PPTS) 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. However, PPTS does not preclude the development of gypsy sites in the countryside as a matter of principle. 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.
- 7.3.10 The Planning and 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. As highlighted within paragraph 7.3.4 of this report, in cases where 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 applicants are willing to accept a temporary consent and it is considered that this is an acceptable way forward in light of the Council's commitment to bringing forward a Site Allocations DPD for Gypsy and Traveller Accommodation as set out in the Local Development Scheme. The grant of a three year temporary consent would allow for this document to come forward which will provide a full opportunity to consider accommodation across the district to meet needs and may present the opportunities for sites within the urban area in the longer term.
- 7.3.11 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.
- 7.3.12 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 of 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. The safety concerns raised within the public comments and the Parish Council's second response were put to the Highway consultee who has confirmed that the means of access from Foundry Lane is considered sufficient to enable access to / from the site by heavy goods vehicle, trailer or low loader suitable for the carriage of static caravans and is satisfied that the means of access is acceptable.
- 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.

It is considered that a temporary consent would be appropriate in light of the provisions of paragraph 27 of the Planning Policy for Traveller Sites document and the Council's commitment to bringing forward a Site Allocations DPD. 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. Temporary consent for 3 years
3. Development in accordance with approved plans
4. Site design and construction plan
5. Site access improvements
6. Details of hard and soft landscaping
7. Details of surface water sustainable drainage scheme
8. Details/samples of external materials, lighting, bin storage and surface treatment
9. Full details of the foul drainage system
10. Details and installation of the acoustic fences
11. Details and installation vehicle restraint barrier system
12. Surfacing of access prior to occupation
13. Access from the site to Foundry Lane shall be constructed to a (minimum) width of 5 metres
14. Development in accordance with AIA
15. Retention of 2.1m high solid timber panel fencing
16. Unforeseen Contamination
17. Stable for personal use
18. Use of the site limited to Gypsies and Travellers
19. Limited to number and location of units shown on plan
20. Removal of permitted development rights
21. 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	Committee Date	Application Number
A6	10 December 2018	18/00645/REM
Application Site Land East Of Arkholme Methodist Church Kirkby Lonsdale Road Arkholme Lancashire	Proposal Reserved matters application for the erection of 16 dwellings (C3)	
Name of Applicant Mr Edward Hayton	Name of Agent Shelley Coffey	
Decision Target Date 17 September 2018	Reason For Delay Negotiations with the applicant on layout and surface water drainage considerations.	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The site is located on the southern periphery of the village of Arkholme, located to the east of the B6254 (Kirkby Lonsdale Road) covering an area of 1.05 hectares. The existing use of the site is agricultural land enclosed by hedgerows to the western and northern boundaries (together with the existing Methodist Church Car Park), with open fields to the east and south. The land is relatively level until it starts to fall away towards the Public Right of Way which immediately abuts the application boundary to the south.
- 1.2 The application site is bound by the B6254 to the west, with Arkholme Methodist Church and a row of terraced cottages to the north west. To the north is 'The Sheiling' development, a recently constructed residential development of 14 dwellings with open fields to the east. A Public Right of Way (Footpath 4) immediately abuts the southern periphery of the site and runs from a west to east orientation, beyond this are further fields.
- 1.3 The site falls within the Countryside Area (as allocated within the adopted Local Plan). The western aspect of the site falls within a mineral safeguarding zone. The access and the replacement Methodist Church Car Park is within part of the Arkholme Conservation Area.

2.0 The Proposal

- 2.1 The outline planning permission (15/01024/OUT) was granted for up to 17 residential dwellings. This application is the associated Reserved Matters application, and therefore seeks consent for layout, appearance, scale and landscaping. Initially the scheme proposed 17 residential dwellings, but as part of the application process this has been reduced to 16 residential dwellings with the dwelling mix noted below;

- Four x 2-bed semi-detached;
- Six x 3-bed semi-detached;
- Two x 3-bed detached;
- Two x 4-bed detached;

- Two x 5-bed detached.

The house types are predominantly semi-detached properties (ten houses) and six detached dwellings. The house types proposed are all two storey in height, comprising course local stone with associated stone quoins, under a slate roof and timber windows and doors. Some of the properties include chimneys and these are to be constructed in stone. Boundary treatments will consist of low stone walls and hedging to ensure that the rural character to the village's edge is maintained. The finished floor levels across the site range from circa 41 metres above ordnance datum (AOD) to 38 metres AOD.

- 2.2 The application also includes the replacement car park associated with the Methodist Church and provision has been made for open space on the south western corner of the site adjacent to the B6254. Access is from the B6254 which already benefits from planning consent under the outline application.

3.0 Site History

- 3.1 The site benefits from outline planning permission granted in January 2016, for 17 residential dwellings and the formation of a new vehicular access off the B6254 (15/01024/OUT).

4.0 Consultation Responses

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

Consultee	Response
Lead Local Flood Authority	Objects to the development, as it has not been evidenced by the applicant how surface water management and the associated flood risks resulting from the proposed development will be handled.
Conservation Officer	No objection but would suggest that views from Kirkby Lonsdale Road be provided. The proposal will lead to a level of harm to the significance of the Conservation Area and the non-designated heritage assets. This harm is considered to be less than substantial. The proposal will mitigate some of the harm via sympathetic design, height, scale and materials of new dwellings. Recommend conditions associated with materials.
Arkhholme with Cawood Parish Council	Object to the development as: <ul style="list-style-type: none"> • Density is too high and the Parish feel the layout associated with the outline consent would be more appropriate and acceptable; • Concern with the provision of the turning head; • Concerns with respect to the impact on the properties on the Sheiling; • Raise concerns with the landscaping scheme; • The scheme should include provision for an orchard on the site; • No proposals to introduce wildlife features.
Historic England	No observations to make on the application.
County Highways	No objection. Recommends that the conditions associated with the outline consent are included on the permission.
Environmental Health Officer	No objection but recommends that electric vehicle charging points are incorporated into the overall design in accordance with the Planning Advice Note.
Strategic Housing Officer	No objection but the latest indications are that for upper Lune Valley, there is a greater need for three bedroom units than two bedroom units. Therefore, on this basis, the scheme would better meet a local need if the mix could be changed to provide 1 x 2-bed house and 5 x 3-bed houses.
Tree Protection Officer	No objection and recommends conditions associated with the development being carried out in accordance with the submitted AIA, the provision of an AMS and for the approved landscape management plan.
Fire Safety Officer	No objection
Lancashire Constabulary	No observations received

Public Rights of Way Lancashire County Council	Initially objected, however following negotiation no objection has been raised on the provision that the grant of planning permission does not permit the obstruction of the Public Right of Way (PRoW), the drainage provision will not impact on the existing public right of way and also agree a buffer for hedge planting alongside the PROW to ensure that this is not obstructed.
Ramblers Association	The site plan does not state where footpath 4 will be in relation to the new hedge along the southern boundary. If the hedge is to be to the north of the PROW then there should be an indication that the hedge will be more than about 3m from the PROW to allow for hedge growth. This hedge and planting will obscure the fine views to the north. Another possibility is to incorporate the PROW within the amenity strip by a diversion or by moving the hedge boundary to the south of the PROW.
Planning Policy Team	No observations received.
Lancashire Archaeological Advisory Services	No objection , however accepts that no comment was made in relation to the site with regards to the outline planning application, however considers that there is merit in imposing an archaeological watching brief on any consent granted.
United Utilities	No objection , recommend conditions associated with foul and surface water drainage

5.0 Neighbour Representations

- 5.1 At the time of drafting this report there has been **31** letters of objection received in relation to the application based the grounds below:

Layout and Design – The development is too close to the residential dwellings on the Sheiling; given the levels difference in comparison to the Sheiling and this development, it gives rise to overlooking issues which are considered to be unacceptable. Concerns that the site layout has been constructed with the provision of the turning head, which could result in a future expansion of the site;

Conservation Impact – The proposed development fails to enhance or preserve the character and appearance of the Conservation Area; the proposal results in substantial harm to the Conservation Area and Non-designated Heritage Assets within the village; concerns that there has been no archaeological works undertaken associated with the scheme;

Landscaping – Considered that the development is too close to existing trees and hedgerows, this is a prominent site and should not have been granted planning permission;

Highways – The B6254 is a busy dangerous road, and there are concerns associated with the creation of a new access and a recent speed survey within the centre of the village revealed that speeds are in excess of the statutory 30mph limit;

Concerns over the standard of the submission including incorrect levels, cross sections and misleading separation distances between the properties on the Sheiling together with a lack of information to allow the Local Planning Authority to make an informed decision; and

Surface Water Drainage Concerns - The applicant has not demonstrated that it is possible to drain the site in accordance with SuDS principles, and remaining in the red edge boundary of the site; there are concerns that permitting this scheme to drain to the existing watercourse may lead to flooding issues further upstream and further investigation is required.

- 5.2 **David Morris MP** on behalf of the residents, **raises concern** that the plans for 17 dwellings in what is a small village will change the fabric of the village, along with creating extra traffic on what are already dangerous rural roads. Pedestrian access to the new development is also limited and arguably unsafe and the potential impact on Footpath Number 4 which crosses the site.

6.0 Principal National and Development Plan Policies

- 6.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a

presumption in favour of sustainable development (Paragraph 11). The following sections of the NPPF are relevant to the determination of this proposal.

Section 4 – Decision making

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 12 – Achieving well designed places

Section 15 – Conserving and enhancing the natural environment

Section 16 – 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 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 spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 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

DM31 – Development Affecting Conservation Areas

DM32 – The Setting of Designated Heritage Assets

DM33 – Development affecting Non-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
DM48 – Community Infrastructure

6.6 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Lancashire Minerals and Waste Local Plan – Policy M2;
- Arkholme Conservation Area Appraisal (Adopted January 2016);
- Surface water drainage and flood risk May 2015;
- Provision of Electric Vehicle Charging points February 2016;
- Low Emissions and Air Quality September 2017.

7.0 Comment and Analysis

The application generates the following considerations;

- Principal of Development;
- Layout and Design;
- Surface Water Drainage;
- Conservation and Heritage Matters;
- Open Space;
- Landscaping;
- Highways;
- Planning Balance.

7.1 Principal of development

7.1.1 The Lancaster Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport between the site and homes, workplaces, shops, schools, health centres, recreation, leisure and community facilities (Policy SC1). Policy DM42 of the adopted Development Management DPD identifies a number of rural settlements that the Council considers to be sustainable villages and can support new housing development in principle. Arkholme is listed in this policy. As part of the emerging local plan, the Council has re-examined the sustainability credentials of the village of Arkholme, and will not be advancing the village as a sustainable rural settlement (principally due to the limited accessible linkages with surrounding settlements, as a result of poor provision of public transport). Whilst this does change the policy position for new developments, the site benefits from outline planning consent and therefore Members cannot debate whether the principle or not is acceptable, but more so whether the design, layout and appearance of the development before them is acceptable.

7.1.2 Whilst outline planning permission exists (therefore the principle is accepted) Members still need to have regard to Policy DM42 of the Development Management DPD which does indicate that in all cases, proposals for new residential development on non-allocated sites such as this one must:

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

7.1.3 It was considered for the purposes of the outline consent that the site was well related to the built form of Arkholme, and Officers consider that the scheme before Members is proportionate to the existing scale and character of the settlement. Issues associated with whether the scheme is located where the environment and infrastructure can accommodate the impact of the development are examined in more depth in this report.

- 7.1.4 The outline planning consent provided for 40% affordable housing provision. As part of this proposal the applicant is proposing that 6 units of the 16 would be affordable (37.5%) and therefore significant weight has been attached to this in the decision making process of this planning application. Through negotiation with the applicant, they have confirmed that they are amenable to providing 1 2-bed house and 5 3-bed houses in line with the advice from the Strategic Housing Officer. This assists in meeting the identified needs within the area.
- 7.2 Layout and Design
- 7.2.1 Officers are understanding of the concerns raised by those homeowners on the Sheiling who do experience attractive views from the rear of their dwellings, and it is acknowledged that views would change for the occupiers of these properties. Whilst not strictly speaking a policy of the Council, (although this will likely change as part of the emerging local plan) there has been a general presumption on sites whereby there is a change in ground levels, that for each 0.5 metre in level change there is an additional 1 metre separation between dwellings, and this advice was conveyed to the applicant's agent early in the determination process of this planning application. Whilst concern has been raised by the local community with respect to separation distances, the adopted planning policy position is for there to be 12 metres separation distance from a habitable window to a blank façade and 21 metres between two habitable windows. This is in essence to ensure that privacy is protected.
- 7.2.2 Since the outline consent was granted in 2016 the properties to the north of the site on 'The Sheiling' have been fully constructed, and are now fully occupied. Initially this scheme proposed 17 dwellings, and the properties were pushed a little further to the north (in essence closer to those properties on the Sheiling). As part of the negotiations with the applicant, there has been a move to pull the properties away from those on 'The Sheiling' to allow a further separation distance between the units. The scheme now proposes for plot 5 to be located 16 metres away (bearing in mind that there are no habitable windows on the northern façade of plot 5, only a bathroom window) from the garden room of No 6, 'The Sheiling'. The views, however, would be oblique, and it is not directly overlooking given the angle proposed. The adopted policy position here would be 12 metres (although there is 1 metre difference in levels, meaning 14 metres would be preferred distance).
- 7.2.3 The distance proposed between plot 5 of the application site, and no 9 'The Sheiling' is circa 26 metres and there is a circa 1 metre difference in levels here. There would still be oblique views from habitable windows but this is considered acceptable. The applicant has sought to reduce land levels by up to 1 metre, and pushed plot 5 back by circa 3 metres compared to the previous iteration of the scheme to ensure that the outlook for those occupiers on 'The Sheiling' are not significantly harmed. As previously mentioned there would be a change in outlook for occupiers, but this is inevitable with a change from a greenfield site to a cluster of new dwellings. The Council would generally seek for garden space of at least of 50sq.m. All the properties achieve this, and on the whole most of the dwellings provide for rear gardens 10 metres in length, although there are some that fall below this figure, and plot 10 in particular is a little uncomfortable only having a garden depth of 3.5 metres, though does provide over 180 sq.m of garden space in total. The applicant has been asked whether it would be possible to move the double garage eastwards to provide more usable garden space, and Members will be updated in this regard. There was some concern regarding the interface distance between plots 4 and 6 on the site, which was only circa 14 metres. The applicant has shifted the position of plots 3 and 4, so there are no direct habitable to habitable views now proposed.
- 7.2.4 With respect to the house types proposed, all the dwellings are two storey in height and traditional in appearance, and are considered to respect the villages built form, and be of a design and character that is befitting of the site's rural location. Careful consideration has gone into the design of the dwellings, such as the stone dentil course on the 3-bed detached house type, and the use of boundary treatments such as low stone walls and hedgerows are to be supported. Officers are pleased that there has been consideration of the local authority's requirement of smaller dwellings as part of the housing mix given the majority of the dwellings are 2 and 3 bed properties. On the strict understanding that materials will be stone, slate, together with timber windows and doors and aluminium rainwater goods, then it is considered that the properties would relate well to the village.
- 7.2.5 The scheme before Members was granted outline planning consent in January 2016, and development works were being undertaken at that time on 'The Sheiling' development (albeit none of the houses adjoining the site were constructed at that stage). The properties closest to the development were occupied in 2017, and therefore whilst there has been a great deal of local

concern, these residents would have been aware of the outline planning consent when purchasing their new homes. It is accepted that there is a strong resentment locally regarding the scheme, and whilst the community do not consider the applicant has done enough to satisfy their concerns, there have been positive amendments which actually seek to lessen the impact on those occupiers of the Sheiling. This includes reducing the number of dwellings, increasing the separation distances between on and off-site dwellings, reducing the finished floor levels and amending the house types. Officers feel that following the negotiation process they are now in a position whereby they can offer support of the scheme, however, the applicant needs to be aware that the associated planning conditions of planning permission 15/01024/OUT will still require to be submitted to, and approved in writing by the Local Planning Authority.

7.3 Surface Water Drainage Matters

7.3.1 The applicant's initial surface water drainage submission provided for a surface water drainage scheme that effectively fell outside of the red edge boundary. The applicant was informed that this would require the benefit of its own consent and subsequently an amended scheme was submitted for consideration. The applicant has amended the proposal to include the surface water attenuation tank which would include a volume of 484 m³ to the south of the site and this will link to a flow control chamber providing for a flow rate of 3.2 litres per second. The restricted water and treated foul water would discharge directly to the culverted watercourse which runs towards Bains Beck (directly to the south of the site). Officers have been liaising with the applicant, and their engineers with respect to drainage matters, and it is clear given the change from the original proposal to contain all the drainage infrastructure within the red edge that this has caused some concern locally. The applicant has undertaken a CCTV survey of the culvert at the request of the Lead Local Flood Authority (LLFA) to ensure that the drainage solution proposed is firstly capable of being utilised for this development, and secondly to ensure that connection would not cause issue flooding issues elsewhere. Whilst the applicant has provided the CCTV survey of the condition of the existing culvert there is still some concern such as how the drainage scheme would connect to the culvert and how the spare capacity of the culvert has been established.

7.3.2 Concern has been raised that connecting this site to the existing culvert may well put properties on the Sheiling and the Herb Gardens at risk of flooding, together with how the below attenuation would be maintained given the development is on the limits of the red edge boundary of the site. Officers are aligned with local residents that the development of this site should not exacerbate flood risk elsewhere. Officers have been liaising with the LLFA on the issue. Whilst there is constructive dialogue being undertaken between the parties, surface water drainage is a matter that requires agreement as part of the outline planning consent, and within the confines of the site.

7.3.3 The concern raised by local residents are fully understood, but the application before Members is one which is seeking approval of matters of design, scale and layout etc. It is not uncommon for applications for approval of Reserved Matters to come forward in advance of the application to discharge the conditions. The applicant did submit the detail to discharge the condition but this was on the basis of the drainage outside of the red edge. To secure an acceptable drainage solution within the site may well mean an amendment to the layout (for which case an amended layout would need to be submitted as part of a new application). Notwithstanding this point Members will be verbally updated on the matter. Whilst it is hoped that the issue will have been addressed, it needs to be remembered that the issue is controlled by the outline permission.

7.4 Conservation and Heritage Matters

7.4.1 The replacement car park associated with Arkholme Methodist Church is situated within the Arkholme Conservation Area, as is the provision of the new access off the B6254. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The refreshed National Planning Policy Framework stipulates the impact of a proposed development on the significance of a designated heritage asset, greater weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

7.4.2 The development has been re-orientated compared to the indicative layout at the outline stage with buildings now facing south which has the potential to create a more positive gateway feature compared to the outline planning consent. The gable ends of the surrounding non-designated

heritage assets (namely Bainsbeck House, the Methodist Chapel, and Chapel Cottages), currently provide a distinctive gateway feature when approaching the Conservation Area from the south; this emphasises the linear character of the village. The Council's Conservation Officer has reviewed the submission and it is accepted that the proposal would lead to a level of harm to the significance of the Conservation Area and also the non-designated heritage assets. This harm, however, is considered to be less than substantial harm (Para 196 of the Framework). The Conservation Officer further advises that the proposal will mitigate some of the harm through sympathetic design, height, scale, and materials of the new dwellings. The detail associated with windows are still required to be submitted for consideration but these issues can be controlled by means of planning condition. Any harm has to be weighed against the public benefits. The Local Authority cannot demonstrate a deliverable 5 year housing land supply, and therefore the harm associated with the scheme is offset by the provision of new dwellings. Should Members determine to approve the scheme it is recommended that conditions associated with materials, doors, windows, boundary treatments and external surfacing is controlled by the use of planning condition.

- 7.4.3 Lancashire Archaeological Advisory Service (LAAS) raises no objection to the scheme, but have asked for a condition to be imposed regarding an archaeological watching brief associated with the site. Technically speaking, this is a matter that should have been brought to the Officer's attention by LAAS when the outline planning consent was granted. However, the applicant is amenable to such a condition being imposed and with this in mind should Members resolve to support this scheme it is recommended a condition requiring a programme of archaeological works is imposed by means of planning condition.

7.5 Open Space

- 7.5.1 The main element of public open space is located on the south western boundary of the site. Whilst located on the periphery of the site, and not centrally located as would be ordinarily advocated, it is of a size and scale (over 1000sq.m is being proposed, whereas the adopted policy provision is for 300 sq.m to be provided) that is useable. Subject to a scheme of maintenance being conditioned (which is covered by the outline consent), then it is considered that the open space provided for will be complementary to the village. The Section 106 legal agreement associated with the outline consent requires a financial contribution towards off-site open space but this is dependent on the quality of open space (provided as part of this planning application) and the needs at this time in the village.

- 7.5.2 Naturally at this juncture the views of the Public Realm Development Manager need to be understood as to firstly whether they are satisfied with the provision of open space on the scheme, in the form of amenity grassland, bulb planting and tree planting. Secondly, whether there is an identified need within the village that warrants this planning application to provide the payment of monies towards open space. At the time of drafting this report the observations of the Public Realm Development Manager are unknown, but Officers are satisfied that the applicant has provided for sufficient open space associated with the scheme. Members will be verbally updated as to the position of the Public Realm Development Manager. The application provides for a connection to the PRow towards the east of the site but it is considered there should be one additional point of connection included within the area of open space to the west of the site. This can be controlled by planning condition.

7.6 Landscaping

- 7.6.1 The majority of the landscaping associated with the scheme is sited to the south western corner of the site which is in essence amenity grassland, and it is proposed to include wildflower turf mixes to the swales that run along the southern edge of the site. Whilst the proposed landscaping is low key, the interspersed trees across the amenity area of the site will relate well to the site's location on the periphery of the village. Given the ongoing negotiations and therefore amendments to the scheme it is considered necessary to insist on amended landscape plans to cater for the amended layout.

- 7.6.2 The proposed development requires supervised works within the root protection area of an ash tree. Two sections of mixed hedgerow will be required to be removed to accommodate the access requirements, and the provision for the altered car park. New planting has been proposed. Whilst some concerns have been raised by the local community, no objection has been raised by the Tree Officer to the applicant's proposals. This is on the understanding that the development is carried out in accordance with the submitted Arboricultural Implications Assessment, the landscaping scheme

and an Arboriculture Method Statement. As part of the consideration of application 15/01024/OUT it was resolved to include the provision of a footway on the north eastern side of the B6254. This was in the interest of ensuring that there was a safe means of access into the village centre. The detail associated with this is secured via condition on the outline consent and therefore does not require duplication in terms of the application before Members.

7.7 Highways

- 7.7.1 The positioning of the access was considered under the outline planning application which was approved in 2016. The scheme proposes to utilise the approved access point. The scheme provides for a relatively straight road off Kirkby Lonsdale Road which would have two minor access drives coming off from it. County Highways has no objections to the access but recommend that some features such as localised carriageway narrowing/single way movements and horizontal deflection could be used to limit speed. Officers would tend to agree with this as the spine road is over 150 metres in length. County Highways has specified that given the lack of turning heads within the minor drives that these elements of the scheme are unlikely to be adopted by them as the Highway Authority (and therefore the maintenance would be secured by legal agreement).
- 7.7.2 There has been some concern raised locally that a week-long speed survey has been undertaken within the centre of the village which confirmed that the 85% percentile speed is in excess of the 30mph speed limit. The observations of the local community are not in doubt that on occasion vehicles may travel at speeds, but there is a condition which has been imposed on the outline application which requires the formation of appropriate visibility splays. In terms of the extant outline consent visibility splays of 2.4m x 45m were considered acceptable to County Highways though have now suggested that 2.4m x 70m would be more appropriate. Further liaison with County Highways will occur in this regard as to why they have increased their requirements as part of this planning application compared to the original scheme. The onus is still on the applicant to submit the scheme of off-site highway works to the Local Planning Authority for consideration as part of the outline planning consent.
- 7.7.3 The surfacing associated with the car park does raise some concern as a resin bonded gravel is proposed to be utilised. Notwithstanding this concern, it is recommended to Members that a condition is imposed regarding surfacing materials across the site and for samples to be received. The applicant had proposed a hedgerow to the car park but a wall is better suited and therefore this could be conditioned as such.
- 7.7.4 Concern was raised by the Public Right of Way Officer as there were concerns that the development would result in an obstruction to the Public Right of Way (PRoW). There is a footpath that runs to the south of the site, and County has stated that should permission be granted it does not give the right to obstruct a PRoW. There is nothing before Officers to suggest that the public right of way would be affected by the development. Notwithstanding this point Officers consider that there should be a 3 metre separation distance between the landscaping and the Public Right of Way and this can be encompassed within an amended landscaping scheme (including the provision for the right of connection to the south west of the site). County previously did request that the PRoW, that crosses the south of the site was hard surfaced as part of the grant of outline consent, but Officers at the time did not consider it was required to make the development acceptable in land use planning terms.

7.8 Planning balance

- 7.8.1 Whilst there were objections to grant of the outline planning consent, there has been significantly more objections associated with this Reserved Matters application. As part of the negotiation with the applicant's agent, it is considered that the scheme proposed is complementary to the village, and on balance represents high quality design. Whilst residents still have concerns regarding outlook and privacy, it has been considered that there is sufficient separation distance between the dwellings on 'The Sheiling' and those proposed as part of this development.

8.0 Planning Obligations

- 8.1 There is an extant Section 106 Agreement associated with outline consent (15/01024/OUT). This sets out the obligations secured as part of the outline planning consent. The principle clause relates to the provision of affordable dwellings and this has been agreed as part of this application.

9.0 Conclusions

- 9.1 Outline planning permission was granted in January 2016 for 17 residential units, together with a new access off the B6254, and the provision of a new car park in connection with the Methodist Church. It is important to note that Members are not considering whether the principle of development is acceptable on the site, as this has been established via the grant of the outline planning consent. Members are, however, tasked with determining whether the layout, and appearance of the development is acceptable, taking on board the site's location within an attractive rural settlement and within the Arkholme Conservation Area.
- 9.2 The scheme has been reduced to 16 dwellings (compared to the 17 applied for), with house types that are appropriate in the context of the Arkholme Conservation Area. Given the amendments with regards separation distances between the application site and 'The Sheiling', and also the reduction in finished floor levels, it is considered that whilst there would be a change in outlook for off-site properties, it is not considered that overlooking and overshadowing would occur to such a degree to cause an adverse impact on off-site dwellings. Whilst there would be some harm to the Conservation Area, this is outweighed by the provision of new homes within the village. Officers do have concerns with drainage, and it is expected that these matters could be addressed by means of the planning conditions associated with the outline planning consent. However, it is hoped that Officers from the City, County and the applicant's engineers will have a position on the matter in advance of Planning Committee, and Members will be updated verbally. With the above in mind it is recommended to Members that the proposed development is supported subject to the imposition of planning conditions.

Recommendation

That Reserved Matters Consent **BE GRANTED** subject to the following conditions:

1. Timescales;
2. Approved Documents;
3. Materials for dwelling houses (natural stone, natural slate, timber windows, timber doors, aluminium rainwater goods);
4. Boundary Treatments for the plots and replacement church car park (for the dwellings to consist of stone walling and hedgerows);
5. Surfacing Materials (to include the calming feature on the spine road);
6. Updated landscaping scheme;
7. Detailed Arboriculture Method Statement (AMS);
8. Archaeological Written Scheme of Investigation;
9. Amenity space to be in place prior to the occupation of the 14th dwelling;

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.

Agenda Item	Committee Date	Application Number
A7	10 December 2018	18/01144/FUL
Application Site Carnforth Business Park Kellet Road Carnforth Lancashire	Proposal Erection of office (B1a) and storage and distribution (B8) building with associated parking and access	
Name of Applicant Mr Tim Devonish	Name of Agent JMP Architects	
Decision Target Date 5 December 2018	Reason For Delay Committee cycle	
Case Officer	Ms Charlotte Seward	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The proposed site occupies a central position within the existing Carnforth Business Park which is an established employment site where development for B1, B2 and B8 uses can be supported in principle. The definitive public footpath mapping shows a public right of way running diagonally across the site and around the perimeter of the site.
- 1.2 The existing site was developed as a result of a permission granted in 2010 (reference 10/01022/HYB). This application was a hybrid application that allowed full planning permission for the development of 6 plots (1-6) for B1, B2 and B8 uses and a remaining plot for the Gospel Hall, and included permission for the access, new internal roads, drainage infrastructure and landscaping. Outline planning permission was also granted for the development of the remaining site (plots 7-16) for B1, B2 and B8 uses.
- 1.3 The full planning permission has been completely developed and occupied, including the infrastructure for the remaining sites, subject to the amendments permitted by a Section 73 (variation of condition) application in 2013 (reference 13/01161/VCN). The outline permission lapsed on 24 May 2014. The proposal site therefore has no extant planning permission for its use or development. However, it remains an allocated employment site within the existing and emerging policies and benefits from the infrastructure, including roads and drainage that was implemented under the full planning permission.
- 1.4 Planning permission was granted earlier this year (reference 18/00269/FUL) for the erection of office (B1a) and storage and distribution (B8) building with associated parking, access and boundary fencing on a smaller site immediately opposite this application site.

2.0 The Proposal

- 2.1 This application seeks permission for the erection of an office (B1a) and storage and distribution (B8) building with associated parking and access on a 1.3 hectare site. The proposed building is 6,238 sq.m in total with 908 sq.m for office use and 5,330 sq.m for storage and distribution use. The proposal includes the creation of parking for staff and the creation of a separate service yard/loading bay. The proposal includes landscaping to help screen the development.

- 2.2 The proposed development is intended to be used by Strongdor who will be transferring from an existing plot within the business park to this new larger site. Strongdor offer a full range of internal and external steel door sets. The expanded operation would result in the employment of an additional 45 staff.

3.0 Site History

- 3.1 The most relevant and recent application relating to this site and proposal are set out below:

Application Number	Proposal	Decision
10/01022/HYB	Hybrid application for the development of Carnforth Business Park on land off Kellet Road, Carnforth for use classes B1, B2, B8 and D1. Full application for the development of plots 1-6, access, new road, infrastructure and landscaping and outline application for Plots 7-16	Approved
13/01161/VCN	Hybrid application for the development of Carnforth Business Park on land off Kellet Road, Carnforth for use classes B1, B2, B8 and D1. Full application for the development of plots 1-6, access, new road, infrastructure and landscaping and outline application for Plots 7-16 (Pursuant to variation of condition 2 seeking amendments to the dimensions of Gospel Hall and erection of a 1.2m high wall to the pedestrian plaza approved by application 10/01022/HYB)	Approved
18/00269/FUL	Erection of office (B1a) and storage and distribution (B8) building with associated parking, access and boundary fencing	Approved

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection subject to the following conditions: excavation and construction traffic management method statement; and off-site highways improvement works to the A601 (M) including widening of the eastern junction radii and improving visibility splay from 10m to achieve a splay of 150m by removing the dense foliage and a small length of existing hedge.
Planning and Housing Policy	No objection
Canal and Rivers Trust	Comments - queries whether the planting proposed is sufficient given the scale of the proposed building and its likely visual impact when viewed from the canal.
Lancaster County Council – Public Rights of Way	Objection on the basis that the proposal will affect a public right of way. A diversion order was confirmed on 22February 2012 for the diversion of this footpath, but it is understood that article 2 of the diversion order has never been complied with so both routes legally exist. A diversion of the public right of way is required to allow the development to take place and any works to bring the replacement footpath up to standard. Request for contribution to footpath improvements around the site and links toward Carnforth and the canal.

5.0 Neighbour Representations

- 5.1 Two letters of representations have been received to date raising concerns about the public right of way across the site and light pollution for the estate.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

- Paragraph 11: Presumption in favour of Sustainable Development
- Paragraph 80-82: Building a strong, competitive economy
- Paragraph 108-111: Promoting sustainable transport – considering development proposals
- Paragraph 127 - 130: Achieving well designed places
- Paragraph 151: Planning for climate change
- Paragraph 165: Sustainable drainage systems
- Paragraph 175: Habitats and biodiversity
- Paragraph 178-179: Contamination
- Paragraph 180-181: Air quality

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 spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 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
- SC2: Urban Concentration
- SC5: Achieving quality in design

6.4 Lancaster Local Plan (saved policies)

- EC4: Carnforth Business Park
- EC5: Employment Allocations

6.5 Development Management DPD

- DM15: Employment Land and Premises
- DM20: Enhancing Accessibility and Transport Linkages
- DM21: Walking & Cycling
- DM22: Vehicle Parking Provision
- DM23: Transport Efficiency and Travel Plans
- DM27: Protection and Enhancement of Biodiversity
- DM29: Protection of Trees, Hedgerows and Woodland
- DM35: Key Design Principles
- DM37: Air Quality Management and Pollution
- DM39: Surface Water Run-Off and SUDS

- Appendix B – Car Parking Standards

6.6 Emerging Strategic Policies and Land Allocations DPD

- EC1: Established Employment Area

6.7 Other Material Considerations

- National Planning Practice Guidance
- Surface Water Drainage, Flood Risk Management and Watercourses (May 2015);
- Provision of Electric Vehicle Charging Points New Developments (September 2017);
- Low Emissions and Air Quality Planning Advisory Note (PAN) (September 2017);

7.0 Comment and Analysis

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

- Principle of development
- Highways impacts – traffic generation
- Highways impacts – access and parking
- Air quality
- Surface water and foul drainage
- Ecology implications
- Landscape and visual impact
- Public right of way
- Contamination

7.2 Principle of development

7.2.1 National policy seeks to support sustainable economic growth. Local policy seeks to support employment growth in urban areas and on allocated sites. Core Strategy policy SC2 seeks to direct 95% of new employment floor space within the urban area of Lancaster, Morecambe, Heysham and Carnforth. Saved Local Plan policy EC3 allocated Carnforth Business Park for B1 (Business and Light Industrial) and B2 (General Industrial) Use where the proposal would not result in significant increases in HGV movements into or out of Carnforth Town Centre. Unless material considerations indicate otherwise, emerging policy EC1 of the Strategic Policies and Land Allocations DPD can be given the fullest weight in relation to paragraph 216 of the NPPF due to only minor representations being received that do not specifically relate to the allocations. This policy supports development proposals for B1 (Office), B2 (General Industrial) and B8 (Storage and Distribution) within Carnforth Business Park.

7.2.2 Development of this site for employment uses is therefore acceptable in principle. However, this proposal does not meet the requirements of Local Plan policy, which precludes B8 uses. However, the proposal has a better fit with the emerging policy of the Strategic Policies and Land Allocation DPD which supports in principle B1 and B8 uses on this site. As such, this proposal does not fit within the existing policy but accords with the emerging policy. It has been advised by the Planning and Housing Policy Team that weight can be given to this emerging policy.

7.2.3 Notwithstanding this, the historic development of this site is of a material consideration in the determination of this application. Whilst the outline permission granted in 2010 has lapsed, the 2010 full permission has been implemented. The full permission allowed for the development of the site for B1, B2, B8 and D1 uses. Furthermore, the permitted plans included general office use of the buildings and a number also included sale display rooms. Plot 4 included within the building a sales office and a display area of 97 sq.m. Plot 1 permitted a separate general office building which included a trade showroom of 189.5 sq.m which operates as the Head Office and northern Showroom for Havwoods International. The other units have a much smaller level of office space relative to the warehouse space which is of a more ancillary scale. As such the use of this site for storage and distribution and general office use with sales/trade showrooms has already been established. This proposal very much follows the type of use that has been permitted for the plots 1 and 4 of the implemented site. Furthermore, the recent permission granted also allowed for 1,762 sq.m of B8 employment space, 800 sq.m of office space and 162 sq.m of trade showroom space. This permission was conditioned to require that the showroom space was restrict to 162 sq.m, used only ancillary to the B8 use, and displaying and selling those products stored in relation to the B8 use to tradespersons only.

7.2.4 This proposal would result in the development of an existing employment site delivering 5,330 sq.m of B8 employment space which is in accordance with the emerging policy requirement for this site and accords with the development of the existing site. The proposal would also result in the delivery of 900 sq.m B1 office space including 163 sq.m of trade showroom. Whilst the trade showroom is not an employment use, it can be considered secondary in scale to the B8 use and is intended to be used in direct association with it. This would result in the creation of 45 new jobs.

7.2.5 Whilst the proposed development does not accord with the purposes of the original allocation of the site as set out in the saved policies of the Local Plan, the proposal does fit with the established development at this site and aligns more readily with the emerging policies of the Strategic Land Allocations DPD. Fundamentally would result in economic growth for the District on an allocated employment site. The use of the office and trade sales are separate from the B8 use would not be acceptable, but on balance the development of the general office and retail element could be considered acceptable where conditions restrict the following:

- Sales trade showroom to be ancillary to the main use, displaying and selling only those products stored within the B8 use to tradespersons only;
- Sales trade showroom to be limited to the area shown on the approved plans; and
- Removal of permitted development rights

Subject to the restrictions set out above, it is considered that the proposal would result in positive economic development for the area where it can be considered acceptable in relation to its impacts and all other relevant policy.

7.3 Highways Impacts – traffic generation

7.3.1 National policy seeks to reduce the need to travel and decisions that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes of transport can be minimised, opportunities for sustainable transport should be maximised and improvements in the networks made where they cost effectively limit the significant impacts of the development. Local policy seeks to ensure that development is located within sustainable locations and that development incorporates suitable and safe access to the existing highways network and road layout in accordance with design standards, and parking is provided in accordance with Appendix B.

7.3.2 The Transport Assessment (TA) submitted estimates that this development will generate 192 Annual Average Daily Trips (AADT) (96 in 96 out) with approximately one third of this traffic moving to and from Carnforth town centre. This will result in approximately 68 additional trips in Carnforth per day. The TA further breaks this down to estimate that of the 192 vehicles 20 will be Ordinary Goods Vehicles. The assessment goes further to set out how this development sits within the overall estimated traffic generation for the whole of the Carnforth Business Park as set out in the 2010. It is stated that the 2010 TA was based on a total floor space of 23,854 sq.m for the whole site. The implementation of the full permission has resulted in a total floor space of 13,629 sq.m, and the recently approved development under permission (18/00269/FUL) would bring this total up to 16,191 (from the additional approved 2,562). This development would result in an additional floor space of 5,304 sq.m which falls some below the total floor space for the site that was examined up to 2023, with some 2,359 sq.m remaining. In the grant of the 2010 permission it was therefore concluded that the generation of traffic for a floor space of 23,854 sq.m from this site, equivalent to 1,207 traffic movements a day, was acceptable on the local highway network. The estimated AADT for this development has been based on the Weekday Traffic Generation accepted rate of 5.036 per 100 sq.m as set out in the TRICS data submitted in 2010.

7.3.3 Whilst the outline permission for the remainder of the site has lapsed, it is considered that the rate of traffic generation for the floor space created within the site can still be considered valid. In the context of this rate the local highway network and the access to the site was considered to be able to accommodate the increase in traffic associated with a floor space of 23,854 sq.m up to 2023 at a rate of 5.036 per 100 sq.m. Furthermore, since the 2010 permission, the Bay Gateway has opened which was expected to reduce traffic using the local network in Carnforth. On this basis it is considered that the traffic generated by this development can be considered acceptable in terms of the safety of the local highway network. It should be noted that as part of the 2010 permission conditions 5 and 6 required off-site highways improvement works to be agreed and delivered in relation to the A601(M) Kellet Road junction. It is understood that some progress was made towards agreeing the detail of these improvements but a section 278 agreement has never been made between the applicant and County Highways. County Highways has requested that the works

required by conditions 5 and 6 to be required as part of this application. However, it is considered that such a request in relation to this proposed development would be unreasonable (and would not meet the required tests for conditions) as it is only for one site within the business park, rather than the development of the whole site which the 2010 related to. As such any pursuit of agreeing or securing off-site highways works to the A601(M) would need be in relation to the 2010 permission rather than through this proposal.

- 7.3.4 However, notwithstanding this there is concern in relation to the number of HGVs that the proposal would generate through Carnforth and the positioning of the signage relative to the site that informs of the 7.5T Traffic Regulation Order (TRO) on Kellet Road to the junction with the A6 in Carnforth. This was an issue that was considered as part of the previously approved application 18/00269/FUL and a condition was imposed on this permission to require that an off-site highways improvement scheme was submitted, agreed and implemented. At present the scheme has not been implemented and as such the problems relating to the 7.5T signage remain. As part of this scheme a proposal has been submitted for the relocation of the signage. Further consultation with County Highways has been carried out to request comment on this proposal. An update will be provided to Committee in relation to this matter.
- 7.3.5 In relation to matters of sustainability, policy seeks to reduce the need to travel. This proposal has sought to mitigate some of the traffic generated by private vehicles accessing the development through a Framework Travel Plan (TP). The TA estimates that this would result in a 15% reduction of light goods vehicles which would be the equivalent of 25 cars in the first year.
- 7.3.6 County Highways has provided no comment in relation to the proposed framework Travel Plan. Notwithstanding this, there is concern in relation to how achievable this target is given the number of parking spaces that are proposed as part of this scheme which is almost equivalent to the number of staff. The likelihood of achieving a reduction in private travel to the site is unlikely where there is a car park for almost every employee. In response to the concerns raised a revised scheme has been submitted that shows a reduction of 31 spaces. Further consultation with County Highways has been carried out to request comment on the acceptability of this proposal. An update will be provided to Committee in relation to this matter.
- 7.3.7 The proposed reduction in trips that the Travel Plan would generate is welcomed but would still result in a significant amount of vehicular traffic and does not mitigate the very nature of the B8 storage and distribution use of the site. However, this impact needs to be weighed against the economic benefits of the proposal and the fact that the proposal falls within a site where employment growth is supported in principle. Overall it is considered that, subject to County Highways consultation response, and a condition requiring the agreement and implementation of a detailed Travel Plan, the proposed traffic generation can be considered acceptable in this instance.
- 7.4 Highways impacts – access and parking
- 7.4.1 The existing site has an access and internal road network that was permitted as part of the 2010 full planning permission and the use of this network for the new development can be considered acceptable in principle. The originally submitted proposal sought to create three new access points onto the existing internal road network. One access was proposed to be created for the east most car park, and one entrance point for the service yard/loading canopy and west most car park.
- 7.4.2 County Highways has not provided comment in relation to the acceptability of these access and egress arrangements. It is considered that the access/egress for the east parking area has acceptable visibility left and right. However, concern was raised in relation to the proposed entrance and exit point for the service yard/loading area and how LGVs would access the car parking to the west of the site without resulting in these cars having to drive through the loading area.
- 7.4.3 Revised plans have been submitted which have removed the west car park from the plans to remove any conflict and also to reduce the number of car parking spaces at the site. Whilst it is clear that the removal of the west car park has removed the potential for conflict between cars and HGVs, it is unclear at this stage whether or not this will be acceptable to County Highways. Further consultation with County Highways has been carried out to request comment on this proposal. An update will be provided to Committee in relation to this matter.
- 7.4.4 The proposal would also result in an intensification of the use of the access onto Boundary Lane and Kellet Road. In terms of the existing access onto Boundary Lane visibility to the left is

constrained by the unrestricted parking on the lane. In addition to this, there is concern that the unrestricted parking on Boundary Lane prevents two HGVs from entering and exiting onto Kellet Road at the same time, and also results in HGVs leaving the site being positioned in the opposite carriageway increasing the likelihood that HGVs have to wait in the carriageway of Kellet Road before being able to turn in. Both these issues were raised by County Highways under the consideration of the previously approved application 18/00269/FUL and a condition was imposed on this permission to require that an off-site highways improvement scheme was submitted, agreed and implemented. Whilst no comment from County Highways has been made in relation to this matter, at present planning permission 18/00269/FUL has not been implemented and as such the problems relating to the conflict between HGVs and parked cars remain the same. Furthermore the increased use of this lane from this proposal will result in an intensification of the use of the access onto Boundary Lane and Kellet Road, in turn increasing the frequency of lorries not being able to pass and increase the potential for an obstruction to surrounding lengths of highway.

- 7.4.5 In order to address this matter, plans have been submitted showing the proposed extension of the double yellow lining on Boundary Lane. Further consultation with County Highways has been carried out to request comment on this proposal. An update will be provided to Committee in relation to this matter.
- 7.4.6 The originally submitted proposal has shown 72 standard car parking spaces, 5 disabled spaces, 8 electrical vehicle charging point spaces, 5 motorbike spaces and 10 covered cycle shelter. The provision set out exceeds the maximum standard requirement by 4 parking spaces. County Highways has advised that the provision complies with the parking standard requirements. Notwithstanding this, proposals which exceed the maximum requirement are not normally supported due to the fact that it fails to encourage use of more sustainable means of transport. Furthermore, such a high level of parking directly conflicts with the claims have been made in the Air Quality Assessment and the Transport Assessment that measures in the Framework Travel Plan would lead to a 15% reduction in private car use to the site within the 1 year of occupation.
- 7.4.8 In response to concerns raised about the feasibility of the proposed Travel Plan's intention to reduce travel to the site, a reduction of 33 spaces has been proposed. Further consultation with County Highways has been carried out to request comment on this proposal. An update will be provided to Committee in relation to this matter.
- 7.4.9 Overall it is considered that, subject to County Highways consultation response, where conditions are imposed on any permission granted to require the off-site highways improvement works improve the access with Boundary Lane and Kellet Road and to require the implementation of the parking and turning spaces, the access and parking can be considered to acceptably serve the proposed development without resulting in any highway safety issues.
- 7.5 Air quality
- 7.5.1 National policy requires that planning decisions should ensure that any new development in Air Quality Management Areas (AQMA) is consistent with the local air quality action plan. Local policy requires that Air Quality Assessments (AQA) must be submitted for any development within or adjacent to an AQMA, and that development must ensure that users are not significantly adversely affected by the air quality within the AQMA and include mitigation measures where appropriate. The policy in the Emerging Development Management DPD goes further to state that development must avoid worsening any emission of air pollution in areas that could result in a breach and states that the Council will encourage opportunities to deliver net reductions in air emissions through on-site or off-site measures. The Air Quality Planning Advisory Note (PAN) sets out the methodology that should be used to assess impact and sets out levels of required mitigation for certain types of development. In relation to the existing PAN document the development is of a type that triggers the standard mitigation and further mitigation, though this document is not adopted so no weight can be attributed to it. It is solely for guidance purposes.
- 7.5.2 The proposed development lies 1km (by road) east of Carnforth's AQMA. The proposed development by its very nature (being a storage and distribution use) generates traffic movements, in addition to the trips that will be generated by the office and trade sales use. The Transport Assessment (TA) submitted estimates that this development will generate 192 Annual Average Daily Trips (AADT) (96 in 96 out) with approximately one third of this traffic moving to and from Carnforth town centre. This will result in approximately 68 additional trips in Carnforth per day. The TA further

breaks this down to estimate that of the 192 vehicles 20 will be Ordinary Goods Vehicles (which includes HGVS and larger goods vehicles).

- 7.5.3 The AQA submitted has assessed that this traffic generation will have an insignificant impact on local air quality because the level of traffic generation outside of the AQMA will be less than the thresholds as set out in the IAQM (2017) document, which considers significant to be equal to or greater than 500 LGV and 100 HGV outside of the AQMA and 100 LGV and 25 HGV within the AQMA. Notwithstanding this the report goes on to identify mitigation that could result in a 20% reduction of the emissions that this development would generate which include management of construction dust through condition of permission granted, Travel Plan, the provision of 8 electrical vehicle charging points, and a financial contribution to off-site compensatory measures to a total of £31,247.78 over 5 years equating to £6,249.56 annually.
- 7.5.4 No comments have been provided from Environmental Health. On assessment of the proposed mitigation against the current policy DM37 it is considered that the development would not result in a significant impact on the air quality and has included some mitigation measures to ensure that emissions are reduced by 20%. It is considered that the inclusion of conditions to require the implementation of the proposed EV charging points and the implementation of a detailed Travel Plan are reasonable and accepted by the applicant. It is not, however, appropriate to apply conditions that are controlled by other legislation, such as dust control during construction. Furthermore, we are not able to secure a financial contribution to fund air quality measures because there is no action plan for Carnforth AQMA. A planning obligation requiring the receipt of monies to an unknown plan or project would be unreasonable and would not meet the tests of the NPPF for planning obligations.
- 7.5.5 On balance it is considered that, given the insignificant overall impact of the development on air quality, the proposed mitigation is acceptable. Subject to the conditions identified it is considered that the proposal is in accordance with the requirements of Policy DM37 of the Development Management DPD.
- 7.6 Surface water drainage and foul drainage
- 7.6.1 Policy requires that new development should seek to demonstrate that there is no increase in surface water run-off rates both on and off site upon completion of development and where practical reduce run-off. New development should also secure appropriate management and maintenance measures.
- 7.6.2 As part of the 2010 full planning permission a surface water drainage system has been installed within the site. This system sought to discharge directly into a nearby watercourse at a rate of 65 litres per second (l/s) within each plot being restricted to 5l/s. Through the discharge of conditions application it was agreed, together with the Environment Agency, that an overall site discharge could be restricted to 85l/s for the whole site with each plot restricted to a 5l/s outfall. There would appear to be more than sufficient capacity to accommodate this proposal. The implemented site has resulted in 6 sites having been developed with a total of 30l/s outfall. The recent approved application took up 3 of the originally master planned sites, with agreement made to 10l/s outfall. Taking the existing and proposed outfall to 40l/s.
- 7.6.3 The proposal site takes up 4 of the originally masterplanned plots and therefore technically could be permitted to have a 20l/s outfall. The proposed scheme has been designed to achieve a 15l/s outfall, which would take the overall site outfall to 55l/s which would leave 30l/s for the possible remaining 4 sites in the business park to be developed. On this basis the principle of the schemes contribution of 15l/s to the overall site outfall can be considered acceptable.
- 7.6.4 The proposed surface water system includes new drainage pipes to collect the water from the roof of the property which will drain to the 600m³ attenuation tank, and the proposed highways gullies to collect water from the areas of hard surfacing leading to a separator before entering the attenuation tank. A hydro break would then control the rate of eventual outfall into the existing surface water sewer at a rate that is restricted to 15l/s.
- 7.6.5 Following assessment it is considered that the proposed system is adequate for the scale of the development at the site (taking into account roof space and hard surfacing) and the proposed rate of outfall is in accordance with the original agreement made by the Environment Agency for the site. Elements of the scheme are indicative at this stage including the cover level heights of some of the drains which will in turn affect the fall of the pipes/gullies within the site and potentially the level of

the separator/attenuation tank/hydro break, and no proposals have been made in relation to the proposed drainage of the western car park.

- 7.6.6 The Local Lead Flood Authority has confirmed no objection to the proposals subject to conditions to require that the final details of the system, and the management and maintenance plan is secured through condition. Notwithstanding this, it is considered that revised plans need to be provided to show the intended drainage of the western car park to ensure that it will have adequate drainage. Revised plans have been requested and the agent has advised that these will be provided shortly. An update will be provided to Committee. Subject to the submission of the required revised plans, and the imposition of the proposed conditions, it is considered that adequate surface water drainage of the site.
- 7.6.7 The Planning Practice Guidance relating to waste water sets a preference for connection to public sewers where this is possible. Foul drainage is shown on a separate system for the site, and is proposed to be connected into the existing foul infrastructure within the site which then connects to the public sewer. There are a number of elements of the scheme which are unknown at this stage which would affect the levels and falls of the foul drainage pipes. However, this can be adequately dealt with via a condition requiring the final details of the scheme to be agreed prior to the commencement of development.
- 7.7 Ecology implications
- 7.7.1 National and local policy requires that biodiversity is conserved and enhanced and that opportunities to incorporate biodiversity in and around the development should be encouraged.
- 7.7.2 An Ecological Appraisal has been submitted with the application. This assessment was carried out at an appropriate time of year and the scope of the assessment is appropriate and proportionate to the site and the proposal. The assessment identifies that the vegetation on the site is of poor species, consisting of semi improved grass land. The survey found no evidence of or habitats for amphibians or badgers. The survey identified no potential roosting habitats, but identified a potential for bats to use the area as foraging. This area is not considered critical to the wider area for supporting bats. The survey makes assessment of the risk to brown hares to be very low and so no mitigation is proposed. The scrub patch at the western extent of the site is identified to have nests, although no birds were recorded at the time of the assessment. Enhancement has been proposed in relation to the species type for landscaping and for the inclusion of bat and bird boxes on the proposed new building. Overall it is considered that subject to a condition requiring mitigation to be implemented, the proposal would ensure no harm habitats or biodiversity would amount from the development.
- 7.7.3 The Conservation of Habitats and Species Regulations govern the consideration of development proposals that have the potential to affect internationally designated sites. NPPF para 175 b) states that development that would have an adverse impact on a SSSI should not normally be permitted. Local Policy DM27 echoes this protection.
- 7.7.4 The site falls within the Impact Risk Zone of the Sites of Special Scientific Interest of Morecambe Bay, Crag Bank and Thwaite House Moss. Assessment within the Ecological Appraisal has been made in relation to statutory designated sites to state that there are no statutory sites which are connected to the site such that the development would directly or indirectly affect the dispersal of species between them or directly impact upon their integrity. Natural England has been consulted as part of the application but no response has been received. Given the physical separation of the site from the identified SSSIs and the nature of the development proposed, it is considered that the conclusion reached by Envirotech can be considered to be valid. On the basis of this it is considered that the proposal in itself or cumulatively with other consented schemes, would not result in likely significant effects (LSE) on the designated sites.
- 7.7.5 There is an area of woodland and hedgerows to the north west of the site. Following a site visit it can be confirmed that these trees/hedgerows are sufficiently separated from the boundary of the site, and the proposed development within this site, that there would be no impact on these trees as a result of the proposal.
- 7.8 Landscape and visual impact
- 7.8.1 National policy states that development should be of good design that contributes positively to making places better for people, and is clear that permission should be refused for poor design that

fails to take opportunity for improving the quality and character of an area. Local policy echoes this requiring that design should have regard to local distinctiveness having consideration of siting, layout, materials, orientation and scale.

- 7.8.2 The proposed design of the building is utilitarian in appearance and has very much been designed to match the existing style and materials of the buildings already on site. It is considered in scale, siting and design to be appropriate to the existing context and the employment use of this site, and the proposal would by its siting and ground level not result in any harm to the existing landscape character of this site. Details have been submitted for materials and these are considered to be acceptable and will be required to be implemented by condition. No details of any external lighting scheme have been proposed at this stage but this could be controlled by condition to require a scheme to be submitted and agreed prior to first installation.
- 7.8.3 Landscaping of the site has been proposed. The originally submitted proposal showed the planting of 28 silver birch trees. Discussions with the Tree Officer has advised that planting of a single species would not be acceptable on grounds of risk from disease or pests. Having assessed the plans and the space provided for planting it is advised that a mixture of species should be considered for the site that could include silver birch, hawthorn, rowan and fustigate English oak and that these would need to be planted at a suitable distance from the buildings and structures to reduce future conflicts for light and space. In addition to this it is considered that the planting on the northern boundary of the property needs to be bolstered to ensure a greater level of screening in views from the wider landscape, in particular from footpaths, the canal and from the motorway.
- 7.8.4 A revised proposed landscape plan has been submitted that shows bolstering planting to the north and mixed native trees of the range suggested. It is considered that this revised plan is acceptable in principle. A condition would be required to agree final details of the proposed landscaping scheme including a maintenance and management regime. On this basis it is considered that the proposed design and landscaping is acceptable.
- 7.9 Public Right of Way
- 7.9.1 The definitive public footpath mapping shows a public right of way running diagonally across the site and around the perimeter of the site. Policy DM21 of the Development Management DPD requires that development maintains and where possible improves the Public Rights of Way network, and that where development directly affects a Public Right of Way appropriate alternative routes should be provided as part of the proposal.
- 7.9.2 The County Council's Public Rights of Way team has objected on the basis that the proposal will affect a public right of way. A diversion order was confirmed on 22 February 2012 for the diversion of this footpath, but it is understood that article 2 of the diversion order has never been complied with so both routes legally exist.
- 7.9.3 Following investigation with the legal team it is apparent that whilst the diversion order has been confirmed, article 2 has not been complied with. It is understood that to rectify this Lancaster City Council needs to assess the replacement route that has been provided and advise as to whether the works can be considered satisfactory. If so this will allow the certification of the route and the extinguishment of the original footpath. This matter is being investigated and an update will be provided to Committee.
- 7.10. Contamination
- 7.10.1 A desktop study of the site has been carried out to identify the potential likelihood of ground contamination being present at the site. The report concludes that it is unlikely that there is significant ground contamination present. However, a backfilled gravel pit was located directly north of the site and this feature may have extended into the northern site area. On this basis it is recommended that contamination testing and gas investigation are carried out. An outline intrusive ground investigation is proposed within the report. Given the potential, albeit low, for contaminants or gas to be at the site it is reasonable to impose a condition on any permission granted to require that the investigations are carried out prior to construction to determine what if any mitigation is required to remediate the site, and therefore make it safe for the proposed end use. Consultation with Environmental Health generated no response on this matter.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The proposal would result in the development of an existing allocated site for employment uses. Furthermore, the 2010 permission has set a clear precedent for the development of the site which this proposal reflects in type and use, and the proposal can be seen to align with the emerging policy for existing allocated employment sites in the Strategic Land Allocation DPD and therefore can be supported where the development is acceptable in all other respects. Whilst the proposal will result in an increase in traffic, it provides adequate parking and turning facilities, measures to reduce travel through the Travel Plan, and off-site highways improvement measures to improve the safety of Boundary Lane and limit HGV traffic in Carnforth. Subject to the consultation response from County Highways it is considered that the proposed impacts on highways safety are acceptable. Furthermore, it demonstrates that the proposed mitigation relating to air quality can be considered to be reasonably proportionate to the development and will ensure that the impacts resulting from air quality are not significant on the AQMA which is compliant with the Council's adopted policy position. And finally, subject to finalising details of lighting and landscaping it is considered that the scale and design of the building is acceptable and will complement the existing appearance and character of the Business Park. Overall, this development proposal would result in positive economic growth to the Carnforth area in a location that can be considered the first preference for this type of development.

Recommendation

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

1. Standard 3 year timescale
2. Development to be in accordance with listed plans
3. Use of the warehouse building for B8 use only
4. Sales trade showroom to be ancillary to the main use, displaying and selling only those products stored within the B8 use to tradespersons only
5. Sales trade showroom to be limited to the area shown on the approved plans
6. Removal of permitted development rights for changes of use and mezzanine floors
7. Off-site highways improvement works for Boundary Lane and its junction with Kellet Road
8. Parking and turning, including electric vehicle charging points
9. Travel Plan
10. Secure and covered cycle parking
11. Surface water drainage scheme (discharge restricted to 15 litres per second from the site)
12. Surface water management and maintenance plan
13. Foul drainage
14. Materials
15. External lighting scheme
16. Landscaping scheme
17. Ecological mitigation
18. Contamination

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 A8	Committee Date 10 December 2018	Application Number 18/01423/VCN
Application Site Aldi Marine Road West Morecambe Lancashire	Proposal Demolition of existing supermarket, bowling alley and retail units and erection of a replacement supermarket with associated car parking and hard and soft landscaping (Pursuant to the variation of condition 17 to allow for unrestricted servicing hours)	
Name of Applicant Mr Stuart Parks	Name of Agent Miss Emily Roberts	
Decision Target Date 5 February 2019	Reason For Delay N/A	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Approval (Following the expiry of the consultation period)	

1.0 The Site and its Surroundings

- 1.1 The site is located to the south of Morecambe Town Centre approximately 135m to the south of the Midland Hotel. On the southern portion of the site was the original Aldi food store with associated car park which was constructed in the early 2000s, and beyond this is the former Frontierland site. To the north of existing Aldi car park lies Morecambe Superbowl which also includes a number of retail units such as a bedroom furniture shop and also a piercing and hair studio. To the north of the site lies Central Drive with Morecambe Platform, Reel Cinema and KFC located further to the north. To the east lies the car park associated with Morrison's. Marine Road West is located to the west of the site, with Morecambe Promenade and Morecambe Bay beyond this.
- 1.2 The site lies within the Morecambe Area Action Plan and is located 25m to the south of the Morecambe Conservation Area. The nearby Midland Hotel is a Grade II* Listed building and is located 115m to the north of the northern boundary of the site. The Platform is a Grade II Listed building and located 50m to the north of the proposal. Morecambe Bay is designated as a Special Protection Area (SPA), Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and a Ramsar Site, and is located 40 metres to the west of the proposed development.

2.0 The Proposal

- 2.1 Planning permission was granted for the demolition of the existing foodstore, and erection of a new foodstore, and the provision of new car parking in 2017, planning permission reference (17/00534/FUL). The planning permission has been implemented, and the new building is operational. The planning permission was conditional, and condition 17 related to the store's deliveries:

'No deliveries to, or from the site shall occur outside the hours of 0600 - 2300 Monday to Saturday and 0800-1700 on Sundays without the prior approval of the local planning authority'

Reason: In the interests of residential amenity.

The applicant wishes to vary the planning consent to effectively remove the condition from the planning permission.

3.0 Site History

- 3.1 The most relevant planning consent is 17/00534/FUL which was for the demolition of the existing Aldi Supermarket, Bowling Alley and retail units, and the replacement superstore with associated car parking with hard and soft landscaping. This permission has been implemented.

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	No objection
Morecambe Town Council	No observations received within the statutory timescales

5.0 Neighbour Representations

- 5.1 The application has been advertised in the press and by site notice. At the time of drafting this report no objections have been received in regard to the application.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Section 4 – Decision Taking

6.2 Local Planning Policy Overview – Current Position

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

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

This 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 spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 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

DM35 – Key Design Principles

6.4 **Lancaster District Core Strategy**

SC5 – Achieving Quality in Design

6.5 **Morecambe Area Action Plan (MAAP)**

AS9 – Edge of Centre retail park

AS10 – Traffic Route Signage to and from central Morecambe

AS11 – Transport, parking provision and management

6.6 **Other Material Considerations**

- Lancaster Commercial Leisure Study (July 2016)
- This part of Morecambe was designated as a Neighbourhood Plan Area Designation on 26 April 2016, but given the Neighbourhood Plan is at a very early stage little weight can currently be attributed to this.

7.0 Comment and Analysis

- 7.1.1 The application is made under Section 73 of the Town and Country Planning Act (TCPA), which seeks to remove a planning condition associated with the hours of servicing and deliveries. Where an application is granted under Section 73 of the TCPA the effect is to issue a new planning permission, sitting alongside the original permission, which remains intact and unamended. The rationale for the inclusion of the condition originally was down to the applicant proposing the approved hours as part of the application, and it was agreed with the applicant at the time that this was appropriate.
- 7.1.2 The key consideration with this application is therefore whether residential amenity would be adversely effected by a relaxation on allowing deliveries to occur unrestricted. The scheme is well removed from nearest residential properties, with properties on Baycliffe Crescent to the east and Highfield Crescent to the south of the site, both in the region of 250 metres from the new foodstore. The intervening land uses between the site and residential properties include the former Frontierland site (which benefits from planning consent for a mixed use retail scheme) and the likes of Morrison's, Homebase and Next.
- 7.1.3 The frequency of the deliveries will not alter as a result of removing condition 17, and Aldi will still continue to receive up to 5 deliveries per day. The applicant is seeking to amend the condition to allow flexibility, and it was understood as part of the consideration of application 17/00534/FUL that Aldi does require early morning and late evening deliveries to receive fresh produce before the store opens. The current approved hours would mean that the store cannot receive fresh goods until 6am Monday to Saturdays. This would leave insufficient time for all the produce to reach the shop floor before the store opens at 8am. If Members sought to permit the scheme this would enable servicing and delivery arrangements at the site to be more flexible and would potentially allow deliveries to arrive, and be unpacked prior to the store opening and allowing the store to operate more efficiently.
- 7.1.4 As Members will be aware planning conditions can only be imposed where they are necessary, relevant to planning, enforceable, precise and reasonable (Paragraph 55 of the Framework). Whilst the applicant proposed the permitted hours as part of the consented scheme, given the interface distance to the nearest residential properties, it is considered that maintaining the current hours would not be necessary, or reasonable and therefore it is recommended that condition 17 is removed. The Senior Environmental Health Officer has no objections to the suggested change.
- 7.1.5 An application made under Section 73 of the Town and Country Planning Act essentially results in the grant of a new planning consent together with a review of planning conditions. The new store opened in November 2018, but planning condition 11 stipulated that prior to occupation the full car park needed to be in place and available for use. It has become apparent that the new car park (which in essence was on the footprint of the old store), is in the process of being hard surfaced and therefore whilst a breach of planning control has occurred it has been agreed between officers and the applicant that the full car park should be made available for use by no later than 10 January 2019 with a view that the full car park will become operational before Christmas (as this is within the interests of the applicant).

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The store became operational in November 2018. The hours of deliveries and servicing were initially conditioned as proposed by the applicant. However, in the intervening 12 months since the application was considered there has been a change in working arrangements within Aldi. Given the intervening land uses, and the distance between the store and the existing residential dwellings, it is considered that allowing for unrestricted delivery times would not be detrimental to the amenity of local community. Moreover it should ensure that for those that visit Aldi, the store is fully stocked, saving additional vehicular trips.

Recommendation

To delegate back to the Planning Manager to allow the statutory consultation period to expire and issue the decision in line with the Committee's resolution, but resolve in principle to remove conditions 1 (timescales for commencement of development) and condition 17 (hours of deliveries and servicing) and **GRANT** Planning Permission subject to the following conditions:

1. Development in accordance with the approved plans
2. Development in accordance with the approved surface water drainage scheme
3. Development in accordance with the approved contaminated land assessment
4. Development in accordance with the approved environmental management plan
5. Development in accordance with the approved material samples
6. Development in accordance with the approved landscaping scheme
7. Development in accordance with the approved storage of refuse
8. Development in accordance with the approved scheme of ventilation
9. Development in accordance with the approved motorcycle and parking detail
10. Development in accordance with the approved electric vehicle charging points
11. Development in accordance with the approved car parking management plan (to be fully implemented by 14 February 2019)
12. Off-site highway condition to remain
13. Development in accordance with the approved CCTV and lighting system
14. Development in accordance with the approved external canopy maintenance scheme
15. Separate foul and surface water condition – control condition remain
16. Store Opening times to remain
17. Restriction in terms of the importation of materials
18. Limitation on net sales floorspace
19. Pedestrian route shall be available for pedestrians at all times.

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 10 December 2018	Application Number 18/01412/FUL
Application Site 65 Lymm Avenue Lancaster Lancashire LA1 5HR	Proposal Demolition of existing rear conservatory and erection of a part two part single storey side extension and single storey rear extension	
Name of Applicant Mr and Mrs D Clifton	Name of Agent Building Plan Services	
Decision Target Date 28 December 2018	Reason For Delay N/A	
Case Officer	Mr Sam Robinson	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, as the applicant is a member of staff that works for Lancaster City Council the application must be determined by the Planning and Highways Regulatory Committee.

1.0 The Site and its Surroundings

- 1.1 65 Lymm Avenue is a semi-detached corner plotted property sited on the corner of Lymm Avenue and Burton Avenue located in the Scale Hall area of Lancaster. The property comprises rendered and artstone walls with white uPVC windows throughout underneath a grey tiled hipped roof. The site has garden space to the front, side and rear with a detached garage close to the south eastern boundary. To the front and side is a small stone boundary wall which measures approximately 1m in height with further shrubs planted behind.
- 1.2 The surrounding area is residential in nature with the immediate streets and properties built to a grid like layout resulting in a number of strong building lines in the area. Pedestrian access to the property is from Lymm Avenue while vehicular access is from Burton Avenue.

2.0 The Proposal

- 2.1 The proposal is for the erection of a two storey side and single storey rear extension wraparound extension.
- 2.2 The side extension will measure approximately 7.75m in length, 4.5m in width with a matching eaves height of 5.55m (raising to 5.9m due to the sloping land) underneath a hipped roof with a maximum height of 7.75m. The rear extension will measure approximately 3.6m in depth and 9.16m in width underneath a flat roof with an eaves height of 3.2m (again raising to 3.4m due to the land levels), this extension also features a single rooflight. The proposed extensions are to be finished in rendered walls with white uPVC windows and a grey tiled hipped roof. No details have been provided with regards the materials for the flat roof element.

- 2.3 No alterations to the site access or to the existing landscaping have been proposed as part of this application.

3.0 Site History

- 3.1 The site has no relevant planning history.

4.0 Consultation Responses

- 4.1 No statutory and non-statutory consultees were required to be consulted as part of this application:

5.0 Neighbour Representations

- 5.1 No correspondence from neighbours or other third parties has been received.

6.0 Principal National and Development Plan Policies

- 6.1 National Planning Policy Framework

Paragraphs 7 to 10 – Achieving Sustainable Development
Paragraphs 124 to 132 – Achieving Well-Designed Places

- 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 spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 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 Core Strategy Policies

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

- 6.4 Development Management DPD Policies

DM35 – Key Design Principles

7.0 Comment and Analysis

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

- General design
- Impacts on residential amenity

7.2 General Design

7.2.1 In terms of design, the DPD Policy DM35 states that new development should contribute positively to the identity and character of the area through good design and appropriate scale. It is therefore essential that any proposed development integrates with its setting and be closely related in terms of scale, massing, proportions and in the use of materials. This is supported by Section 12 (Achieving Well Designed Places) of the NPPF.

7.2.2 As previously stated, the property occupies a corner plot in what is considered a prominent location within the street scene and the properties in the immediate area adhere to a grid like appearance with strong building lines in place along both Lymm Avenue and Burton Avenue. The proposed extension will extend beyond this well-established building line and will be within 2m of the side boundary. As a result the proposed scheme is seen to result in a dwelling that is poorly integrated into its setting and is therefore considered to be injurious to the visual amenity of the wider street scene.

7.2.3 When considering that the existing dwelling measures approximately 5m in width and that the proposed extension measures 4.5m, the dwelling is almost doubling in width. Whilst it is appreciated that the proposed ridge is some 0.15m lower than the main dwelling in order to create some form of subservience it is considered that the excessive width would significantly unbalance the pair of semi-detached properties.

7.2.4 These issues were raised with both the applicant and agent and it was stated that this scheme was unlikely to be supported. No amendments were received, but the agent did request that the Officer's opinion was reviewed by Planning Committee. Please note that the Procedural Note above advises why the application is being reported to the Committee. The applicant has advised that the need for additional living accommodation relates to their provision of care for elderly relatives and a potential venture into foster care. However, these circumstances do not outweigh the significant visual harm that the proposal would cause.

7.3 Impacts on Residential Amenity

7.3.1 No detrimental impacts upon residential amenity are associated with the side extension due to the separation distances between the proposal and the neighbouring properties and while the single storey will break the 45 degree rule with a ground floor window on the rear elevation of 63 Lymm Avenue, a similar impact already exists due to the existing conservatory. Considering this and the similar depth and height of the proposal, it is thought that the extension will not exacerbate any current light issues.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 While Officers appreciate the applicant's circumstances and need for additional living accommodation to provide care for elderly relatives and potential venture into foster care, it is considered that these circumstances do not outweigh the significant visual harm that the proposal would entail. For the reasons outlined above, it is considered that the proposal is contrary to policy DM35 of the Development Management DPD, in addition to Section 12 of the NPPF and as such is recommended for refusal.

Recommendation

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

1. The proposed two storey side extension would be inappropriately located beyond the established building line along Burton Avenue in a highly visible location and as a consequence the development would have a detrimental impact upon the visual amenity of the street scene. Furthermore the excessive width of the proposed two storey side extension would significantly unbalance the pair of semi-detached properties leading to an incongruous dwelling when viewed from the wider area. As such it is considered that the proposed development is contrary to Policy DM35 of the Development Management DPD and Section 12 of the National Planning Policy Framework (NPPF)

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

Background Papers

None

Agenda Item A10	Committee Date 10 December 2018	Application Number 18/01436/CU
Application Site Bus Station Central Drive Morecambe Lancashire	Proposal Change of use of bus shelter to young person's assembly and recreation building (D2).	
Name of Applicant Lancaster City Council	Name of Agent N/A	
Decision Target Date 4 January 2019	Reason For Delay N/A	
Case Officer	Mr Robert Clarke	
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 building that forms the subject of this application is within the ownership of Lancaster City Council, as such the application must be determined by the Planning and Highways Regulatory Committee.

1.0 The Site and its Surroundings

- 1.1 The building that forms the subject of this application is a former waiting room for Morecambe Bus Station. It is located in a prominent position to the north of Central Drive, close to the junction with Northumberland Street, the bus lay-by and the existing skateboard park. The building features a grey metal clad pyramidal roof with green timber clad elevations. The bus station shelter was originally erected to provide a seated passenger waiting area, toilets and information display areas for bus passengers. The building has not functioned as a bus shelter for a number of years.
- 1.2 The site is located within the boundary of the Morecambe Area Action Plan, specifically within the Town Centre designation, Development Opportunity site D05 as well as forming part of a Key Public Space and Key Pedestrian Route. The Morecambe Conservation Area is located 40 metres to the north east.

2.0 The Proposal

- 2.1 This application seeks permission to change the use of this former waiting room building to be used as a young people's assembly and recreation building (D2).

3.0 Site History

- 3.1 There is a limited planning history associated with the site which is set out overleaf.

Application Number	Proposal	Decision
97/00821/DPA	Erection of a bus station building, bus shelters and creation of associated car park	Permitted
04/00029/DPA	Change of use of part of bus station to skateboard park	Permitted
17/01431/PAD	Prior approval for the demolition of Bus Station building	Prior approval granted

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection
Conservation Team	In support of the application
Regeneration Team	No response at the time of compiling this report
Lancashire Constabulary	In support of the application
Environmental Health	No response at the time of compiling this report
Parish Council	No response at the time of compiling this report
Ward Councillor	No response at the time of compiling this report

5.0 Neighbour Representations

5.1 1 letter of **objection** has been received by the Local Planning Authority raising concerns about anti-social behaviour.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Section 2 – Achieving sustainable development
 Section 7 – Ensuring the vitality of town centres
 Section 8 – Promoting healthy and safe communities
 Section 12 – Achieving well designed places
 Section 16 – 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 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 spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 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

DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles

6.4 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC6 – Crime and Community Safety

6.5 Morecambe Area Action Plan Policies:

SP1 – Key pedestrian routes and spaces
SP4 – Town Centre
DO5 – Festival Market and area

7.0 Comment and Analysis

7.1 The main issues are:

- Principle of the use
- Design and impact upon the wider locality

7.2 Principle of the use

7.2.1 The building that forms the subject of this application is a former waiting room that once served the adjacent bus station. The building has not been formally used in this capacity for a number of years and has subsequently fallen into a state of disrepair. For this reason and without the prospect of a formal use the building had previously been granted Prior Approval to be demolished.

7.2.2 Morecambe Town Centre has identified anti-social behaviour 'hotspots'; the presence of such dispersed and difficult to manage areas creates difficulties in crime prevention and neighbourhood policing. The building is now proposed to be used as an assembly point and recreation building for young people that will be open for use at all hours. In practice this is to be a safe space that young people will be encouraged to utilise in preference to less desirable locations in the Town Centre. Since the use of the building as a waiting room ceased, it has formed an informal gathering place for young people though this has not been subject to a management scheme. This application seeks to regularise this use and ensure it can be adequately managed to ensure the building remains a suitable and attractive space in which a young person can socialise.

7.2.3 The location of the building is considered to be suitable, it is located close to areas of the town centre that currently experience issues with anti-social behaviour and in close proximity to the skateboard park. The principle of providing a managed building in a central location close to existing facilities that will provide a place in which young people can gather is supported.

7.2.4 Some concern has been raised by a local resident regarding the management of the use and its potential implications in terms of security and crime. The building is situated in a central town centre location in a prominent position that can be easily observed from the surrounding area. The local Neighbourhood Policing team of the Lancashire Constabulary have been in discussions with the applicant from an early stage in the development process and are in support of the proposal.

7.3 Design and impact upon the wider locality

7.3.1 No external alterations are proposed as part of this development. The building is currently in a poor state of repair and refurbishment will take place prior to the building being brought into formal use, including the installation of plexi-glass to the window openings, interior painting and the permanent blocking up of the internal toilets and cleaners cupboard in order to make this a more attractive and safe space in which to congregate.

- 7.3.2 The subject building forms a key urban space within the boundary of the Morecambe Area Action Plan and is viewed in the context of Morecambe Conservation Area which is located 40 metres to the northwest.
- 7.3.3 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM30, DM31 and DM32.
- 7.3.4 As set out above, the building has fallen into a state of disrepair, the re-purposing of this building will allow for an ongoing maintenance scheme to be established and implemented to ensure that this remains an attractive space for young people. In doing so the visual appearance of the structure will be enhanced and maintained. In view of its association with the Key Pedestrian Route into Morecambe town centre from the bus station and train station and its proximity to the Conservation Area boundary the buildings use and maintenance is considered an enhancement in this setting.
- 7.3.5 The building is within a town centre location which features a number of late opening uses. In addition to this, the site is located within the setting of numerous well used highways, the bus and train stations and existing skateboard park. Combined with a separation distance of 50 metres to the closest residential occupier, the proposed use will not significantly increase existing noise levels currently experienced by neighbouring residents.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 The former waiting room building has not had a formal use for a number of years. This proposal effectively seeks to regularise the use of the building as a young people's assembly point and recreational space. This use will then be subject to a regular management regime by both the City Council's Anti-Social Behaviour team and the Lancashire Constabulary Neighbourhood Policing Team that will both ensure the safety and security of those using the space and surrounding residents. The building will also be the subject of regular maintenance to ensure that it remains a suitable space for young persons to use.

Recommendation

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

1. Standard 3 year timescale
2. Development to be carried out in accordance with approved plans

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 A11	Committee Date 10 December 2018	Application Number 18/01364/CU
Application Site Pedestrian Highway Church Street Lancaster Lancashire	Proposal Change of use of pedestrian highway for the temporary siting of 6 market cabins	
Name of Applicant Mr Will Griffith	Name of Agent Lancaster City Council	
Decision Target Date 19 December 2018	Reason For Delay None	
Case Officer	Mr Andrew Clement	
Departure	None	
Summary of Recommendation	Approval	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, as the application has been submitted by Lancaster City Council, the application must be determined by the Planning and Highways Regulatory Committee.

1.0 The Site and its Surroundings

- 1.1 This application relates to Church Street in Lancaster City Centre. Church Street is a pedestrianised public highway located in the Lancaster Conservation Area on a street containing a number of Listed buildings and non-designated heritage assets, notably the long façade of 47-49 Church Street immediately to the south, and the Grade II* listed buildings of 42-44 Church Street and 68-70 Church Street. The street contains a number of retail units, public houses, restaurants and cafes, some of which have seating and non-fixed balustrade for external dining space in the street. The south side of this street is designated for parking provision for mobility spaces, with the application site covering up to 5 of these spaces over a 30.6 metre length of parallel parking provision. The pedestrianised zone is only accessible by motor vehicles for loading from 5pm to 10am to following day, and any time for those accessing the disabled parking provision.

2.0 The Proposal

- 2.1 The application seeks consent for the temporary siting of 6 market cabins between 15 November and 15 January (61 days) every year, to encourage additional small independent businesses within the City Centre during the busy winter festive period. Each market cabin stall is an enclosed wooden structure with a front opening window hatch, measuring 3 metre long by 2 metres wide with a maximum roof height of 2.51 metres tall. They are to be clad in 16mm tongue and groove shiplap stained in a natural wood colour under an apex duo-pitched roof.

3.0 Site History

- 3.1 The most relevant planning history is set out below.

Application Number	Proposal	Decision
12/00239/CU	Use of designated pedestrian highway as street cafe seating and balustrades (no fixed structures), to include Market Street, Market Square, Penny Street, Cheapside, Church Street, Dalton Square, Gage street, Damside Street, Common Garden Street and New Street	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection following the receipt of additional information regarding alternative parking arrangements for mobility spaces
Environmental Health	No observation received
Conservation Section	No objection as the proposal will have an undue long-term impact upon on the setting of the heritage assets

5.0 Neighbour Representations

5.1 No observations received to date, consultation period expires on 26 November 2018. Any consultation responses received will be reported verbally to the Planning Committee meeting.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF) 2018

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The following sections of the NPPF are relevant to the determination of this proposal:

Paragraphs 8 and 11 – Sustainable Development
 Section 6 – Building a strong, competitive economy
 Section 7 – Ensuring the vitality of town centres
 Section 12 – Achieving well-designed places
 Section 16 – Conserving and enhancing the historic environment

6.2 Development Management DPD

DM1 – Town Centre Development
 DM2 – Retail Frontages
 DM3 – Public Realm and Civic Space
 DM12 – Leisure Facilities and Attractions
 DM20 – Enhancing Accessibility and Transport Linkages
 DM22 – Vehicle Parking Provision
 DM30 – Development affecting Listed Buildings
 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

6.3 Lancaster District Core Strategy Saved Policies (adopted July 2008)

SC5 – Achieving Quality in Design

6.4 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 spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 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.

6.5 Other Material Considerations

Listed Building and Conservations Area Act 1990

Section 7 - Restriction on Works Affecting Listed Buildings

Section 17 - Power to Impose Conditions on Grant of Listed Building Consent

Paragraph 72 - General duty as respects conservation areas in exercise of planning functions.

Paragraph 73 - Publicity for applications affecting conservation areas

Lancaster Conservation Area Appraisal

7.0 Comment and Analysis

7.1 The key considerations arising from the proposal are:

- Principle of the Development;
- Scale, Design and Landscape upon Heritage Assets and their Setting;
- Impact upon the Highway and Parking Provision; and
- Residential Amenity.

7.2 Principle of the Development

7.2.1 The NPPF is supportive of economic growth and policy DM12 of the Development Management DPD sets out that minor leisure facilities or attractions will be considered favourably where they are located within an accessible town centre and would not result in an adverse impact on the visual amenity of the area. Policy DM3 relates to public realm and civic space and seeks to ensure that proposals within the urban areas make a positive contribution to their surroundings.

7.2.2 As part of the build-up of winter and Christmas festivities in the City Centre, it is considered that the temporary market cabins would add an additional attraction to this part of the historic City Centre, and enable more people to enjoy and appreciate Lancaster City Centre during the festive period. Winter and Christmas markets have become commonplace in towns and cities across the country and Europe, and the proposed small temporary cabins facilitate retail space for small independent retailers to occupy a City Centre location during a period of heavier footfall and consumer spending. Therefore, the scheme would bring associated economic benefits to the city and help raise the profile of Lancaster as a visitor destination. The proposed market cabins will enhance the vitality and viability of the City Centre during this temporary 61 day period. The proposed temporary use and

developments are considered to support policies DM1, DM2, DM3, DM12 and NPPF sections 7 and 8. As such, the principle of the proposal is considered to be acceptable subject to other material considerations are be discussed below.

7.3 Scale, Design and Landscape upon Heritage Assets and their Setting

7.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM30, DM31 and DM32. DM31 sets out that new buildings within Conservation Areas will only be permitted where it has been demonstrated that:

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

7.3.2 The proposed developments are modest in scale, even in a line of 6 cabins stretching along 30.6 metres of the public space. Finished in natural timber finish, the proposed materials are considered to be sympathetic in colour to the surround sandstone built form. The modest nature of the lightweight built form raises no concerns regarding physical impact upon the built form during construction, dismantling or through the use of these cabins sited in the public realm within the Conservation Area.

7.3.3 Although sited within the Conservation Area, this historic area currently hosts a temporary traditional street market on Wednesdays and Saturdays every week as part of the Lancaster Charter Market, in the setting of various Grade II* and II listed buildings and non-designated heritage assets. It is considered that the temporary developments and use will have an undue long-term impact upon on the setting of the aforementioned heritage assets, with any less than significant harm to heritage assets in the short term outweighed by the aforementioned economic and social benefits of the proposal. The Conservation consultee, whom raised no objection to the proposal, shares this conclusion. Therefore, the proposed is considered to be compatible with policies DM30, DM31, DM32, DM33, DM35 and NPPF Sections 12 and 16.

7.4 Impact upon the Highway and Parking Provision

7.4.1 The application site is part of the public realm with Lancaster City Centre along a semi-pedestrianised road, and more specifically is sited on a 30.6 metre length of parallel parking provision for mobility spaces. Sited in this location, the proposed cabins would avoid impeding vehicular or pedestrian movements along Church Street, with no severe impact upon the public highway. Sufficient space between the proposed market cabins and the stairs along the south of the site would be maintained to allow continued pedestrian movements and use of these stairs unimpeded behind the cabins. The proposed use and development is situated in a highly sustainable location, in close proximity to multiple public transport and walking/cycling provision.

7.4.2 The length of parallel parking to be occupied by the proposed use and development can currently facilitate a maximum of 5 mobility spaces, which reduces the level of parking provision within the City Centre during a particularly busy period. The County Highways consultee originally raised concern and objection to the use of mobility spaces. Subsequently, further information and mitigative mobility parking provision within the St Nicholas' Arcade car park form part of this proposal, which has addressed the County Highway concern, who now raise no objection subject to this mitigation. Furthermore, other parking provision designated for mobility spaces in front of 29-37 Church Street, 55-59 Church Street and 72-80 Church Street are unaffected by the proposal. Disabled blue badge holders can currently park in any off-street car parking bays in Lancaster City Centre, and the application proposes the display of signage in specific bays in St Nicholas' Arcade car park to ensure the same number mobility spaces are available throughout the duration of the proposed use. Subject to this alternative provision being controlled through planning condition, the scheme is considered to have no severe impact upon highway or parking provision, consistent with policies DM20 and DM22.

7.5 Residential Amenity

- 7.5.1 It is acknowledged that there are some residential apartments to the upper floors of properties on the north side of Church Street. The site is within the City Centre of Lancaster, on a street containing retail units operating during daytime trading hours, with a number of restaurants, cafés and public houses contributing to the evening economy of the City Centre. The location is an inherently active place for long periods of the day and night, and as existing would generate a reasonable large level of background ambient noise. The proposed 6 market stalls are to be powered by low noise generators with proposed opening hours of 9am to 6pm, which is within the activity and commercial periods of this area of Lancaster City Centre. Although the stalls may attract some additional footfall and activity during these proposed opening hours, given the existing noise characteristics of the area, it is considered that the proposal will not exacerbate any existing impacts upon neighbouring residential amenity. The Environmental Health department have yet to return a consultation response within the statutory consultation period, nor have any public neighbour representations been received to date. However, if a response is received prior to determination, this will be reported verbally to the Planning Committee meeting.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 In conclusion, it is considered that the principle of the temporary siting of 6 winter festive market cabins accords with the broad aims of the Development Management DPD by creating a point of economic activity and public interest as part of the winter and Christmas festivities in the City Centre. The site is sustainably located, and the temporary use and developments will cause no undue long-term harm to the various heritage assets in this Conservation Area setting. The proposal will have no detrimental impact upon residential amenity in this City Centre location, with the temporary loss of parking provision for mobility spaces mitigated by the signage of equivalent bays in a City Centre car park for the duration of the proposal each year, resulting in no severe impact upon parking or the public highway.

Recommendation

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

1. Operational between 15 November and 15 January each year, plus 3 days construction/dismantling time
2. Development in accordance with plans
3. Implement alternative accessible parking signage

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 A12	Committee Date 10 December 2018	Application Number 18/01346/FUL
Application Site Land West Of Barrows Lane Heysham Lancashire	Proposal Installation of a sculpture	
Name of Applicant Mrs Jan Shorrocks	Name of Agent Mr C Garner	
Decision Target Date 24 December 2018	Reason For Delay None	
Case Officer	Mr Andrew Clement	
Departure	None	
Summary of Recommendation	Approval	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, as the application site is in the ownership of Lancaster City Council the application must be determined by the Planning and Highways Regulatory Committee.

1.0 The Site and its Surroundings

- 1.1 The application site that forms the subject of this application is the southern section of Heysham Cliffs and Headland by Half Moon Bay. At its northern end it contains St. Patrick's Chapel, which is a grade I Listed building and a scheduled monument. Along with the eight rock cut tombs and other nearby Listed buildings and scheduled monuments, the site forms a significant heritage asset and visitor attraction in Heysham.
- 1.2 The application does not propose any developments directly to the Listed buildings or ancient monuments, but seeks to install a permanent sculpture within the southern section of the wider open space. The application site is within the Barrows Lane field and Heysham Cliffs and Headland designated open spaces, the latter of which is a Biological Heritage Site. The site is coastal land to Morecambe Bay, which is a Ramsar site, Special Protected Area, Special Area of Conservation and Site of Special Scientific Interest, with Half Moon Bay cliffs also forming a regionally important geological site.

2.0 The Proposal

- 2.1 The application seeks consent for the installation of a sculpture, measuring 3.6 metres in height and 8.4 metres in length, constructed of steel and bronze with a central stone feature. The proposed sculpture has no clear specific historic reference, but overtly references the Viking longboats of former Bay dwellers. The central stone will provide a resting place where people can contemplate the sea.

3.0 Site History

- 3.1 The following advertisement and listed building consents were permitted for panel and wall signs within the wider public open space:

Application Number	Proposal	Decision
15/01149/ADV	Advertisement application for the display of 2 non-illuminated free standing panel signs and 1 non-illuminated wall sign	Permitted
15/01437/LB	Listed building application for the fitting of 1 non-illuminated wall sign	Permitted

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No observation received within the statutory consultation period
Conservation Section	Neutral impact upon heritage assets
Public Realm Officer	No observation received within the statutory consultation period
Public Rights Of Way	No observation received within the statutory consultation period
County Highways	No objection subject to a construction method statement
Natural England	No observation received within the statutory consultation period
Sport England	No objection , as application does not fall within their remit
Environmental Health	No observation received within the statutory consultation period

5.0 Neighbour Representations

- 5.1 No observations received to date. Any consultation responses received will be reported verbally to the Planning Committee meeting.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF) 2018

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The following sections of the NPPF are relevant to the determination of this proposal:

Paragraphs 8 and 11 – Sustainable Development
 Section 8 – Promoting healthy and safe communities
 Section 12 – Achieving well-designed places
 Section 15 – Conserving and enhancing the natural environment
 Section 16 – Conserving and enhancing the historic environment

- 6.2 **Listed Building and Conservations Area Act 1990**
 Section 7 - Restriction on Works Affecting Listed Buildings
 Section 17 - Power to Impose Conditions on Grant of Listed Building Consent

6.3 Development Management DPD

DM3 – Public Realm and Civic Space
 DM4 – The Creation and Protection of Cultural Assets
 DM12 – Leisure Facilities and Attractions
 DM21 – Walking & Cycling

DM25 – Green Spaces & Green Corridors
DM27 – The Protection and Enhancement of Biodiversity
DM28 – Development & Landscape Impact
DM30 – Development Affecting Listed Buildings
DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles

6.4 Lancaster District Core Strategy Saved Policies (adopted July 2008)

SC5 – Achieving Quality in design

6.5 Lancaster District Local Plan Saved Policies (adopted April 2004)

E5 – Coastlines

6.6 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 spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 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.

7.0 Comment and Analysis

7.1 The key considerations arising from the proposal are:

- Principle of the Development;
- Scale, Design and Landscape upon the Coastline, Public Open Space and Right Of Way;
- Impacts upon Heritage Assets;
- Ecological Impacts; and
- Impact upon the Highway

7.2 Principle of the Development

7.2.1 Culture, leisure and the arts play an important role in the district, both for the benefits they provide to the local economy (particularly the visitor economy) and the community wellbeing of the people who live and work within the District. The application site forms part of the District’s designated open space network as a natural and semi natural green space, used for informal recreation and particularly dog walkers. The addition of a sculpture to this open space, which references the maritime history of the area, would add another point of interest to the Heysham Headlands and Half Moon Bay. During this summer, a pilot temporary installation was commissioned as part of the

Headlands to Headspace programme by Morecambe Bay Partnership, which was located slightly further north along the coastline on the Heysham Cliffs and Headland site. It is estimated that circa 16,000 people engaged with the temporary installation at Heysham.

- 7.2.2 The proposed permanent installation would form an extension to the existing precedent for public artwork along the Morecambe coastline, with the Venus and Cupid Sculpture, the Tern Project, the Eric Morecambe statue as well as the consented but not yet installed Time and Tide Bell, all further north along the Bay coastline. The principle of the proposal is considered to be acceptable and the installation would be an interesting one within the wider coastal Heysham and Bay site. The proposal would improve the appeal of this cultural heritage and tourist area, supported by policies DM3, DM4, DM12 and NPPF Section 8.

7.3 Scale, Design and Landscape upon the Coastline, Public Open Space and Right Of Way

- 7.3.1 The proposed development is reasonably large in size and will be publically visible from elevated distant views from Smithy Lane and Barrows Lane, as well as in close proximity within the public open space. The two end structures or 'prows' will be made of Corten Steel, and the accompanying patina bronze figures will match this. Corten Steel is designed to rust which then preserves the metal from further deterioration. The sculpture also features a central stone element designed for people to rest and sit on.

- 7.3.2 The proposed sculpture would form a prominent feature with the open field and coastal landscape setting, which is a unique landscape very sensitive to change. However, it is considered that due to its design and materials, referencing the maritime heritage of the area, it would have a positive landscape impact upon this setting, particularly as this site is within the same visual context as the existing Heysham Harbour Port and Heysham Nuclear Power Station. The proposed sculpture would add a point of interest to the public open space, to be experience in close proximity within this space and public right of way whilst not impacting upon the existing functionality and use of this space. Furthermore in the context of the existing open field it would not dominate the space. A Structural Engineers Assessment has been undertaken at the site, and the proposed location of the development is sufficiently separated from the approximately 2 metre tall beach banking for the pressure of the foundations to not adversely interact with the slope. The proposal is considered to have a positive landscape impact, supported by policies DM21, DM25, DM28, DM35 and NPPF Section 12.

7.4 Impacts upon Heritage Assets

- 7.4.1 The sculpture is located outside of the Heysham Conservation Area, with St Patrick's church and associated heritage assets sited over 680 metres to the north of the application site. Although these heritage assets may be experience in a single visit to the Headlands as part of the same wider public open space, due to the separation distance and intervening landscape they are not within the same visual context. The installation of the sculpture is considered to have a neutral impact upon the aforementioned heritage assets, as concluded by the Conservation consultee. The proposal is considered to be compatible with policies DM30, DM32, NPPF Section 16 and the provisions of the Listed Buildings and Conservation Area Act.

7.5 Ecological Impacts

- 7.5.1 The site itself is within or adjacent to a number of designations of European/International protection. A Biological Statement from an ornithological consultant has been submitted with this application. This statement concludes that as a single installation, the proposed sculpture would not exacerbate any impact upon the ecological designations relating to birds beyond the existing impact of the use of the public open space. The proposed development is to be sited atop of an approximately 2 metre tall embankment, above the tidal high water mark and outside of flood zones 2 and 3.

- 7.5.2 It is considered that there will be no greater impact upon ecology beyond the existing other recreational uses that the beach and public open space is currently used for. The proposed installation of the sculpture is considered to be of a scale that can be accommodated without harming the ecological characteristics of the area, and therefore the scheme accords with the provisions of Policy DM27 and NPPF Section 15.

7.6 Impact upon the Highway

- 7.6.1 The proposed development will have a nominal impact upon vehicular movements, located on a public walking route, within walking distance of bus stops and with a public car park in close proximity. County Highways recommended a planning condition regarding a Construction Method Statement, which has been submitted as part of this application prior to determination. The details and arrangements within this statement are proportionate to the relatively modest development and short duration of works. Subject to the installation being carried out in accordance with this Construction Method Statement, the proposal is considered to have no severe impact upon the public highway.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 In conclusion, it is considered that the principle of a cultural installation accords with the broad aims of the Development Management DPD by creating a point of public interest through art and cultural heritage. The installation of a sculpture as proposed in this location is considered to improve the visual landscape and functional uses of the area and open space, whilst causing no undue harm to heritage assets, ecology nor the public highway. It is therefore considered that the scheme accords with the relevant local plan policies and the overarching principles of the National Planning Policy Framework.

Recommendation

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

1. Standard three year timescale
2. Development in accordance with plans
3. Implemented in accordance with the Construction Method Plan

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

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

Background Papers

None

Agenda Item A13	Committee Date 10 December 2018	Application Number 18/01229/FUL
Application Site 9 Beech Avenue Galgate Lancaster Lancashire	Proposal Change of use of a shop (A1) to dwelling (C3), erection of single storey extensions to the side and rear, construction of a ramp to the front, installation of replacement window and replacement of a door with a window	
Name of Applicant Mr A Whittaker	Name of Agent Mr Andrew Kirk	
Decision Target Date 27 November 2018	Reason For Delay Committee Cycle	
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 application site is owned by Lancaster City Council, and as such the application must be determined by the Planning and Highways Regulatory Committee.

1.0 The Site and its Surroundings

- 1.1 The property which forms the subject of this application relates to a two storey semi-detached property, which is located on Beech Avenue in Galgate. The north of Beech Avenue is characterised with residential properties and to the south of Beech Avenue is an open space with playgrounds located within. Beech Avenue mainly consists of semi-detached and terrace residential properties.
- 1.2 The site falls within the Countryside Area as designated on the Lancaster District Local Plan proposals map.

2.0 The Proposal

- 2.1 The application proposes the change of use of a shop (A1) to dwelling (C3), erection of single storey extensions to the side and rear, construction of a ramp to the front, installation of replacement window and replacement of a door with a window.
- 2.2 The proposal is seeking to change the use of the ground floor shop into a 2-bed dwelling. The footprint of the property measures approximately 102.5 sq.m. The property sits on an overall plot of 355 sq.m, with private amenity to the north and west of the property and off street parking to the south of the property. Internally the proposed dwelling will provide an entrance hall, living room, kitchen/dining room, bathroom, utility room and two bedrooms. Externally there is a garden area proposed with a small patio area to the north and west of the property, with two off-street parking spaces proposed to the south of the property that is to be solely used by the proposed ground floor dwelling. There is an existing hedge boundary located to the west and south west of the property that is to be marginally reduced, but will mainly remain in situ to provide screening to the dwelling

and private amenity areas. This will be in keeping with all of the corner properties located along Beech Avenue.

- 2.3 The proposed single storey extension to the side will project from the eastern elevation by 4.3m with a width of 7.2m and a lean-to roof 3.5m above ground level. The proposed single storey extension to the rear will project from the southern elevation by 3.3m with a width of 8.8m and a lean-to roof 3.5m above ground level. The materials that are to be used on the proposed single storey extensions to the side and rear are render to the walls, with a standing seam effect roof and upvc windows and doors.
- 2.4 The proposed ramp will project from the north elevation by 4.3m with a width of 4.2m and will project from the western elevation by 4.3m with a width of 3.6m. The ramp will be constructed 0.2m above ground level and the handrail is 1.1m above ground level.
- 2.5 The proposed installation of a replacement window and a replacement door with a window will be to the southern elevation and they will be made up of upvc.

3.0 Site History

- 3.1 There are three planning applications which relate to the change of use of the property, which are listed below:

Application Number	Proposal	Decision
07/00083/CU	Change of use from tanning studio to office/shop	Permitted
05/00843/CU	Change of use from a ground floor lock up shop to a coin operated launderette	Refused
03/01075/CU	Change of use of vacant butchers shop to tanning studio	Permitted

4.0 Consultation Responses

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

Consultee	Response
Ellel Parish Council	No comments received during the statutory consultation period.
County Highways	No objections
Fire Safety 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 **59, 60** and **61** – Delivering a wide choice of high quality homes

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 spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 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

DM35 – Key Design Principles

DM41 – New residential development

DM42 – Managing Rural Housing Growth

DM44 – Residential Conversions

Appendix B – Car Parking Standards

Appendix E – Flat Conversions

7.0 Comment and Analysis

7.1 The key considerations arising from the proposal are:

- Principal of housing in this location;
- Standard of Housing
- General design;
- Impacts upon residential amenity; and
- Highway impacts

7.2 Principal of Housing in this Location

7.2.1 The application proposes to convert the ground floor of the property from a shop to a two bedroom dwelling. The site is located within the village of Galgate, which is a village identified as suitable for residential development in Policy DM42 of the DM DPD. Therefore it is within a sustainable location that the provision of new residential accommodation is encouraged and consequently the principal is acceptable.

7.3 Standard of Housing

7.3.1 All new dwellings must have an appropriate level of outlook, privacy and be free from overlooking or overshadowing. Appendix E is specific to the standards required for flat conversions. This includes space requirements and provision of facilities within each room. The creation of the two bedroom dwelling at 9 Beech Avenue has to meet these requirements.

7.3.2 The plans clearly show that all of the rooms are of an appropriate size and provide for all the facilities required. The outlook from the primary living spaces meets standards. The external amenity space is ample for the two bedroom dwelling, with allocated off-street parking spaces and a garden area provided within. Overall the conversion of the ground floor of 9 Beech Avenue has demonstrated that it meets the requirements of Appendix E providing an appropriate standard of accommodation.

7.4 General Design

- 7.4.1 The proposed development has been designed to reflect that of the existing dwelling, particularly in terms of the material palette and therefore the proposed appearance is considered complement the character of the surrounding properties along Beech Avenue. Whilst the proposed works will change the appearance of the property, the dwelling is well screened by the existing boundary hedge that is mostly to remain in situ and therefore will not result in any adverse visual impact when viewed from within the street scene.

7.5 Impacts upon Residential Amenity

- 7.5.1 The proposed single storey extension to the rear will have two windows located to the northern elevation. These will look towards the neighbouring property of 2 Elm Avenue. However, the proposed extension will be set 11.8m away from the neighbouring property of 2 Elm Avenue with an intervening 2m high boundary. Therefore the proposed works are thought to have no impact upon the residential amenity.
- 7.5.2 The proposed single storey extension to the side will have two windows located to the western elevation. This will look towards the neighbouring property of 10 Beech Avenue. However, the proposed extension will be set 35m away from the neighbouring property of 10 Beech Avenue with an intervening 2m high boundary hedge. Therefore the proposed works are thought to have no impact upon the residential amenity.

7.6 Highway Impacts

- 7.6.1 There are two existing off-street parking spaces that are accessed from Beech Avenue. These are to remain in situ and will be shared by the proposal and the upper floor flat. Appendix B of the Development Management DPD sets out parking requirements. Two 2-bed dwellings should provide a minimum of 4 car parking spaces. However, County Highways has raised no objections to the scheme, advising that private parking and access arrangements from Beech Avenue are unaffected. Consequently in this case the insufficient off street parking can be accepted without any adverse impact on highway safety or the operation of the local highways network.

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 change of use of a shop (A1) to dwelling (C3), erection of single storey extensions to the side and rear, construction of a ramp to the front, installation of replacement window and replacement of a door with a window is within a sustainable location where the provision of new residential accommodation is encouraged.
- 9.2 The proposed conversion of the ground floor into a 2-bed dwelling has demonstrated that the plans meet the requirements of Appendix E providing an appropriate standard of accommodation and an appropriate level of outlook, privacy and free of overlooking and overshadowing.
- 9.3 The proposed development has been designed and is to use materials that are keeping with the character of the surrounding area. The proposed works are not thought to have an adverse visual impact when viewed from within the street scene, mainly due to the dwelling being well screened by the existing boundary hedge that is mostly to remain in situ.
- 9.4 The proposed works are thought to have no impact upon the residential amenities of the two nearest residential properties of 2 Elm Avenue and 10 Beech Avenue. This is due to the high boundary treatments along the northern and western boundaries and the distance that the proposed extensions are set away from the neighbouring properties.
- 9.5 There are two existing off-street parking spaces that are accessed from Beech Avenue, that are to remain in situ and will be utilised by the existing and proposed flats. This does not comply with the parking requirements that are set out within Appendix B of the Development Management DPD.

However in this case the proposed off-street parking is considered acceptable, as it is not thought to have an adverse impact upon highway safety or the operation of the local highways network.

Recommendation

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

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

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

Planning and Highways Regulatory Committee

Constitution: Scheme of Delegation Planning Applications

10 December 2018

Report of the Planning Manager

PURPOSE OF REPORT

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

<p>This report is public</p>

RECOMMENDATIONS

- (1) That the Committee considers amending its delegations to officers as set out in paragraph 4.3 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.
- 1.3 This report was first presented to the Planning and Highways Regulatory Committee at its November Meeting, and Officers have noted the comments made by Members and have made some amendments to the proposed revisions. In particular, the revisions extend the period as suggested from 14 days to 21 days; remove the reference to Ward Councillors; and they have clarified the protocol regarding Councillors (where they are also serving Members of the Planning and Highways Regulatory Committee) speaking on the item that they have referred.

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 Comparison with Other Local 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 clear and consistent auditing purposes) and some stated that the referral request could only be considered on an initial application (not a re-submission - an application submitted within 12 months of a refusal or withdrawal of an application with the same or similar description, unless the initial application was referred to Committee within its 21 day period before it was withdrawn).

4.0 Proposed Revisions

- 4.1 Officers have considered the benchmarking exercise with Lancashire authorities and have noted the comments from November's Planning and Highways Regulatory Committee. 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 there should be an auditable trail of the receipt of the request. Whilst Officers maintain that it would be appropriate for the request to come from a Ward Councillor, it was apparent at November's meeting that there was little Member support for such a requirement.
- 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 21 days of the application appearing on the Weekly List of Applications; it must be submitted on the requisite form (which can be emailed); and the request cannot be made on a resubmitted application.*

NB: In respect of (vi) the 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. In those circumstances, the Councillor could either choose to send a Substitute Member to take their place on the Committee for the duration of the Committee Meeting; or they could alternatively choose to register to speak as a Councillor on that single item, in the knowledge that (as a speaker) they could not participate in debate or voting on that particular item. The Councillor would, however, be permitted to return to the Committee benches to be able to participate in debate and vote on other items on the Committee agenda.

- 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 and valid planning² 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.

² Advice on valid planning considerations can be found on the Council's website:
<http://www.lancaster.gov.uk/planning/comment-on-planning-applications-chapters?chapter=2>

			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 support the proposed change to the delegation system, having regard to the potential risks attached to continuing with the current arrangements.

CONCLUSION OF IMPACT ASSESSMENT

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

None.

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.

FINANCIAL IMPLICATIONS

None identified.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:

None identified.

SECTION 151 OFFICER'S COMMENTS

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

MONITORING OFFICER'S COMMENTS	
The Monitoring Officer has been consulted and has no further comments to make.	
BACKGROUND PAPERS	Contact Officer: Mark Cassidy Telephone: 01524 582390 E-mail: mcassidy@lancaster.gov.uk
None.	

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
17/01264/VCN	Land Adjacent, 153 North Road, Carnforth Erection of five 2-storey detached dwellings with associated access (pursuant to the variation of condition 2 on planning permission 16/01257/FUL to amend the site layout and variation of house type) for Global Cattle Exports (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
18/00071/DIS	The Tractor Yard, Capernwray Road, Capernwray Discharge of conditions 3, 5 and 7 on approved application 17/00731/FUL for Mr S Wightman (Kellet Ward 2015 Ward)	Split Decision
18/00094/DIS	Old School, Main Street, Whittington Discharge of conditions 3 and 4 on approved application 16/01450/CU for Mr Bernard Sampson (Upper Lune Valley Ward 2015 Ward)	Application Permitted
18/00138/DIS	Halton Green East, Green Lane, Halton Discharge of conditions 5 and 6 on approved application 18/00606/VCN for Mr M Clarkson (Halton-with-Aughton Ward 2015 Ward)	Split Decision
18/00141/DIS	Halton Green East, Green Lane, Halton Discharge of condition 4 on approved application 18/00607/LB for Mr M Clarkson (Halton-with-Aughton Ward 2015 Ward)	Split Decision
18/00145/DIS	19 St Peters Road, Lancaster, Lancashire Discharge of condition 3 on approved application 18/00470/FUL for Mr G Hammond (Bulk Ward 2015 Ward)	Application Permitted
18/00146/DIS	23-25 North Road, Lancaster, Lancashire Discharge of conditions 3,4,6,7,8,9 on approved application 16/00274/FUL for Mr John Clarke (Bulk Ward 2015 Ward)	Split Decision
18/00148/DIS	Site Of Former Filter House, Scotforth Road, Lancaster Discharge of conditions 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18 and 19 on approved application 18/00637/VCN for Mr Vivian Watts (University And Scotforth Rural Ward)	Split Decision
18/00149/DIS	Capernwray Diving Centre, Jackdaw Quarry, Capernwray Road Discharge of conditions 4 and 7 on approved application 08/01308/REM for Mrs Carol Hack (Kellet Ward 2015 Ward)	Application Permitted
18/00150/DIS	Land Between 14 And 15 Betony, Morecambe, Lancashire Discharge of conditions 2, 3, 5, 6 and 7 on approved application 17/01161/FUL for Mr Simon Livesey (Torrisholme Ward 2015 Ward)	Split Decision
18/00160/DIS	Queen Victoria Memorial, Dalton Square, Lancaster Discharge of conditions 2, 3, 4, 5, 6, 7, 8, 9 and 10 on approved application 18/00777/FUL for Mr Martin Horner (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

18/00161/DIS	Queen Victoria Memorial, Dalton Square, Lancaster Discharge of conditions 2, 3, 4, 5 and 6 on approved application 18/00778/LB for Mr Martin Horner (Castle Ward 2015 Ward)	Application Permitted
18/00171/DIS	85 - 89 Penny Street, Lancaster, Lancashire Discharge of condition 4 on approved application 18/00588/FUL for Mr John Clarke (Castle Ward 2015 Ward)	Application Permitted
18/00176/DIS	Site Of Former Police Station, Heysham Road, Heysham Discharge of condition 3 on approved application 14/00291/VCN for Mr Gott (Heysham Central Ward 2015 Ward)	Application Permitted
18/00569/VCN	Plantopia Nurseries, Stoney Lane, Galgate Erection of horticultural buildings, creation of an access track and changes to the existing access arrangements (pursuant to the variation of conditions 2, 4, 5, 6, 8, 9, 10, 11, 12, 15, 17 on planning permission 10/01066/FUL to vary the approved layout, elevations and floor plans and to provide further information on materials, drainage access and planting) for Mr & Mrs Haley (Ellel Ward 2015 Ward)	Application Permitted
18/00760/FUL	Braides Farm, Sandside, Cockerham Creation of an access with associated area of hardstanding and erection of a gate for William Hunter (Ellel Ward 2015 Ward)	Application Permitted
18/00796/CU	1 Station Buildings, Warton Road, Carnforth Change of use from an estate agents (A2) into hot food takeaway (A5) with two self-contained flats above and installation of a flue to the rear for Milli Developments (Carnforth And Millhead Ward 2015 Ward)	Application Withdrawn
18/00805/FUL	J Kelly Laminates (Morecambe) Ltd, Northgate, White Lund Industrial Estate Erection of a single storey side extension to existing building, installation of a raised replacement roof, recladding of building, removal of windows and insertion of windows and doors for Mr Andrew Peacock (Westgate Ward 2015 Ward)	Application Permitted
18/00833/FUL	St Marys Church, Main Road, Galgate Installation of a replacement roof, windows and front door, removal of front step and installation of a new ramp and creation of new access road for Mr Andy Taylor (Ellel Ward 2015 Ward)	Application Withdrawn
18/00834/LB	St Marys Church, Main Road, Galgate Listed building application for the installation of a replacement roof, windows, internal and external doors, repairs to masonry, removal of front step and installation of a new ramp, installation of flooring, partition walls, ceiling and boarding of internal walls and the fitting of new kitchen and toilet facilities for Mr Andy Taylor (Ellel Ward 2015 Ward)	Application Withdrawn

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18/00919/FUL	Land Rear Of The Dell, 91 Coastal Road, Bolton Le Sands, Carnforth Erection of a 2 storey detached 2 bed dwelling and a 2 storey detached 4/5 bed dwelling with detached pool house and change of use of agricultural building to domestic storage, alternations to access, construction of internal roads, landscaping, regrading of the site, retaining walls, infiltration basin and drainage trench for Mr Harvey Bainbridge (Bolton And Slyne Ward 2015 Ward)	Split Decision
18/00927/FUL	Land Within Sambo's Field , The Lane, Sunderland Point Erection of a stone chamber for Ms Susannah Bleakley (Overton Ward 2015 Ward)	Application Permitted
18/00934/FUL	Cinderbarrow Picnic Site, Tarn Lane, Yealand Redmayne Erection of a side extension to existing workshop and storage building for Mr David Wilson (Silverdale Ward 2015 Ward)	Application Withdrawn
18/00953/FUL	Land Off, Marsh Lane And Main Street, Cockerham Erection of 36 dwellings, creation of vehicular access with associated landscaping, regrading of land levels and provision of surface water drainage scheme and public open space for Southworth Construction (Ellel Ward 2015 Ward)	Application Withdrawn
18/00973/FUL	Beechwood, Lancaster Road, Cockerham Demolition of existing dwelling and erection of a new dwelling (C3) with associated access for Mr Richard Walmsley (Ellel Ward 2015 Ward)	Application Permitted
18/00989/CU	Unit 1A, Major Industrial Estate, Middleton Road Change of use of storage building (B8) into gymnasium (D2) for Mr Shane Jerman (Overton Ward 2015 Ward)	Application Refused
18/01035/FUL	Crookhey Hall Special School, Garstang Road, Cockerham Erection of outbuilding for educational use (D1) for Ms Lauren Wright (Ellel Ward 2015 Ward)	Application Permitted
18/01110/FUL	43 Winchester Avenue, Lancaster, Lancashire Construction of dormer extensions to the front and rear elevations for Mr G Lee & Ms S Gifford (John O'Gaunt Ward 2015 Ward)	Application Permitted
18/01113/FUL	Far Lodge, Postern Gate Road, Quernmore Erection of a roof structure over existing silage clamp and opensided structure to create a covered feed yard for Mr David Gardner (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/01114/OUT	Land Adjacent Springfield House, Ball Lane, Caton Outline application for the erection of a dwellinghouse (C3) with associated access for Ms Diane Hickie (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/01118/FUL	Ashton House Farm, Main Road, Slyne Demolition of existing livestock building, erection of 3 agricultural buildings for livestock housing and storage of agricultural machinery for Edward Burrows (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/01124/FUL	Skirpin Cottage, High Road, Halton Erection of stable block, creation of hardstanding, changes to land levels and associated landscaping for Ms Marie Watson (Halton-with-Aughton Ward 2015 Ward)	Application Permitted

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18/01128/FUL	Castle O Trim Farmhouse, Procter Moss Road, Abbeystead Retrospective application for the partial demolition, first floor extension, external alteration and change of use of the existing agricultural buildings to create an ancillary garage and first floor hobby room for the existing farmhouse, and associated extension of the domestic curtilage to provide a new parking area and boundary walls for Mr Steve Dickinson (Ellel Ward 2015 Ward)	Application Permitted
18/01136/FUL	3 Deep Cutting Farm, Ashton Road, Lancaster Erection of a single storey rear extension for Mr Philip Gowlding (Scotforth West Ward 2015 Ward)	Application Permitted
18/01163/FUL	1-3A Sandylands Promenade, Heysham, Morecambe Erection of a detached outbuilding for Ian Bond (Heysham North Ward 2015 Ward)	Application Permitted
18/01171/FUL	Gibraltar Farmhouse, Lindeth Road, Silverdale Change of use of attached garage and workshop to form holiday accommodation, erection of a first floor extension and creation of associated parking spaces and garden for Mr Karl Greenall (Silverdale Ward 2015 Ward)	Application Refused
18/01172/LB	Gibraltar Farmhouse, Lindeth Road, Silverdale Listed building application for the erection of a first floor extension, installation of a new roof, rainwater goods, door and windows, construction of new window and door openings to the front, removal of internal wall and installation of partition walls for Mr Karl Greenall (Silverdale Ward 2015 Ward)	Application Refused
18/01179/FUL	Land Between Low Road And Forge Lane , Halton, Lancashire Erection of a sales cabin including access and car parking for a temporary period of up to 12 months for Miss Siobhan Sweeney (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
18/01188/FUL	Bay Leadership Academy, Osborne Road, Morecambe Erection of security fencing and entrance gates for Mr John Shannon (Heysham North Ward 2015 Ward)	Application Permitted
18/01197/FUL	Land To The North Of, Hallfield Lane, Nether Kellet Erection of stables/storage building for Ms FAYE ARKWRIGHT (Kellet Ward 2015 Ward)	Application Refused
18/01206/FUL	Castle O Trim Farmhouse, Procter Moss Road, Abbeystead Demolition of garage and 2 agricultural buildings and erection of an agricultural building for livestock and storage for Mr Stephen Dickinson (Ellel Ward 2015 Ward)	Application Refused
18/01209/FUL	4 Haylot Drive, Halton, Lancaster Erection of a shed for Mr Ian Heading (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
18/01211/FUL	16 Shireshead Crescent, Lancaster, Lancashire Erection of a single storey rear extension for Mr & Mrs Green (Scotforth East Ward 2015 Ward)	Application Permitted
18/01219/REM	Moss Side Farm, Moss Road, Heaton With Oxcliffe Reserved matters application for the erection of an agricultural worker dwelling for Mr Edward Thornton (Overton Ward 2015 Ward)	Application Refused

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18/01223/CU	36 Dalton Road, Heysham, Morecambe Change of use of dwelling (C3) into residential care home for children (C2) for Mr Richard Witt (Heysham North Ward 2015 Ward)	Application Permitted
18/01231/FUL	2 Pinewood Avenue, Brookhouse, Lancaster Demolition of existing garage and erection of a single storey side and rear extension for Mr And Mrs M And V Holland (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/01236/FUL	13A Selside Drive, Morecambe, Lancashire Erection of single storey side and rear extension and erection of single storey front extension for Mr M. Stirzaker (Westgate Ward 2015 Ward)	Application Refused
18/01237/FUL	16 St Nicholas Lane, Bolton Le Sands, Carnforth Construction of a hip to gable extension, construction of dormer extension to the front elevation and erection of a single storey rear extension for Mr & Mrs T. Southam (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/01238/FUL	Nursery End, 2 Chapel Close, Main Street Construction of first floor balcony to the side elevation for Mr & Mrs P. Magliocco (Overton Ward 2015 Ward)	Application Permitted
18/01240/LB	Pennys Hospital , King Street, Lancaster Listed building application for the demolition of 2 outbuildings, new flashings and replacement render and cowls to chimney stacks, replacement rainwater goods and soil pipe, replacement windows to rear elevations only, replacement doors and gates, installation of secondary glazing and removal of internal heating cabinet for Lancaster Charity (Castle Ward 2015 Ward)	Application Permitted
18/01241/FUL	15 Westbourne Road, Middleton, Morecambe Part retrospective application for the erection of a single storey rear extension for Mr A. Wroot (Overton Ward 2015 Ward)	Application Permitted
18/01245/FUL	Intack Farm, Long Dales Lane, Nether Kellet Erection of extension to existing agricultural building for Mr Ian Ward (Kellet Ward 2015 Ward)	Application Permitted
18/01252/FUL	Land To The South Of Foxholes, Hollins Lane, Bay Horse Erection of a detached two storey dwelling (C3) and creation of a new access with associated hardstanding and regrading of land levels for Mr & Mrs Wells (Ellel Ward 2015 Ward)	Application Permitted
18/01257/FUL	Clear Water Fisheries, Kellet Lane, Over Kellet Retrospective application for the retention of a stable and associated riding paddock and fencing for Mr Alex Mollart (Warton Ward 2015 Ward)	Application Permitted
18/01258/FUL	2 Jevington Way, Heysham, Morecambe Demolition of existing conservatory and detached garage and erection of single storey side and rear extension for Mr & Mrs M. Askew (Heysham South Ward 2015 Ward)	Application Permitted
18/01262/CU	33 New Street, Carnforth, Lancashire Change of use of offices (A2) to dwellinghouse (C3) for Mr I Dudley (Carnforth And Millhead Ward 2015 Ward)	Application Permitted

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18/01263/FUL	2 Oxcliffe Road, Heysham, Morecambe Erection of a dwelling (C3) and detached garage for Mr James Robb (Heysham Central Ward 2015 Ward)	Application Permitted
18/01265/FUL	56 Lyth Road, Lancaster, Lancashire Installation of a raised replacement roof and construction of a dormer extension to the rear elevation with a Juliet balcony for Mr Simon Simpson (Bulk Ward 2015 Ward)	Application Withdrawn
18/01271/FUL	22 Hyde Road, Morecambe, Lancashire Erection of single storey rear extension with part single/part two storey side extension for Mr & Mrs J. Pardy (Torrisholme Ward 2015 Ward)	Application Permitted
18/01272/FUL	Curwen Hill Farm, Hornby Road, Wray Installation of hardstanding in existing farmyard for Mr Frank Towers (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/01274/PLDC	22 Hyde Road, Morecambe, Lancashire Proposed lawful development certificate for the conversion of loft space into additional accommodation with hip to gable extension and construction of a dormer to the rear, with two rooflights to the front roof pitch for Mr & Mrs J. Pardy (Torrisholme Ward 2015 Ward)	Lawful Development Certificate Granted
18/01275/PLDC	2 Alston Drive, Morecambe, Lancashire Proposed lawful development certificate for the erection of two single storey rear extensions and the construction of a dormer extension to the rear elevation for Mr & Mrs J. White (Torrisholme Ward 2015 Ward)	Lawful Development Certificate Granted
18/01286/FUL	Ginnel Between 10 - 12 And 14 Penny Street, Lancaster, Lancashire Installation of two gates for Mr Steve Ashby (Castle Ward 2015 Ward)	Application Permitted
18/01288/FUL	11 Main Street, Warton, Carnforth Erection of a single storey side extension and conversion of outbuilding to create ancillary accommodation in association with 11 Main Street for Mr Adrian Hobbs (Warton Ward 2015 Ward)	Application Permitted
18/01290/FUL	33 Sulby Drive, Lancaster, Lancashire Erection of a single storey rear extension, first floor side extension and alterations of land levels for Mrs Alison Theobald (Scotforth West Ward 2015 Ward)	Application Permitted
18/01292/EE	St Josephs Roman Catholic Church, Slyne Road, Lancaster Ecclesiastical Exemption for the repairs to masonry, leadwork, roof timbers, plaster and rainwater goods, improvements to access including pathways and amended gradients, construction and installation of a new narthex screen, modifications and improvements to the existing toilet and improvements to the tower's upper levels to allow access for maintenance for Parish Of St Joseph's Lancaster (Skerton East Ward 2015 Ward)	No Objections

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18/01295/FUL	Moorlands Islamic Centre, Dumbarton Road, Lancaster Erection of a single storey front extension and single storey rear extension, installation of new windows to the side elevation and external steps and handrail for Mr Lookman Thagia (John O'Gaunt Ward 2015 Ward)	Application Permitted
18/01300/FUL	16 Lathom Avenue, Morecambe, Lancashire Demolition of existing garage and erection of a single storey side and rear extension for Mr Craig Albon (Bare Ward 2015 Ward)	Application Permitted
18/01303/FUL	5 Peacock Crescent, Hest Bank, Lancaster Retrospective application for the retention of raised decking area to the rear for Mr Peter Quinn (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/01315/AD	Laithbutts, Low House Lane, Cowan Bridge Agricultural determination for the erection of a storage building for Mr Tim Whiteman (Upper Lune Valley Ward 2015 Ward)	Prior Approval Not Required
18/01329/CCC	Claughton Wastewater Treatment Works, Low Lane, Claughton Construction of improved access including 110m stone access road to Claughton Wastewater Treatment Works for Mr Matthew Buckley (Lower Lune Valley Ward 2015 Ward)	No Objections
18/01384/NMA	3 Rays Drive, Lancaster, Lancashire Non material amendment to planning permission 17/00934/FUL to change the width of the first floor and ground floor rear window openings and material on the single storey extension for Mr Tony Rigg (Scotforth West Ward 2015 Ward)	Application Permitted
18/01407/NMA	Burrowbeck Grange Nursing Home, Scotforth Road, Lancaster Non material amendment to planning permission 16/01248/FUL to alter eaves and ridge levels for - (Scotforth East Ward 2015 Ward)	Application Permitted
18/01452/NMA	Fleet House, Whitepits Lane, Tatham Non material amendment to planning permission 17/00393/FUL to alter the first floor door openings on the north east elevation for Mr And Mrs Parkinson (Lower Lune Valley Ward 2015 Ward)	Application Permitted