



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 4 FEBRUARY 2019

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 7 January, 2019 (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 18/00335/FUL	Land At Chapel Lane, Galgate	Ellel Ward	(Pages 1 - 29)
		Erection of 32 dwellings (C3) with associated access and landscaping		
6	A6 18/01440/VCN	21-25 North Road, Lancaster	Bulk Ward	(Pages 30 - 35)
		Phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising 32 studios, one 3-bed, two 5-bed cluster flats (C3), four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis) and gym area with associated internal and external alterations, erection of two 2-storey rear extensions, associated landscaping and car parking and Relevant Demolition of existing rear extensions (pursuant to the variation of condition 2 of planning permission 16/00274/FUL to vary the approved plans to cater for reduction in roof lights, provision of louvre grills and amendments to the layout, to provide for 32 studios, two 2-bed (C3) six 8-bed and one- 9 bed cluster flats (Sui Generis) and amendments to condition 11 to provide for an amended material schedule together with amendments to condition 15 to provide for an		

amended material schedule for the hard and soft landscaping)

7	A7 18/01484/LB	21-25 North Road, Lancaster	Bulk Ward	(Pages 36 - 41)
		Listed building application for internal alterations consisting of the provision of mezzanine floors, new stud walls, amendments to the feature stairs, and external alterations consisting of the provision of new windows, doors, louvre grills and roofing material and roof lights, erection of two 2-storey rear extensions and demolition of existing rear extensions		
8	A8 18/01363/VCN	Land Adjacent To , Bulk Road, Lancaster	Bulk Ward	(Pages 42 - 48)
		Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping (Pursuant to the variation of condition 7 on planning permission 17/01413/VCN to allow for an amended offsite highway scheme)		
9	A9 18/01413/VCN	Land South Of Hala Carr Farm, Bowerham Road, Lancaster	Scotforth East Ward	(Pages 49 - 56)
		Erection of 25 dwellings and creation of a new access and access roads (pursuant to the modification to condition 6 (ii) on planning permission 16/01551/FUL to remove the requirement for street lighting at the junction of Bowerham Lane and Kempton Road, and 6 (iii) to remove the requirement for a pedestrian refuge, together with the submission of details to satisfy conditions 3, 4, 5 and 6 (highways requirements), 7 (foul water drainage), 8 (finished floor levels), 9 (surface water drainage arrangements), 10 (noise		

mitigation), 11 (earth bund details), 12, 13 and 14 (materials)

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|-----------|--|--|-------------------------------|-------------------------|
| 10 | A10 16/00276/OUT | Lune Industrial Estate, New Quay Road, Lancaster | Marsh Ward | (Pages 57 - 78) |
| | | Outline application for the demolition of industrial buildings and the erection of up to 249 dwellings with associated access points | | |
| 11 | A11 18/01583/OUT | Land Adjacent To Stonehaven, Bay Horse Lane, Bay Horse | Ellel Ward | (Pages 79 - 86) |
| | | Outline application for erection of two dwellings (C3) and associated access | | |
| 12 | A12 18/01348/FUL | Land West Of, Littledale Road, Brookhouse | Lower Lune Valley Ward | (Pages 87 - 93) |
| | | Erection of a detached dwelling (C3) with associated access | | |
| 13 | A13 18/00604/FUL | 71 North Road, Lancaster | Castle Ward | (Pages 94 - 98) |
| | | Change of use of retail unit (A1) to takeaway (A5) and installation of a flue to the rear elevation | | |
| 14 | A14 18/01608/FUL | Recycling Site, Alfred Street, Lancaster | Bulk Ward | (Pages 99 - 102) |
| | | Change of use of vacant land to car sales area associated with commercial garage (Sui Generis) | | |
| 15 | Delegated Planning List (Pages 103 - 112) | | | |

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 Wednesday 23rd January, 2019.

Agenda Item	Committee Date	Application Number
A5	4 February 2019	18/00335/FUL
Application Site Land At Chapel Lane Galgate Lancashire	Proposal Erection of 32 dwellings (C3) with associated access and landscaping	
Name of Applicant Applethwaite Ltd	Name of Agent Mr Lee Greenwood	
Decision Target Date 24 August 2018	Reason For Delay Negotiation with the applicant on matters of viability, design, highways, surface water drainage and deferral of application.	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Note

The application was on the agenda for the 12 November 2018 Planning Committee meeting, but was deferred to allow the applicant time to address the Officers' concerns. However, despite the deferral the scheme remains the same in terms of layout and design, and therefore the recommendation also remains unchanged. The applicant is now separately considering a proposal for 29 two storey dwellings based on a reduced application site (19/00013/PRE3).

1.0 The Site and its Surroundings

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

2.0 The Proposal

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

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

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

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

3.0 Site History

- 3.1 There is no recent planning history associated with the site, however the applicant engaged with the Local Planning Authority via its pre-application advice service on a larger scheme of 56 dwellings.
- 3.2 In January 2019 the applicant applied for pre-application advice (19/00013/PRE3) on the basis of 29 two storey dwellings. It is proposed to take the scheme to a Member Engagement Forum in due course.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection , though concede that the development could be at the detriment of public safety, and the operation of the highway network as a whole. However, planning conditions could be imposed to negate a highway objection to the scheme.
Local Plans Team	Whilst the site is located in a settlement where the Council would look to promote residential development, poor linkages to existing services and the current built form of the village together with wider infrastructure concerns raise significant issues for officers. Concerns in regards wider road network, its potential impact on the adjacent AQMA and wider Bailrigg Garden Village delivery.
Lead Local Flood Authority (LLFA)	Initially required additional information to allow for an informed opinion to be made with regards to soakaway sizing calculations, the maintenance of the soakaways and the design from exceedance flows. The applicant shared additional information with regards to the above, and the LLFA now raise no objection to the scheme.
United Utilities	No objection , and foul and surface water should be drained on separate systems and a surface water drainage scheme shall be conditioned.
Ellel Parish Council	Objection . Surface Water drainage and highway safety concerns associated with the scheme, and the view is that Galgate ought to retain its identity as a settlement and a community distinct from Lancaster, rather than subsumed into the latter.
Environmental Health Officers (Noise)	No objection as the noise assessment predicts the noise levels at the site, and with double glazing and trickle ventilation that the design criteria recommended within BS8233:2014 for acceptable sound levels will be met.
Environmental Health Officer (Air Quality)	Objection on the basis that the development will impact on the two Air Quality Management Areas and in the absence of a required mass emission assessment of the proposed impact/mitigation and absence of sufficient mitigation to minimise the associated air quality impact.
Tree Protection Officer	No objection . Recommends a Tree Protection Plan is controlled by planning condition together with a landscaping scheme.
Natural England	No observations to make on the proposal
Public Realm Officer	No objection and the proposal provides for a good designation of natural and semi-natural open space. However, further details of how this will be maintain for public

	<p>access is required. A development of this size is required to a minimum of 477m² usable amenity space within the development. Offsite contributions of; £82,020 are required:</p> <ul style="list-style-type: none"> • Outdoor Sports Facilities £28,908 • Equipped Play area £32,100 • Young People's Provision £12,840 • Parks and Gardens £8,172
Engineering Team	No observations received within the statutory timescales.
Conservation Officer	The proposal would lead to a level of harm on the setting and significance of designated heritage assets, St Johns Church and Galgate Silk Mill (Grade II). The level of harm is less than substantial. The proposal would also harm the setting and significance of surrounding non designated heritage assets notably Sill House and Leatside. The harm has not been avoided or mitigated by design, layout or landscaping, and therefore raise objection .
Greater Manchester Ecology Unit	<p>No objection, and would consider that the development proposal would not cause substantive ecological harm, but would recommend that a number of precautions are required to protect ecological interests if permission is granted to the scheme:</p> <ul style="list-style-type: none"> • Construction Method Statement; • Landscaping Plan; • Tree Felling and Nesting Birds avoided between March and August inclusive • All trees and hedgerows to be protected during development; and • External Lighting shall be minimised.
Historic England	No observations to make on the planning application.
Fire Safety Officer	No objections
Lancashire Police	No objections . However, recommends that secured by design principles are embodied in any scheme.
Lancashire County Council Education	No objection . However, recommends that provision is made for two secondary school places and therefore a contribution of £47,474.56 is provided for. Following further dialogue that no education contribution is required given the over 55s nature of the development.
Citizens of Lancaster Opposed to Un-necessary Development (CLOUD)	<p>Objection:</p> <ol style="list-style-type: none"> 1) Proximity to the Bailrigg Garden Village and proposed new road; 2) The village is at capacity; 3) Detrimental to the air quality of the area; 4) Road Safety concerns; 5) Enhanced flood risks associated with the development; 6) Lack of Affordable Housing Provision; and 7) Concerns associated with the supporting information with respect to errors.

5.0 Neighbour Representations

5.1 The application has been advertised in the press, by site notice and adjoining residents notified by way of letter. To date there has been 44 pieces of correspondence received all objecting to the development;

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

Loss of Greenfield – The site has landscape value, and the Council should be considering brownfield sites in advance of releasing further greenfield sites, the site would be better used as an extension of the graveyard associated with the adjacent church.

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

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

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

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

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

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraphs 7 to 10 Achieving sustainable development
Paragraph 11 to 14 The Presumption in favour of sustainable development
Paragraphs 47 to 50 – Determining applications
Paragraphs 52 to 56 – Planning Obligations
Paragraphs 59, 60, 62 – Delivering a sufficient supply of homes
Paragraph 68 – Identifying land for homes
Paragraph 74 – Maintaining supply and delivery
Paragraphs 77 to 78 – Rural Housing
Paragraphs 91, 92, 94, 96 and 98 – Promoting healthy and safe communities
Paragraphs 102 to 103, 108 to 111 – Promoting sustainable transport
Paragraphs 117 to 118, 122 to 123 – Making effective use of land
Paragraphs 124, 127, 129, 130 - Achieving well-designed places
Paragraphs 148, 155, 163 and 165 – Flood risk
Paragraphs 170, 172, 175 - Conserving the natural environment/habitats and biodiversity
Paragraphs 178 to 180, 182 - Ground Conditions and Pollution
Paragraphs 189 to 192, 196, 197 and 200 – Conserving and enhancing the historic environment
Paragraphs 205 to 206 – Facilitating the sustainable use of minerals
Paragraphs 213 to 214 – Annex 1 Implementation

6.2 Local Planning Policy Overview – Current Position

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

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

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

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

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

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

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

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

SC1 – Sustainable Development
 SC4 – Meeting the Districts Housing Requirements

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

E4 – Countryside Area

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

Policy M2 Safeguarding Minerals

6.7 **Other Material Considerations**

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

7.0 **Comment and Analysis**

7.0.1 The proposal raises the following key considerations:

- Principle of development;
- Housing need for older persons accommodation;
- Local highway infrastructure;
- Layout and scale;

- Landscape impact;
- Natural environment;
- Air quality;
- Noise;
- Cultural heritage;
- Drainage matters; and
- Other considerations.

7.1 Principle of Development

- 7.1.1 Following the publication of the revised National Planning Policy Framework (NPPF) in July 2018 and the publication of the 2016 sub-householder projections in September 2018, Lancaster City Council has reviewed its 5 year housing land supply. Using the standard methodology as described in the Planning Practice Guide, the local housing need figure identified by the 2016 sub-householder projections and incorporating a buffer as required by NPPF, Lancaster District has a minimum annual requirement of 138 dwellings. Having undertaken a detailed assessment of the deliverability of all sites capable of delivering 5 or more dwellings (i.e. investigating sites for their suitability, availability and achievability for housing) to create a housing trajectory, Lancaster District can demonstrate a 5 year housing supply with 13.3 years identified. Whilst the NPPF has been revised, its overall direction has been maintained, with local authorities required to significantly boost the supply of homes in their area. It can only do this if it continues to approve appropriate housing schemes. Therefore just because Lancaster District can currently demonstrate a 5 year housing land supply, it does not mean that residential proposals should be refused planning permission unless material considerations indicate otherwise. Given the status of the development plan as a whole (as outlined in Paragraph 6.2 of this Committee report), the 'tilted balance' is still required to be undertaken by the decision maker.
- 7.1.2 The application site is situated on the northern periphery of the village of Galgate, which is a settlement where sustainable housing will be supported. This is enshrined in DM42 of the Development Management DPD, subject to the below criteria:
1. Be well related to the existing built form of the settlement;
 2. Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
 3. Be located where the environment and infrastructure can accommodate the impacts of expansion;
 4. Demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape; and
 5. Consider all other relevant policies,
- 7.1.3 Galgate continues to remain a sustainable rural village as part of the Council's emerging local plan (although limited weight can be attached to this), and therefore there is still a desire to focus sustainable housing within the village. Galgate has no settlement boundaries (nor do any of the villages within the Development Management DPD), but notwithstanding the above it could be argued that the site has more synergies with Ellel than with Galgate, as the Mill, Hillcroft House and the Church essentially form the boundaries of Galgate as the pattern of development to a linear form of development occurs north of the site. Ellel has a strong linear feel from Sill House in the south (immediately north of the application site) to Mallin Croft, and the Croft to the north, before arriving at Hazelrigg Lane, and then the University. The applicant engaged in the Council's pre-application advice service on a scheme of 56 dwellings consisting of a mixture of houses and bungalows. The scheme before Members therefore has been fundamentally amended to account for a lower density of properties, additional open space and ensuring a vista of the Church (St John the Evangelist – Grade II listed) when looking southwards from Chapel Lane is maintained. The advice shared in 2017 was essentially supportive of some form of development, but on a much reduced scale.
- 7.1.4 The scheme is for over 55s, and exclusively single storey bungalows. The Local Planning Authority is supportive of a scheme of bungalows, given the need for a relatively level site to accommodate single-storey living, and Officers are attributing significant weight to the provision of older person's accommodation. Policy DM45 is especially relevant for this planning application, which concerns accommodation for older people which this application proposes, and the policy goes on to state that this has to meet the needs of older people and well located on a primary bus route, and

convenient for local services and facilities and be wheelchair accessible and shall contribute to affordable housing in accordance.

- 7.1.5 The emerging local plan (whilst limited weight can be attached) is relevant for this application, as around 20 of the 32 units fall within the Policy SG1 (Broad Location for Growth Bailrigg Garden Village), SG3 (Infrastructure Delivery in South Lancaster), and T1.2 (Lancaster Park and Ride). It should be noted that the site falls outside of the Bailrigg Garden Village Broad Area of Growth allocation, however critically falls within land that is essentially being safeguarded as possible future use of any reconfigured Junction 33. One critical concern of officers is whether this scheme could prejudice the future provision of an amended Junction 33 arrangement. As yet a route has not been chosen, nor have officers been privy to any future routes. No objection has been received from the County Council, who are Highway Authority for the district, and ultimately have had the opportunity to object to this development should they considered it prejudice the future alignment of a new road.
- 7.1.6 National Planning Practice Guidance provides useful commentary on the issue of prematurity. It states:
- “Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process”.*
- 7.1.7 When considering whether this particular development is premature (i.e. ahead of masterplanning the Bailrigg Garden Village), the two questions that need to be considered are:
- (a) Is the development proposed so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and,
 - (b) Is the emerging plan is at an advanced stage (even though it is not yet formally part of the development plan for the area).
- 7.1.8 In response to the first issue, whilst masterplanning will be fundamental to successfully delivering the Garden Village, the major concern is whether this scheme could jeopardize the future provision of a new road. Officers have reverted to County on this matter and whilst they have not raised objection on this matter, they have raised it as a concern. As mentioned above there is an argument that the provision of a new reconfigured Junction 33 is critical to the success of the garden village and therefore if an objection was to have been raised by County and evidenced, a very different stance could have been taken. Officers therefore consider that the eventual route of any amended J33 arrangement is unlikely to be constrained by approving this site for older person's accommodation. On the second issue, Paragraph 6.2 provides an accurate summary of the current position.
- 7.2 Housing need for older persons accommodation
- 7.2.1 In terms of the existing provision of housing for older people across Lancaster district, there is fairly broad mix of housing options across tenures, although bespoke housing is more prolific in the social housing sector and apartment schemes such as McCarthy and Stone developments and the Elms Hotel. Other than the Applethwaite development at Silverdale, there are very few examples of designated purpose built bungalows for the elderly in the market housing sector. Officers are pleased to see that the scheme will consist of a mix of one, two and three bedroom units, which can accommodate a wide range of needs depending on the requirements of the intended client group.
- 7.2.2 There was concern initially as the internal room layouts provided for little in the way of circulation space, particularly in the hall-ways and access into and around the bathroom. Level access was also questioned, in terms of into the properties and also for parking. The adopted policy concerning older person's accommodation is detailed in Policy DM45 of the Development Management DPD.

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

I. Meeting the genuine needs of older people;

II. Being well located for a primary bus route, and convenient for local services and facilities;

III. Being wheelchair accessible; and

IV. Contributing towards the provision of affordable housing in accordance with Policy DM41 (Use Class C3 only).

- 7.2.3 There is a distinct lack of bungalow provision within the District and as previously stated, the Strategic Housing Officer is supportive of the provision of bungalows on the understanding that the layouts can ensure that accessible standards can be achieved. Officers have worked with the applicant's architects and agents and amendments have been made to the units. Progress has been made towards achieving Building Regulations Part M4 (2) standards (essentially to ensure that people are able to access and use buildings and their facilities), but the applicant has requested should planning permission be approved they are amenable to a condition to allow for accessibility standards to be achieved. There is nothing before Officers to suggest that this cannot be achieved here, and therefore a condition is reasonable.
- 7.2.4 The principle of a scheme for over 55s is something that the Local Planning Authority is keen to support given the local age demographic and national policy suggests that local authorities should plan to meet the needs of an ageing population. Officers are satisfied that it is possible to control the use of the properties to over 55 provision by means of planning obligation, of which the applicant is amenable to. With respect to location there is tension here as the site is circa 0.45km to the nearest bus stop and whilst Galgate has services it is circa 0.65 km to the Spar shop at the Galgate Crossroads. The site is not isolated by any stretch of the imagination, but footways are poor to say the least. Some off-site highway works are provided by this application which would assist with connectivity matters.
- 7.2.5 The application has been submitted on the basis that no affordable housing is being provided. This has been independently reviewed by Lambert Smith Hampton (LSH) and it has been concluded that based on the floor space of the development (i.e. because it's all bungalows), that it is not economically viable to provide any affordable homes on the site. This is naturally a disappointment given this is a greenfield site in the south of the district. However a specific type of residential unit is being provided for by this application which is catering for a specific demographic. Members should be aware that Paragraph 64 of the Framework requires that at least 10% of the homes should be for affordable home ownership, however given the independent assessment that has been carried out it is not considered in this circumstance the provision of affordable housing could be catered for.
- 7.2.6 Through collaborative working with the applicant, the Local Planning Authority, and building control colleagues, a suite of properties have been proposed which Officers consider would meet the requirements of more adaptable living accommodation. As Members will be aware, many schemes across the district over the course of the last few years have been on sloping sites, none of these lend themselves to the provision of bungalows and therefore weight is attached to this site in so far as it can deliver the intended use of bungalows. On balance other than the locational tensions, it is considered that the scheme accords to Policy DM45 of the Development Management DPD.
- 7.3 Local Highway Infrastructure
- 7.3.1 The site would be accessed off Chapel Lane and there would be only one point of access/egress into the site. The access has been considered by County Highways to form a safe means of access/egress to facilitate the development. This is on the understanding that 2.4m x 25m visibility splays can be achieved, which can be conditioned as such, should members seek to support the scheme.
- 7.3.2 Chapel Lane connects to Hazelrigg Lane to the North, and Galgate to the south, and it is a route which is used by cars, cyclists and pedestrians, being very sinuous in nature and consisting of a number blind bends. This is heightened by parked cars particularly to the north of the site. Furthermore, Chapel Lane only has a limited amount of footway. The case officer has visited the site at different times of the day to assess the impact and there are a number of pinch points along its stretch. This is echoed within public comments also.

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

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

- 7.3.4 Whilst the County have not objected to the proposal they raise understandable concerns on the basis that the site does have limited access to day time public transport and the distance to the GP surgery would involve a car journey. But, equally, many of the districts sustainable villages do not have a doctors surgery (and across Lancashire and Cumbria for that matter). County Highways have raised concern with the rural roads, particularly those heading north towards the University. The County have stated that they consider a 20mph traffic regulation order for the whole stretch of Chapel Lane, together with gateway treatment and street lighting along its stretch should be put in place. County have also requested that blue advance informative signing 'Unsuitable for Long Vehicles' – to be situated on Chapel Lane at its junction with Chapel Lane and in the vicinity of the Silk Mill. A 2 metre wide footway along the frontage of the site tying into existing elements of the footway to west are also recommended.

- 7.3.5 Following the County's formal response, the applicant has engaged directly with the Highway Authority regarding off-site highway works. Initially they supplied an off-site highways work drawing which provided for a 900mm wide footway area on either side of Chapel Lane to take pedestrians past the Silk Mill in a safe fashion. The works also catered for a buff coloured surfacing to leave a carriageway width of 3.1 metres. County was not satisfied with this solution, and through ongoing dialogue there is now agreement to the below:

- Extension of the 20 mph speed limit along Chapel Lane up to the junction with Hazlerigg Lane;
- A gateway treatment at the junction of Chapel Lane / Hazlerigg Lane comprising road markings;
- A 1.5 metre wide footway through the 'pinch-point' at the Silk Mill with a traffic priority system;
- A 2 m wide footway across the site frontage;
- A review of the street lighting at the proposed junction location onto Chapel Lane with improvements.

Whilst Officers feel that the nature of the local highway network is constrained given its sinuous nature, given the above measures can be secured by means of planning condition and County is amenable to the off-site highway recommendations, it is considered that on balance the scheme is acceptable from a highway safety and efficiency perspective.

7.4 Layout and Scale

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

- 7.4.2 It is considered that Langshaw Lane forms the divide between the built linear form of Ellet to the north, and Galgate to the south, but the existing hedgerow that runs through the centre of the site in

officer's view forms the natural barrier to which any new development should be confined too. Overall whilst there is no objection to the appearance of the bungalows, this was on the basis that natural stone would feature. The original application plans detailed the use of stone on the majority of the principal elevations however the applicant's latest plans show the use of render as the predominant externally facing material. The built form surrounding the site is generally made up of natural stone and therefore it has been questioned why all reference to the use of stone has been removed from the proposals, and a written response is expected on the applicant on this issue.

- 7.4.3 The layout provides for policy compliant separation distances. On the whole garden sizes are all compliant with Policy DM35 of the Development Management DPD. Officers are supportive of the principle of development at the site based on an over 55's scheme, however there are concerns that the applicant has diluted the palette of materials during the planning process and whilst the Council are fully supportive of sustainable housing within the district feel there is an element of over development of this site. The Local Planning Authority are prepared to allow a quantum of development over and above what might otherwise reasonably be accommodated at the site given the age-related type of development that has come forward; however the current scheme goes well beyond the more linear form of development in this part of the settlement. There is scope for a reduced scheme to be accommodated here; but this should be confined to the land west of the hedgerow that crosses the site. There has been discussions with the applicant in this regard. However, they consider the quantum of development (32 dwellings) based on the footprint of this development is required to enable a deliverable scheme.

7.5 Landscape Impact

- 7.5.1 The development will inevitably have an impact on the local character of the landscape, however the site does not benefit from any local or national landscape designation (albeit it is countryside allocation within the adopted and emerging local plan). Compared to the pre-application scheme there has been significant improvements to the layout and the applicant has taken on board some of the local authority's concerns and numbers have been reduced. There has been an honest attempt by the applicant to address the LPAs concerns, and this is welcomed. The applicant advises that they consider the pre-application request they have made for two storey dwellings on the site has to be deemed a material consideration when determining this application. The request made is for two storey dwellings which would be entirely contained within the development envelope that Officers are advocating could be acceptable as part of this application. Notwithstanding this, Officers consider as they did in Paragraph 7.4.3 that just because the LPA has endorsed a development area that they could look to support, this is on the basis of the proposed scheme of single storey dwellings. Applications have to be determined on their own merits. Officers maintain that the encroachment is such that they are unable to lend support for the scheme as it stands.
- 7.5.2 It is clear that residents value the local landscape, and officers accept that the site has value in its own right. However it is not considered that the site is valued landscape for the purposes of the Framework, given it is not designated nor identified in the development plan or emerging development plan for its landscape quality.
- 7.5.3 Whilst dwelling numbers have dropped from the pre-application discussions, Officers had recommended a scheme quite linear (to respect the form of development to the north). When approaching the village from Langshaw Lane (passing underneath the M6 motorway bridge) you get clear views of the Church and also Silk Mill and the provision of single storey dwellings at the far western end of the site would work in this context from a landscape perspective (given the built form behind). There are concerns that plots 17-27 enter a different form of landscape setting, deeper into the open countryside (extending the site circa 75 metres eastwards). When viewing the site from Footpath 26, the built form of the site would extend into the open countryside and the development would cause an adverse visual effect from this viewpoint. Furthermore there are views from the M6 which is slightly elevated in comparison to the site. When travelling northbound there are clear views across the site with the Church and Mill prominent within the landscape. Notwithstanding this, single storey dwellings would help preserve the roofscape of the designated and non-designated heritage assets, and therefore this assists with mitigating the harm.
- 7.5.4 Officers feel that this incursion would represent an incongruous and intrusive form of development (given the context of the surrounding built and natural environment). The applicant has provided a significant amount of open space and landscaping notably around the boundary of the site. This would help soften the impact but the change would be one from a pastoral farming site to a housing

development. Whilst the site is not valued landscape in terms of Paragraph 170 of the Framework, the proposed development would result in adverse impacts to the landscape.

7.5.5 In response to Officer concerns regarding the encroachment of the development into the open countryside, the applicant has undertaken traffic counts along Langshaw Lane to establish how heavily trafficked the road is for vehicles, horse riders and pedestrians. This took place on Thursday 20 December 2018 between 0700 and 1900, and the results showed one horse rider, seven pedestrians and thirty six cars. Whilst this data suggests the road is lightly trafficked, little weight can be attached given this was a single day in the winter months. Overall whilst this is a finely balanced argument, Officers conclude that the development would result in significant harm to the character and appearance of the site and surrounding area, and would conflict with Policies E4 of the Lancaster District Local Plan and Policies DM35 and DM28 of the Development Management DPD.

7.6 Cultural Heritage

7.6.1 The site is adjacent to, and behind St Johns Church (Grade II) and is within the vicinity of Ellel House (Grade II) and Galgate Silk Mill (Grade II). The setting of the church is complemented by the application site and the immediate rising topography behind the Church, which accentuates its semi-rural location and designed prominence. The proposal would result in the infill of an open plot of land which divides Galgate and Ellel, and these open fields do make a valuable and positive contribution to the setting and significance of St Johns Church. The proposal would surround the church, and impact on the views that currently exist to it, notably from Chapel Lane, Langshaw Lane, A6 and M6 Motorway. The Conservation Officer also raises concerns that the development could result detract from the architectural interest of the Grade II Silk Mill when viewed from the M6 and Langshaw Lane.

7.6.2 The Conservation Officer has raised concern that the designed layout will not relate to the grain of Ellel and Galgate, and there are concerns that the mixture of hipped and gabled roofs in an arts and crafts style may not be the most sympathetic form of development. There are concerns that the proposal could erode the designed prominence of St Johns Church and the Galgate Silk Mill and could detract from the distinct linear and fine grain settlement character. The Conservation Officer is unable to support the proposals as the scheme would result in a level of harm, considered to be less than substantial, but this has not been outweighed or mitigated by the layout, architectural design or landscaping. The Conservation Officer has some concern that in addition to the two listed buildings that the scheme will also harm the setting and significance of surrounding non-designated heritage assets, notably Sill House and Leatside.

7.6.3 Officers consider that the development would lead to a level of harm to the setting of the Grade II listed church together to a lesser extent the Mill building, and this would be less than substantial harm in this case. In considering the planning balance required by Paragraph 196 of the Framework it is accepted and well established that any harm to the setting of a heritage asset shall be given great weight. Against this harm the public benefits of the scheme need to be considered.

7.6.4 The proposal is for 32 bungalows specially defined for over 55s and this would make a valued contribution to the supply of housing within the district and would specifically assist in meeting local housing needs, on a site that given its gradient is conducive to the provision of level access to bungalows. There would be minor benefits associated with the development contributing to local construction jobs and supporting local building trades, albeit that this would be for a temporary period. Future occupants would also support businesses and facilities within the local area. These benefits weigh in favour of the proposal. Weaknesses of the proposal include the absence of affordable housing and the incursion beyond the established boundaries/linear form of the existing settlement, as defined by the current proposed layout.

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

7.6.6 The views of Lancashire Archaeological Advisory Service (LAAS) has been sought on the application who raise no objection although state that the block of farmland immediately north of the

Church of St John has some potential for as yet unknown buried archaeological remains to exist, but the probability is low. LAAS recommend that a planning condition associated with investigations for buried remains, and can be made as a condition of any planning consent granted.

7.7 Natural Environment

- 7.7.1 The application is accompanied by an ecological appraisal and it is acknowledged that the site is relatively large, however is dominated by species poor agricultural grassland which is not of a high ecological value. Greater Manchester Ecological Unit raise no objection, however recommend planning conditions associated with a construction management plan for the protection of amphibians, securing an appropriate landscaping scheme, protection and enhancement of trees and hedgerows and also controlling external lighting associated with the development shall not to illuminate potential bat habitat (such as hedgerows and trees). These are matters which are considered could be secured by means of planning condition should members resolve to support the scheme. On this basis it is considered that the proposal accords with the aims of Paragraph 170 of the Framework.
- 7.7.2 The application is supported by an Arboricultural Implications Assessment which details that 25 metres of hedgerow will be required to be removed along the frontage of the site to accommodate the new access and visibility splays, however in reality to provide for the footway and the associated visibility splays, this is more likely to be in the region of 75 metres. There is an existing hedgerow that runs through the centre of the site which is mostly retained but three relatively short stretches of hedgerow will be removed to facilitate the development. The tree protection officer is supportive of the development given there are significant new opportunities for tree planting and a mix of native and exotic tree planting should be incorporated into the overall design.

7.8 Air Quality

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

7.9 Noise

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

7.10 Drainage Matters

- 7.10.1 The applicant has submitted a Flood Risk Assessment (FRA) in support of the planning application and this demonstrates that given favourable ground conditions, the use of soakaways can be utilised and therefore a soakaway is proposed for each property. For the highway, given the access road is recommended to be adopted, the first option could be a soakaway manhole unit to be sited under the roadways with road gullies feeding road runoff into them – the second option is for all runoff to be piped down to the Chapel Lane boundary and a linear soakaway with adequate storage to be sited inside and parallel to the site boundary. Members will be aware that parts of the village suffered extensive flooding during November 2017, and neighbour comments would suggest that Chapel Lane suffered extensive flooding also.
- 7.10.2 The Environment Agency are not required to formally comment on the application, however they were consulted given the flooding event in November 2017. They have sought not to provide comments on the application. It is therefore assumed flood risks associated with fluvial (river) flooding will not be increased by approval of this development.
- 7.10.3 The Lead Local Flood Authority initially raised some concerns with the applicant's drainage strategy in so far as relating to the soakaway sizing calculations, maintenance of soakaways and also design of exceedance flows across the site. The applicant has supplied additional calculations in relation to soakaway sizes and also with respect to exceedance flows from the M6 to Chapel Lane. The additional information requested has been supplied and reviewed by the LLFA. The LLFA have responded to the application on the basis of no objection on the basis that the final surface water drainage scheme is submitted for approval and associated long term maintenance of the soakaways are conditioned. With this officers are satisfied that drainage can be controlled not to increase off site flooding and therefore according to paragraph 163 of the Framework.

7.11 Open Space

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

7.12 Other Matters

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

7.13 Planning Balance

- 7.13.1 Whilst the local authority possesses a 5 year housing land supply, the Council do not have an up to date local plan and therefore the tilted balance is engaged, whereby applications should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. The Framework is supportive of a mix of accommodation to meet future needs as it is about protecting landscape and historic assets. Whilst the proposal is a wholly open market scheme it does provide a unique form of housing exclusively of bungalows for an aging population. The applicant during the

course of the application process has worked with Officers to adapt the dwellings to allow them to be accessible and adaptable dwelling standards. Whilst some further work is required in this regard, these changes can be controlled by use of planning condition. The applicant has engaged positively with the Local Planning Authority with respect to these amendments, and great weight is attached to the provision of older person's accommodation in particular bungalows.

- 7.13.2 The proposal lies within the Countryside Area as part of the adopted and emerging local plan, and therefore has no local landscape designation, it still holds local landscape value. The form of development proposed is somewhat out of keeping with the linear settlement pattern form of Ellel to the north although has stronger synergies to that of Galgate to the south than that of the north as Langshaw Lane could be said to denote the boundary between Galgate and Ellel.
- 7.13.3 Members are faced with a difficult decision. On one hand there is an impact associated with the development by a form of layout that is not entirely characteristic of the village and it is accepted that there would be localised harm to the setting of the church, but it is providing for a form of development that is much needed within the district. As is noted within this report, the proposal cannot support any affordable housing provision and therefore the applicant asserts that to develop the scheme before members, it does require the number of units (as a minimum), based on the footprint of this planning application. In terms of the scheme before Members what needs to be considered is whether the provision of 32 bungalows and meeting the needs of an older generation is sufficient to outweigh the harm to the landscape associated with the development. The case officer is supportive of the provision of bungalows, and it is considered that the development complies with Policy DM45 of the Development Management DPD, however there is some conflict with Policy E4 of the Lancaster City Local Plan and with Policies DM35 and DM42 of the Development Management DPD.

8.0 Planning Obligations

- 8.1 The scheme is recommended for refusal. However, should Members seek to support the scheme it is recommended that the following is secured by legal agreement (of which the applicant is amenable to):
- Restriction of the bungalows to occupants over the age of 55; and
 - Long term maintenance of non-adopted highways, drainage, open space and landscaping.

9.0 Conclusion

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

Recommendation

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

- 1 The development would encroach into the open countryside, with the eastern part of the development feeling divorced from the village and would fail to have regard to local distinctiveness by the inappropriate siting of dwelling houses which would have an adverse impact at the local landscape level. It is considered that the development fails to conform to Policy E4 of the Lancaster District Local Plan and Policies DM28, DM35 and DM42 of the Development Management DPD and Paragraph 127 of the Framework.

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

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

Background Papers

18/00335/FUL 12 November 2018 Committee Report

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

1.0 The Site and its Surroundings

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

2.0 The Proposal

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

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

- Three 1-bedroom unit;

- Sixteen 2-bedroom units;
- Thirteen 3-bedroom units

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

3.0 Site History

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

4.0 Consultation Responses

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

Consultee	Response
County Highways	Raise concerns. Concede that the development could be at the detriment of public safety, and the operation of the highway network as a whole, however planning conditions could be imposed to negate a highway objection to the scheme.
Local Plans Team	Whilst the site is located in a settlement where the Council would look to promote residential development, poor linkages to existing services and the current built form of the village together with wider infrastructure concerns raise significant issues for officers. Concerns in regards wider road network, its potential impact on the adjacent AQMA and wider Bailrigg Garden Village delivery.
Lead Local Flood Authority (LLFA)	Initially required additional information to allow for an informed opinion to be made with regards to soakaway sizing calculations, the maintenance of the soakaways and the design from exceedance flows. The applicant shared additional information with regards to the above, and the LLFA now raise no objection to the scheme.
United Utilities	No objection , and foul and surface water should be drained on separate systems and a surface water drainage scheme shall be conditioned.
Ellel Parish Council	Objection: Surface Water drainage and highway safety concerns associated with the scheme, and the view is that Galgate ought to retain its identity as a settlement and a community district from Lancaster, rather than subsumed into the latter.
Environmental Health Officers (Noise)	No objection as the noise assessment predicts the noise levels at the site, and with double glazing and trickle ventilation that the design criteria recommended within BS8233:2014 for acceptable sound levels will be met.
Environmental Health Officer (Air Quality)	Objection on the basis that the development will impact on the two AQMAs and in the absence of a required mass emission assessment of the proposed impact/mitigation and absence of sufficient mitigation to minimise the associated air quality impact.
Tree Protection Officer	No objection , however recommends a Tree Protection Plan is controlled by planning condition together with a landscaping scheme.
Natural England	No observations to make on the proposal
Public Realm Officer	No objection and the proposal provides for a good designation of natural and semi-natural open space. However, further details of how this will be maintain for public access is required. A development of this size is required to a minimum of 477m2 usable amenity space within the development. Offsite contributions of; £82,020 are required: <ul style="list-style-type: none"> • Outdoor Sports Facilities £28,908 • Equipped Play area £32,100 • Young People's Provision £12,840 • Parks and Gardens £8,172
Engineering Team	No observations received within the statutory timescales.
Conservation Officer	The proposal would lead to a level of harm on the setting and significance of designated heritage assets, St Johns Church and Galgate Silk Mill (Grade II). The level of harm is less than substantial. The proposal would also harm the setting and

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

5.0 Neighbour Representations

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

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

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

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

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

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

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

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

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraphs 7 to 10 Achieving sustainable development
 Paragraph 11 to 14 The Presumption in favour of sustainable development
 Paragraphs 47 to 50 – Determining applications
 Paragraphs 52 to 56 – Planning Obligations
 Paragraphs 59, 60, 62 – Delivering a sufficient supply of homes
 Paragraph 68 – Identifying land for homes
 Paragraph 74 – Maintaining supply and delivery
 Paragraphs 77 to 78 – Rural Housing
 Paragraphs 91, 92, 94, 96 and 98 – Promoting healthy and safe communities
 Paragraphs 102 to 103, 108 to 111 – Promoting sustainable transport
 Paragraphs 117 to 118, 122 to 123 – Making effective use of land
 Paragraphs 124, 127, 129, 130 - Achieving well-designed places
 Paragraphs 148, 155, 163 and 165 – Flood risk
 Paragraphs 170, 172, 175 - Conserving the natural environment/habitats and biodiversity
 Paragraphs 178 to 180, 182 - Ground Conditions and Pollution
 Paragraphs 189 to 192, 196, 197 and 200 – Conserving and enhancing the historic environment
 Paragraphs 205 to 206 – Facilitating the sustainable use of minerals
 Paragraphs 213 to 214 – Annex 1 Implementation

6.2 Local Planning Policy Overview – Current Position

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

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

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

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

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

6.3 Development Management (DM) DPD (2014)

DM20 – Enhancing Accessibility and Transport Linkages
 DM21 – Walking and Cycling
 DM22 – Vehicle Parking Provision
 DM23 – Transport Efficiency and Travel Plans
 DM25 – Green Infrastructure
 DM26 – Open Space, Sports and Recreational Facilities
 DM27 – The Protection and Enhancement of Biodiversity
 DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerows and Woodland
DM32 – The Setting of Designated Heritage Assets
DM33 – Development affecting Non-Designated Heritage Assets
DM34 – Archaeological Features and Schedule Monuments
DM35 – Key Design Principles
DM36 – Sustainable Design
DM37 – Air Quality Management and Pollution
DM38 – Development and Flood Risk
DM39 – Surface Water Run-Off and Sustainable Design
DM40 – Protecting Water Resources and Infrastructure
DM41 – New Residential Development
DM42 – Managing Rural Housing Growth
DM48 – Community Infrastructure

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

SC1 – Sustainable Development
SC4 – Meeting the Districts Housing Requirements

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

E4 – Countryside Area

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

Policy M2 Safeguarding Minerals

6.7 **Other Material Considerations**

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

7.0 Comment and Analysis

7.0.1 The proposal raises the following key considerations;

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

7.1 **Principle of Development**

- 7.1.1 Following the publication of the revised National Planning Policy Framework (NPPF) in July 2018 and the publication of the 2016 sub-householder projections in September 2018, Lancaster City Council has reviewed its 5 year housing land supply. Using the standard methodology as described in the Planning Practice Guide, the local housing need figure identified by the 2016 sub-householder projections and incorporating a buffer as required by NPPF, Lancaster District has a minimum annual requirement of 138 dwellings. Having undertaking a detailed assessment of the deliverability of all sites capable of delivering 5 or more dwellings (i.e. investigating sites for their suitability, availability and achievability for housing) to create a housing trajectory, Lancaster District can demonstrate a 5 year housing supply with 13.3 years identified. Whilst the NPPF has been revised, its overall direction has been maintained, with local authorities required to significantly boost the supply of homes in their area. It can only do this if it continues to approve appropriate housing schemes. Therefore just because Lancaster District can currently demonstrate a 5 year housing land supply, it does not mean that residential proposals should be refused planning permission unless material considerations indicate otherwise. Given the status of the development plan as a whole (as outlined in Paragraph 6.2 of this Committee report), the 'tilted balance' is still required to be undertaken by the decision maker.
- 7.1.2 The application site is situated on the northern periphery of the village of Galgate, which is a settlement where sustainable housing will be supported. This is enshrined in DM42 of the Development Management DPD, subject to the below criteria:
1. Be well related to the existing built form of the settlement;
 2. Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
 3. Be located where the environment and infrastructure can accommodate the impacts of expansion;
 4. Demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape; and
 5. Consider all other relevant policies,
- 7.1.3 Galgate continues to remain a sustainable rural village as part of the Councils emerging local plan (although limited weight can be attached to this), and therefore there is still a desire to focus sustainable housing within the village. Galgate has no settlement boundaries (nor do any of the villages within the Development Management DPD), but notwithstanding the above it could be argued that the site has more synergies with Ellet than with Galgate, as the Mill, Hillcroft House and the Church essentially form the boundaries of Galgate as the pattern of development to a linear form of development occurs north of the site. Ellet has a strong linear feel from Sill House in the south (immediately north of the application site) to Mallin Croft, and the Croft to the north, before arriving at Hazelrigg Lane, and then the University. The applicant engaged in the Council's pre-application advice service on a scheme of 56 dwellings consisting of a mixture of houses and bungalows. The scheme before Members therefore has been fundamentally amended to account for a lower density of properties, additional open space and ensuring a vista of the Church (St John the Evangelist – Grade II listed) when looking southwards from Chapel Lane is maintained. The advice shared in 2017 was essentially supportive of some form of development, but on a much reduced scale.
- 7.1.4 The scheme is for over 55's, and exclusively single storey bungalows. The Local Planning Authority are supportive of a scheme of bungalows, given the need for a relatively level site to accommodate single-storey living. Policy DM45 is especially relevant for this planning application, which concerns accommodation for older people which this application proposes, and the policy goes on to state that this has to meet the needs of older people and well located on a primary bus route, and convenient for local services and facilities and be wheelchair accessible and shall contribute to affordable housing in accordance.
- 7.1.5 The emerging local plan (whilst limited weight can be attached) is relevant for this application, as around 20 of the 32 units fall within the Policy SG1 (Broad Location for Growth Bailrigg Garden Village), SG3 (Infrastructure Delivery in South Lancaster), and T1.2 (Lancaster Park and Ride). It should be noted that the site falls outside of the Bailrigg Garden Village Broad Area of Growth allocation, however critically falls within land that is essentially being safeguarded as possible future use of any reconfigured Junction 33. One critical concern of officers is whether this scheme could

prejudice the future provision of an amended Junction 33 arrangement. As yet a route has not been chosen, nor have officers been privy to any future routes. No objection has been received from the County Council, who are Highway Authority for the district, and ultimately have had the opportunity to object to this development should they considered it prejudice the future alignment of a new road.

- 7.1.5 National Planning Practice Guidance provides useful commentary on the issue of prematurity. It states:

“Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process”.

- 7.1.6 When considering whether this particular development is premature (i.e. ahead of masterplanning the Bailrigg Garden Village), the two questions that need to be considered are:

- (a) Is the development proposed so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and,
- (b) Is the emerging plan is at an advanced stage (even though it is not yet formally part of the development plan for the area).

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

7.2 Housing need for older persons accommodation

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

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

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

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

- 7.2.4 There is a distinct lack of bungalow provision within the district and as previously stated, the Strategic Housing Officer is supportive of the provision of bungalows on the understanding that the layouts can ensure that accessible standards can be achieved. Officers have worked with the applicant's architects and agents and amendments have been made to the units. Progress has been made towards achieving Building Regulations Part M4(2) standards (essentially to ensure that people are able to access and use buildings and their facilities), but the applicant has requested should planning permission be approved they are amenable to a condition to allow for accessibility standards to be achieved. There is nothing before officers to suggest that this cannot be achieved here.
- 7.2.5 The principle of a scheme for over 55's is something that the Local Planning Authority are keen to support given the age demographic locally and nationally suggests that local authorities should plan to meet the ageing population. Officers are satisfied that it is possible to control the use of the properties to over 55 provision by means of planning obligation. With respect to location there is tension here as the site is circa 0.45km to the nearest bus stop and whilst Galgate has services it is circa 0.65 km to the Spar shop at the Galgate Crossroads. The site is not isolated by any stretch of the imagination, but footways are poor to say the least. Some off-site highway works are provided by this application which would assist with connectivity matters.
- 7.2.6 The application has been submitted on the basis that no affordable housing is being provided. This has been independently reviewed by Lambert Smith Hampton (LSH) and it has been concluded that based on the floor space of the development (i.e. because it's all bungalows), that it is not economically viable to provide any affordable homes on the site. This is naturally a disappointment given this is a greenfield site in the south of the district. However a specific type of residential unit is being provided for by this application which is catering for a specific demographic. Members should be aware that Paragraph 64 of the Framework requires that at least 10% of the homes should be affordable homes, however given the independent assessment that has been carried out it is not considered in this circumstance the provision of affordable housing could be catered for.
- 7.2.7 Through collaborative working with the applicant, the Local Planning Authority, and building control colleagues, a suite of properties have been proposed which Officers consider would meet the requirements of more adaptable living accommodation. As Members will be aware, many schemes across the district over the course of the last few years have been on sloping sites, none of these lend themselves to the provision of bungalows and therefore weight is attached to this site in so far as it can deliver the intended use of bungalows. On balance other than the locational tensions, it is considered that the scheme accords to Policy DM45 of the Development Management DPD.
- 7.3 Local Highway Infrastructure
- 7.3.1 The site would be accessed off Chapel Lane and there would be only one point of access/egress into the site. The access has been considered by County Highways to form a safe means of access/egress to facilitate the development. This is on the understanding that 2.4m x 25m visibility splays can be achieved, which can be conditioned as such, should members seek to support the scheme.
- 7.3.2 Chapel Lane connects to Hazelrigg Lane to the North, and Galgate to the south, and it is a route which is used by cars, cyclists and pedestrians, being very sinuous in nature and consisting of a number blind bends. This is heightened by parked cars particularly to the north of the site. Furthermore, Chapel Lane only has a limited amount of footway. The case officer has visited the site at different times of the day to assess the impact and there are a number of pinch points along its stretch. This is echoed within public comments also.
- 7.3.3 Members should be mindful of the extant consent for the conversion of the Galgate Silk Mill to student accommodation for 107 studio apartments (which was approved on appeal - 14/00989/CU), which will inevitably lead to a marked increase in Chapel Lane being utilised by students accessing the University (should the permission be implemented). The Inspector considered as part of that determination;

'Chapel Lane has direct easy access on foot or cycling to the University and is designated as an on-road cycle route. While the lane is narrow, the applicants uncontested evidence points out that improvements such as LED street lighting, traffic calming and parking restrictions have been carried

out. In addition I observed a footpath runs along part of its length. Against this backdrop, I consider that an increase in its use by occupiers of the proposal would be unlikely to compromise highway safety for those using the Lane'.

7.3.4 Whilst the County have not objected to the proposal they raise understandable concerns on the basis that the site does have limited access to day time public transport and the distance to the GP surgery would involve a car journey. But, equally, many of the districts sustainable villages do not have a doctors surgery (and across Lancashire and Cumbria for that matter). County Highways have raised concern with the rural roads, particularly those heading north towards the University. The County have stated that they consider a 20mph traffic regulation order for the whole stretch of Chapel Lane, together with gateway treatment and street lighting along its stretch should be put in place. County have also requested that blue advance informative signing 'Unsuitable for Long Vehicles' – to be situated on Chapel Lane at its junction with Chapel Lane and in the vicinity of the Silk Mill. A 2 metre wide footway along the frontage of the site tying into existing elements of the footway to west are also recommended.

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

7.4 Layout and Scale

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

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

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

7.5 Landscape Impact

- 7.5.1 The development will inevitably have an impact on the local character of the landscape, however the site does not benefit from any local or national landscape designation (albeit it is countryside allocation within the adopted and emerging local plan). Compared to the pre-application scheme there has been significant improvements to the layout and the applicant has taken on board some of the local authority's concerns and numbers have been reduced. There has been an honest attempt by the applicant to address the LPAs concerns, and this is welcomed.
- 7.5.2 It is clear that residents value the local landscape, and officers accept that the site has value in its own right. However it is not considered that the site is valued landscape for the purposes of the Framework, given it is not designated nor identified in the development plan or emerging development plan for its landscape quality.
- 7.5.3 Whilst dwelling numbers have dropped from the pre-application discussions, Officers had recommended a scheme quite linear (to respect the form of development to the north). When approaching the village from Langshaw Lane (passing underneath the M6 motorway bridge) you get clear views of the Church and also Silk Mill and the provision of single storey dwellings at the far western end of the site would work in this context from a landscape perspective (given the built form behind). There are concerns that plots 17-27 enter a different form of landscape setting, deeper into the open countryside (extending the site circa 75 metres eastwards). When viewing the site from Footpath 26, the built form of the site would extend into the open countryside and the development would cause an adverse visual effect from this viewpoint. Furthermore there are views from the M6 which is slightly elevated in comparison to the site, when travelling northbound there are clear views across the site with the Church and Mill prominent within the landscape. Single storey dwellings would help preserve the roofscape of the designated and non-designated heritage assets.
- 7.5.4 Officers feel that this incursion would represent an incongruous and intrusive form of development (given the context of the surrounding built and natural environment). The applicant has provided a significant amount of open space and landscaping notably around the boundary of the site. This would help soften the impact but the change would be one from a pastoral farming site to a housing development. Whilst the site is not valued landscape in terms of Paragraph 170 of the Framework, the proposed development would result in adverse impacts to the landscape. This would result in significant harm to the character and appearance of the site and surrounding area, and would conflict with Policies E4 of the Lancaster City Local Plan and Policies DM35 and DM28 of the Development Management DPD.

7.6 Cultural Heritage

- 7.6.1 The site is adjacent to, and behind St Johns Church (Grade II) and is within the vicinity of Ellel House (Grade II) and Galgate Silk Mill (Grade II). The setting of the church is complemented by the application site and the immediate rising topography behind the Church, which accentuates its semi-rural location and designed prominence. The proposal would result in the infill of an open plot of land which divides Galgate and Ellel, and these open fields do make a valuable and positive contribution to the setting and significance of St Johns Church. The proposal would surround the church, and impact on the views that currently exist to it, notably from Chapel Lane, Langshaw Lane, A6 and M6 Motorway. The Conservation Officer also raises concerns that the development could result in detract from the architectural interest of the Grade II Silk Mill when viewed from the M6 and Langshaw Lane.
- 7.6.2 The Conservation Officer has raised concern that the designed layout will not relate to the grain of Ellel and Galgate, and there are concerns that the mixture of hipped and gabled roofs in an arts and crafts style may not be the most sympathetic form of development. There are concerns that the proposal could erode the designed prominence of St Johns Church and the Galgate Silk Mill and could detract from the distinct linear and fine grain settlement character. The Conservation Officer is unable to support the proposals as the scheme would result in a level of harm, considered to be less than substantial, but this has not been outweighed or mitigated by the layout, architectural design or landscaping. The Conservation Officer has some concern that in addition to the two listed

buildings that the scheme will also harm the setting and significance of surrounding non-designated heritage assets, notably Sill House and Leatside.

- 7.6.3 Officers consider that the development would lead to a level of harm to the setting of the Grade II listed church together to a lesser extent the Mill building, and this would be less than substantial harm in this case. In considering the planning balance required by Paragraph 196 of the Framework it is accepted and well established that any harm to the setting of a heritage asset shall be given great weight. Against this harm the public benefits of the scheme need to be considered.
- 7.6.4 The proposal is for 32 bungalows specially defined for over 55s and this would make a valued contribution to the supply of housing within the district and would specifically assist in meeting local housing needs, on a site that given its gradient is conducive to the provision of level access to bungalows. There would be minor benefits associated with the development contributing to local construction jobs and supporting local building trades, albeit that this would be for a temporary period. Future occupants would also support businesses and facilities within the local area. These benefits weigh in favour of the proposal. Weaknesses of the proposal include the absence of affordable housing and the incursion beyond the established boundaries/linear form of the existing settlement, as defined by the current proposed layout.
- 7.6.5 In the context of Paragraph 196 of the Framework and taking into account of the weight attached to the public benefits identified, officers consider that when taken as a whole they outweigh the less than substantial harm to the significance of St Johns Church. It is accepted that there would be a change in setting for Leatside and Sill House however given the set back of the properties this would still allow views of the non-designated heritage assets to be appreciated.
- 7.6.6 The views of Lancashire Archaeological Advisory Service (LAAS) has been sought on the application who raise no objection although state that the block of farmland immediately north of the Church of St John has some potential for as yet unknown buried archaeological remains to exist, but the probability is low. LAAS recommend that a planning condition associated with investigations for buried remains, and can be made as a condition of any planning consent granted.

7.7 Natural Environment

- 7.7.1 The application is accompanied by an ecological appraisal and it is acknowledged that the site is relatively large, however is dominated by species poor agricultural grassland which is not of a high ecological value. Greater Manchester Ecological Unit raise no objection, however recommend planning conditions associated with a construction management plan for the protection of amphibians, securing an appropriate landscaping scheme, protection and enhancement of trees and hedgerows and also controlling external lighting associated with the development shall not to illuminate potential bat habitat (such as hedgerows and trees). These are matters which are considered could be secured by means of planning condition should members resolve to support the scheme. On this basis it is considered that the proposal accords with the aims of Paragraph 170 of the Framework.
- 7.7.2 The application is supported by an Arboricultural Implications Assessment which details that 25 metres of hedgerow will be required to be removed along the frontage of the site to accommodate the new access and visibility splays. For a distance of 5 metres either side of the access there would be a requirement to maintain the hedgerow no greater than 1 metre to provide for safe access and egress. There is an existing hedgerow that runs through the centre of the site which is mostly retained but three relatively short stretches of hedgerow will be removed to facilitate the development. The tree protection officer is supportive of the development given there are significant new opportunities for tree planting and a mix of native and exotic tree planting should be incorporated into the overall design.

7.8 Air Quality

- 7.8.1 The site is located outside of the Galgate Air Quality Management Area however it is expected that vehicles would naturally pass through this. The application is accompanied by an Air Quality Assessment, and a damage cost calculation concludes that £5,477.69 should be spent on mitigation to counteract the damages to air pollution from the proposed development. Given this the applicant

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

7.9 Noise

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

7.10 Drainage Matters

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

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

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

7.11 Open Space

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

7.12 Other Matters

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

7.13 Planning Balance

- 7.13.1 Whilst the local authority possesses a 5 year housing land supply, the Council do not have an up to date local plan and therefore the tilted balance is engaged, whereby applications should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. The Framework is supportive of a mix of accommodation to meet future needs as it is about protecting landscape and historic assets. Whilst the scheme is a wholly open market scheme it does provide a unique form of housing exclusively of bungalows for an aging population. The applicant during the course of the application process has worked with Officers to adapt the dwellings to allow them to be accessible and adaptable dwelling standards. Whilst some further work is required in this regard, these changes can be controlled by use of planning condition. The applicant has engaged positively with the Local Planning Authority with respect to these amendments, and weight is attached to the provision of older person's accommodation in particular bungalows.
- 7.13.2 Critically since the planning application was submitted there has been a change in policy direction with the site, and whilst the proposal still lies within the Countryside Area and therefore has no local landscape designation, it still holds local landscape value. The form of development proposed is somewhat out of keeping with the linear settlement pattern form of Ellel to the north although has stronger synergies to that of Galgate to the south than that of the north as Langshaw Lane could be said to denote the boundary between Galgate and Ellel.
- 7.13.3 Members are faced with a difficult decision. On one hand there is an impact associated with the development by a form of layout that is not entirely characteristic of the village and it is accepted that there would be localised harm to the setting of the church, but it is providing for a form of development that is much needed within the district. In terms of the scheme before Members what needs to be considered is whether the provision of 32 bungalows and meeting the needs of an older generation is sufficient to outweigh the harm to the landscape associated with the development. The case officer is supportive of the provision of bungalows and it is considered that the development complies with Policy DM45 of the Development Management DPD, however there is some conflict with Policy E4 of the Lancaster City Local Plan and with Policy DM42.

8.0 Planning Obligations

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

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

9.0 Conclusions

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

Recommendation

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

- 1 The development would encroach into the open countryside, with the eastern most part of the development feeling divorced from the village and would fail to have regard to local distinctiveness by the inappropriate siting of dwelling houses which would have an adverse impact at the local landscape level. It is considered that the development fails to conform to Policy E4 of the Lancaster City Council Local Plan and Policies DM28, DM35 and DM42 of the Development Management DPD and Paragraph 127 of the Framework.

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

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

Background Papers

None

Agenda Item A6	Committee Date 4 February 2019	Application Number 18/01440/VCN
Application Site 21-25 North Road Lancaster Lancashire LA1 1NS	Proposal Phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising 32 studios, one 3-bed, two 5-bed cluster flats (C3), four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis) and gym area with associated internal and external alterations, erection of two 2-storey rear extensions, associated landscaping and car parking and Relevant Demolition of existing rear extensions (pursuant to the variation of condition 2 of planning permission 16/00274/FUL to vary the approved plans to cater for reduction in roof lights, provision of louvre grills and amendments to the layout, to provide for 32 studios, two 2-bed (C3) six 8-bed and one- 9 bed cluster flats (Sui Generis) and amendments to condition 11 to provide for an amended material schedule together with amendments to condition 15 to provide for an amended material schedule for the hard and soft landscaping)	
Name of Applicant Mr John Clarke	Name of Agent Mr Sean Smith	
Decision Target Date 20 February 2019	Reason For Delay Not applicable	
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 northern fringes of Lancaster City Centre in the Waring and Gillow's Showroom building, which is a 19th Century Grade II Listed building of coursed, dressed sandstone with ashlar dressings. Its original use was as furniture showrooms and offices constructed in 1882 and altered in the 20th Century, and was in active use for furniture sales and manufacture until its closure in 1962. Until recently the property accommodated the Livingwoods furniture store, but they have sought alternative premises. The premises have also been used recently as a nightclub and bar (in a number of different guises). The site is located to the east of North Road and is bound by other buildings to the north-east (including The Yorkshire Taps public house) and a further building to the south west. To the east lies the Sugarhouse Nightclub and beyond this the Grade II Listed St Leonards House. To the west is North Road with a car park beyond this. Development commenced on the site in 2018 and works have included the demolition of the stair towers and stripping the building internally.

- 1.2 The proposal sits within the Lancaster Conservation Area (Canal Corridor North character area) and within the Central Lancaster Heritage Action Zone. The site falls within Flood Zone 2 and sits within the Lancaster Air Quality Management Area.

2.0 The Proposal

- 2.1 The application is made under Section 73 of the Town and Planning Act and the scheme proposes some modifications to the external façades of the building and also internally to facilitate development. The studios on the uppermost floor remain consistent with the approved plans but the scheme has been amended to provide for 2 3-bedroom cluster flats, 6 8-bedroom cluster flats and 1 9-bedroom cluster flat. The number of bedrooms provided under the extant planning consent totals 99. This application seeks to reduce this to 96 units owing to there being one less cluster flat compared to the original permission.

The external changes include:

- The extent of the proposed roof lights has been reduced along the apex of the roof;
- New solid wall construction forming the rear extension to be finished in render (in lieu of stone);
- Reduction in the extent of fabric removal and glazing to the rear entrance;
- Additional louvre grills for the building ventilation system, including a small vent over the corner rear entrance doors;
- Slight amendment to the curtain wall mullions with the addition of a horizontal bar for the opening light and to correspond with the internal ceiling level; and
- Retention of metal grills over the stained glass window on the rear elevation.

The changes internally are:

- Removal of a stud partition within the entrance;
- Changes to the 2nd floor layout including amendments to the feature stair, reconfiguration of some studio apartments;
- Changes to the ground and first floor layouts include redesign of the stairs, all living spaces located to the main level and omission of these at mezzanine level. In addition at ground floor the common areas have been relocated and some additional openings are shown in Flat 1.

The approval allowed for the phasing of the building. However the applicant is now seeking to undertake the works as a single entity.

3.0 Site History

- 3.1 The relevant site history is noted as per the below:

Application Number	Proposal	Decision
17/00770/RCN	Phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising 32 studios, one 3-bed, two 5-bed cluster flats (C3), four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis) and gym area with associated internal and external alterations, erection of two 2-storey rear extensions, associated landscaping and car parking and Relevant Demolition of existing rear extensions (pursuant to the removal of condition 18 on planning permission 16/00274/FUL to remove the need to undertake pre-occupation noise monitoring)	Refused (Approved on Appeal)
16/00274/FUL	Phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising 32 studios, one 3-bed, two 5-bed cluster flats (C3), four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis) and gym area with associated internal and	Approved

	external alterations, erection of two 2-storey rear extensions, associated landscaping and car parking and Relevant Demolition of existing rear extensions	
16/00275/LB	Listed building application for internal and external alterations to facilitate the phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising 32 studios, one 3-bed, two 5-bed cluster flats (C3), four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis) and gym area, erection of two 2-storey rear extensions and demolition of existing rear extensions	Approved

4.0 Consultation Responses

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

Consultee	Response
Historic England	No observations to make on the application
Conservation Officer	No objection to the proposed amendments
Lancashire Archaeological Advisory Services	No objection to the proposed variations
Lancaster University Students Union	No observations to make on the application

5.0 Neighbour Representations

5.1 No representations have been received in relation to the planning application.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Section 4 – Decision Making

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 the first quarter of 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council in late 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
SC4 – Meeting the District's Housing Requirement
SC5 – Quality in Design

6.4 Development Management DPD

DM1 – Town Centre Development
DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking & Cycling
DM22 – Vehicle Parking Provision
DM23 – Transport Efficient and Travel Plans
DM30 – Development affected Listed Buildings
DM31 – Development affecting Conservation Areas
DM32 – Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM36 – Sustainable Design
DM37 – Air Quality
DM38 – Development and Flood Risk
DM39 – Surface Water Run-Off and Sustainable Drainage
DM40 – Protecting Water Resources
DM46 – Accommodation for Students
Appendix B – Car Parking Standards
Appendix D – Purpose Built and Converted Shared Accommodation
Appendix F – Studio Accommodation

7.0 Comment and Analysis

7.1 The application generates the following considerations

- Principal of Development;
- Heritage Considerations; and
- Amenity Considerations.

7.0.1 Principal of Development

7.1.1 Conversion of the Gillows building into student accommodation commenced in 2018. Development is well underway with an anticipated acceptance date for students in September 2019. The proposal maintains the number of studios that was provided as part of the original grant of planning consent, but the scheme has been amended to provide for a different number and configuration of cluster flats. Regardless of this change, the principle of development of the site for student accommodation is established and the mix is considered acceptable.

7.2 Amenity Considerations

7.2.1 With respect to the cluster flats, the bedrooms all adhere to the Council's standards of providing 11 square metres or more of useable floorspace, and the living accommodation for each flat is also considered acceptable. On the whole the outlook for occupiers is acceptable, although there are some rooms, notably on the side elevations of the building, which are impaired given the built form to the north and south. However, as considered with the original grant of consent the benefit of bringing the building back into use outweighs these concerns.

7.2.2 A major consideration of the proposal previously was in relation to noise emanating from the Lancaster University Student Union nightclub 'The Sugarhouse'. Colleagues in Environmental

Health have previously raised no objection to the scheme. Conditions should be imposed in terms of ensuring the development is constructed in accordance with the approved noise report and therefore this is considered acceptable.

7.3 Heritage Matters

- 7.3.1 The Gillows is a Grade II Listed building and the original scheme retained and replaced the existing roof lights that run the full length of the roof. Officers were keen to retain this element given the roof lights have value in understanding the past use of the building for furniture manufacturing, as natural light would have been required to facilitate the manufacture of furniture. The form now is for these to be replaced and clustered together as 3 large sections of roof lights, rather than split into a smaller number of roof lights. The case officer continues to have some reservations, but no objection has been received from the Council's Conservation Officer. Nevertheless, a condition should be imposed regarding roof lights.
- 7.3.2 The revision from stone to render for the external walls associated with the amenity area do raise some concerns, though Officers are amenable to the change on the provision that stone coping is included, which the applicant is amenable to. The side elevations of the proposed glazed façades are now proposed to be ashlar stone panels, with panel joints and this can be found acceptable.
- 7.3.3 The elaborate stained glass window on the rear elevation is currently protected via metal grills. The applicant wishes to retain these to protect the feature. Officers are aligned with the applicant in this regard, and therefore it is considered reasonable to retain them. The rear entrance opening has also been reduced as the original scheme required a substantial temporary propping solution. The solution now is to keep a central section of the wall in place and then glaze each side. Whilst views into the amenity area will be reduced, it is considered that overall the scheme is acceptable to Officers.

7.4 Other Matters

- 7.4.1 A number of conditions were imposed on the original grant of consent. It is necessary and reasonable to impose these again to ensure that the development is undertaken in accordance with the approved detail. The original consent provided for the development to be phased, but the applicant has confirmed the works will now be undertaken as a single entity.
- 7.4.2 There is still ongoing work being undertaken with respect to contaminated land and the applicant's engineers are working with the Council's Contaminated Land Officer in this regard. There is an approved written scheme of investigation and this has been discharged in part - the reporting will need to be submitted in advance of occupation of the building. There are a number of planning conditions that still require information to be submitted namely material samples, flood evacuation procedures, refuse and cycle storage, bus stop improvement, security and landscaping. However, these can be re-imposed on this consent. The applicant has been liaising with the Air Quality Officer and amended plans in this regard were submitted in January 2019. Observations are awaited.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 The changes proposed by this submission are considered relatively modest and in design terms adopt the spirit of the approved scheme. It is considered that an acceptable standard of living space is provided, taking into account the common room, private dining areas and amenity buffer areas. On balance no objection is offered to the proposed amendments, and with this, it is recommended to Committee Members to support the scheme subject to the planning conditions listed below.

Recommendation

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

1. Development in accordance with approved plans
2. Development in accordance with the approved construction method statement

3. Development in accordance with the approved contaminated land survey
4. Development in accordance with the approved Written Scheme of Investigation and works to be recorded
5. Development in accordance with the protection measures for the Mill Race
6. Development in accordance with the approved surface water drainage detail
7. Development in accordance with the approved foul water drainage measure
8. Development in accordance with the approved ventilation scheme
9. Development to be undertaken in accordance with a Flood Evacuation Procedure system
10. Building materials
11. Details of refuse arrangements and cycle provision to be provided
12. Upgrade to the bus stop Waring and Gillows – North Road
13. Development to be undertaken in accordance with the approved security measures
14. Finished Floor Levels as detailed within the Flood Risk Assessment
15. Building to be undertaken in accordance with PDA Noise Report
16. No Phase of the development to be occupied or brought into use until the specifications and sound insulation requirements set out in the condition above
17. Restriction to student use only

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

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

Background Papers

None.

Agenda Item A7	Committee Date 4 February 2019	Application Number 18/01484/LB
Application Site 21-25 North Road Lancaster Lancashire LA1 1NS	Proposal Listed building application for internal alterations consisting of the provision of mezzanine floors, new stud walls, amendments to the feature stairs, and external alterations consisting of the provision of new windows, doors, louvre grills and roofing material and roof lights, erection of two 2-storey rear extensions and demolition of existing rear extensions	
Name of Applicant Mr John Clarke	Name of Agent Mr Sean Smith	
Decision Target Date 16 January 2019	Reason For Delay Committee Cycle	
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 northern fringes of Lancaster City Centre in the Waring and Gillow's Showroom building, which is a 19th Century Grade II Listed building of coursed, dressed sandstone with ashlar dressings. Its original use was as furniture showrooms and offices constructed in 1882 and altered in the 20th Century, and was in active use for furniture sales and manufacture until its closure in 1962. Until recently the property accommodated the Livingwoods furniture store, but they have sought alternative premises. The premises have also been used recently as a nightclub and bar (in a number of different guises). The site is located to the east of North Road and is bound by other buildings to the north-east (including The Yorkshire Taps Public House) and a further building to the south west. To the east lies the Sugarhouse Nightclub and beyond this the Grade II Listed St Leonards House. To the west is North Road with a car park beyond this. Development commenced on the site in 2018 and works have included the demolition of the stair towers and stripping the building internally.
- 1.2 The proposal sits within the Lancaster Conservation Area (Canal Corridor North character area) and within the Central Lancaster Heritage Action Zone. The site falls within Flood Zone 2 and sits within the Lancaster Air Quality Management Area.

2.0 The Proposal

- 2.1 Listed building consent already exists under application 16/00275/LB and was implemented in 2018. This provided for the removal of the two existing stair towers to the rear, replacement windows and roof, replacement of defective stonework, repair of rainwater goods, replacement roof light and sealing of basement vents. To facilitate the introduction of two glazed extensions to the rear there would need to be the removal of stone lintels, transoms, mullions and sills to allow for bedroom space to be extended.

2.2 Internally, the permission provided for the removal of partitions, suspended ceilings, raised floors and floor finishes associated with the nightclub use, the provision of mezzanine floors at ground, first and second floors, removal of timber panelling beneath the main stair to facilitate the new rear entrance and insertion of new stairs to first and second floors. To the rear a new glazed access would be created.

2.3 This application proposes the following internal, and external changes, over and above that approved as part of the extant listed building consent (16/00275/LB).

External changes include:

- The extent of the proposed roof lights have been reduced along the apex of the roof;
- New solid wall construction forming the rear extension to be finished in render (in lieu of stone);
- Reduction in the extent of fabric removal and glazing to the rear entrance;
- Additional louvre grills for the building ventilation system, including a small vent over the corner rear entrance doors;
- Slight amendment to the curtain wall mullions with the addition of a horizontal bar for the opening light and to correspond with the internal ceiling level;
- Retention of metal grills over the stained glass window on the rear elevation.

The changes internally include:

- Removal of a stud partition within the entrance;
- Changes to the 2nd floor layout include amendments to the feature stair, reconfiguration of some studio apartments;
- Changes to the 1st floor and ground floor layouts include redesign of the stairs, all living spaces located to the main level and omission of these at mezzanine level. In addition at ground floor the common areas have been relocated. Some additional openings are shown in Flat 1.

3.0 Site History

3.1 The most relevant permissions are noted below.

Application Number	Proposal	Decision
17/00770/RCN	Phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising 32 studios, one 3-bed, two 5-bed cluster flats (C3), four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis) and gym area with associated internal and external alterations, erection of two 2-storey rear extensions, associated landscaping and car parking and Relevant Demolition of existing rear extensions (pursuant to the removal of condition 18 on planning permission 16/00274/FUL to remove the need to undertake pre-occupation noise monitoring)	Refused (Approved on Appeal in 2018 with costs awarded to the applicant)
16/00274/FUL	Phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising 32 studios, one 3-bed, two 5-bed cluster flats (C3), four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis) and gym area with associated internal and external alterations, erection of two 2-storey rear extensions, associated landscaping and car parking and Relevant Demolition of existing rear extensions	Approved
16/00275/LB	Listed building application for internal and external alterations to facilitate the phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising 32 studios, one 3-bed, two 5-bed cluster flats (C3), four 7-bed, two 8-bed and one 9-	Approved

	bed cluster flats (sui generis) and gym area, erection of two 2-storey rear extensions and demolition of existing rear extensions	
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4.0 Consultation Responses

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

Consultee	Response
Historic England	No observations to make on the application
Conservation Officer	No objection to the proposed amendments.
National Amenities Society	No response within the statutory timescales
Lancashire Archaeological Advisory Service	No objection

5.0 Neighbour Representations

5.1 At the time of drafting this report no representations have been received to the Listed Building application.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Section 4 – Decision Making

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

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

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

6.3 Development Management Development Planning Document

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

7.0 Comment and Analysis

7.0.1 The NPPF states that when considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the asset's conservation. Similarly, the local planning authority in exercising its planning function should have regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states *"In considering whether to grant planning permission for development which affects a Listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. Paragraph 192 of the NPPF seeks to express the statutory presumption set out in S66(1) of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give special weight to the desirability to preserve the heritage asset.

7.1 External Alterations

7.1.1 The proposed amendments to the façade fronting North Road consists of replacing the existing timber sash windows/later louvres with replacement thin frame powder coated metal windows with acoustic glazing in a yale grey colour with top hung casement opening lights. Whilst the windows do not look to replicate timber casings, the steel windows are considered appropriate, though a condition should be imposed requiring precise details, including a further cross section of the windows showing the relationship with the additional glazing required. The entrance which used to serve Mojos/Toast is proposed to be reinstated with the original window fenestration together with repairs to the building include re-roofing (with slate), patch repointing and stonework repair, and repairs to rainwater goods. All these works are considered acceptable and would help preserve the building.

7.1.2 To the rear elevation there would be significant changes with the two external stair towers being removed to make way for two new glazed extension (these have been removed in association with Listed building consent 16/00275/LB). However, to facilitate this there would need to be alterations to the existing windows to create door openings from the proposed bedrooms into the new extension. The loss of original stone mullions, sills (and the wall beneath the sill) and transoms are considered harmful to the building. However, this does not amount to substantial harm. The glazed extensions to the rear of the Gillows are considered to be complementary and innovative to the existing building.

7.2 Internal Alterations

7.2.1 The building was heavily modified to be used as a nightclub and bar and the proposal involves a large degree of removal of the later partitions/suspended ceilings. It is considered that the original building's fabric will be revealed by some of these removals (such as revealing the impressive stained glass window to the rear of the building which is proposed to be protected as part of this application). Mezzanine floors are proposed on the ground, first and second floor. Inevitably the new mezzanine floors will have some impact on the historic fabric and notably the transom panel that is proposed on the first floor mezzanine windows. This is proposed to be 110mm deep and on balance whilst there would be some harm created by the introduction of this panel it would not amount to substantial harm. The development would include partition walls to create studios and cluster flats, and therefore the openness of the building would be lost as a result of this development.

7.2.2 To facilitate access, the alteration works within the main entrance would involve the opening up of previously blocked openings, revealing mullioned windows within the rear wall. There will be a need to removal a limited amount of timber panelling beneath the main stairs. However, the applicant is amenable to relocating the panelling elsewhere within the building. This is seen as appropriate and could be conditioned as such. The cast iron columns and internal window surroundings will be retained as part of this development.

7.3 Amendments proposed as part of this application in comparison to 16/00275/LB

- 7.3.1 The Gillows is a Grade II Listed building and the original scheme retained and replaced the existing roof lights that run the full length of the roof. Officers were keen to retain this element given the roof lights have value in understanding the past use of the building for furniture manufacturing, as natural light would have been required to facilitate the manufacture of furniture. The form now is for these to be replaced and clustered together as 3 large sections of roof lights, rather than split into a smaller number of roof lights. The case officer continues to have some reservations but no objection has been received from the Council's Conservation Officer. A condition should be imposed regarding roof lights.
- 7.3.2 The revision from stone to render for the external walls associated with the amenity area do raise some concerns, though Officers are amenable to the change on the provision that stone coping is included, which the applicant is amenable to. The side elevations of the proposed glazed façades are now proposed to be ashlar stone panels, with panel joints, and this can be found acceptable.
- 7.3.3 The elaborate stained glass window on the rear elevation is currently protected via metal grills. The applicant wishes to retain this to protect the feature. Officers are aligned with the applicant in this regard, and therefore it is considered reasonable to retain the grills. The rear entrance opening has also been reduced as the original scheme required a substantial temporary propping solution. The solution now is to keep a central section of the wall in place and then glaze each side if this. Whilst views into the amenity area will be reduced it is considered that overall the scheme is acceptable to Officers.

7.4 Overall considerations

- 7.4.1 On balance, whilst there would be harm to the rear of the building to facilitate the glazed links it is considered that this would not amount to substantial harm and it is considered the development would help to seek to preserve and enhance the Conservation Area in accordance with Policies DM30, DM31 and DM32 of the Development Management DPD. The less than substantial harm caused by the proposal is outweighed by the public benefits of the scheme, including finding a viable and sustainable use for the future of an important and impressive Listed building in the city centre.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 The principle of this form of development was approved under 16/00275/LB and it is considered that the minor changes associated with this Listed building application do not undermine, or harm the building to a greater degree than was previously the case. The proposal does generate harm but this is considered to be less than substantial harm, and therefore the test is whether the public benefits of the scheme outweigh the harm caused by the interventions to the building. The key public benefits include bringing the impressive Grade II Listed building back into use and also providing student accommodation in a sustainable location. It is considered that the benefits associated with the scheme outweigh the harm. Officers recommend support of the scheme subject to the planning conditions as noted below.

Recommendation

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

1. Timescales
2. Approved Plans
3. Written Scheme of Investigation – Archaeology
4. Materials (staircase protection measures, schedule of repairs to plasterwork, transom panels to mezzanine, structural steelwork and cast iron columns)
5. Materials (Windows, doors, rainwater goods, roof-lights, external vents and extraction, glass façade materials, materials, lintels, cills and details of lime putty, retention of stained glass)

6. Materials (Stonework repairs, replacement roof, windows and transom, removal of cage, cleaning method, surfacing material for rear amenity space)
7. Materials (Doors, staircase, transom panels, mezzanine floors)

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
A8		4 February 2019	18/01363/VCN
Application Site Land Adjacent To Bulk Road Lancaster Lancashire		Proposal Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping (Pursuant to the variation of condition 7 on planning permission 17/01413/VCN to allow for an amended offsite highway scheme)	
Name of Applicant Eric Wright Construction		Name of Agent Mr Ed Flood	
Decision Target Date 22 January 2019		Reason For Delay Officer Workload and Planning Committee Cycle	
Case Officer		Mr Mark Potts	
Departure		No	
Summary of Recommendation		Approval (on the assumption of a resolution with the Highway Authority regarding the precise amended wording for condition 7).	

1.0 The Site and its Surroundings

- 1.1 The development site is located to the north of Lancaster city centre located between Back Caton Road and Bulk Road, and the site area is in the region of 0.9 hectares. Planning consent was granted in January 2017 for a new student village and amended in January 2019 under application 18/00820/FUL. The site which was previously scrubland; formally accommodating the K-Shoes factory and a vehicle dismantler. To the west of the site lies Back Caton Road with industrial development beyond this in the form of the Dana car wash, carpet shop and laundry cleaning business, together with Kingsway Retail Park. To the far north of the site lies residential properties and beyond this is the former bus depot apartment block (eight storeys in height), and properties on Bulk Road and Gladstone Terrace are located to the west of the proposal. To the south lies Bulk Road beyond which is the former Crown Inn on St Leonards Gate, adjacent to this is St Leonards Court (retirement apartments) and Britten Hall, and a computer shop. Parliament Street Retail Park is located to the south.
- 1.2 The site is somewhat of an island positioned between two highways. The southern half of the site is about 60 metres wide and 120 metres in length, and the northern part of the site is narrower at around 22 metres in width and 90 metres in length. It is bound by an alleyway to the rear of the existing two storey terraced properties on Bulk Road. The site has challenging topography, and rises steeply from east to west with the highest part of the site being approximately 13.5m Above Ordnance Datum (AOD) and the low point (running adjacent to Caton Road) is 7m AOD.
- 1.3 A small sliver (circa 5% of the site area) of the western boundary (adjacent to Caton Road) falls within Flood Zones 2 and 3, and the development falls within the Lancaster Air Quality Management

Area. There is a group of trees subject to a Tree Preservation Order on the far northern aspect of the site under Order 387 (2006), which relates to the trees within the embankment.

- 1.4 There are no Listed Buildings or Scheduled Ancient Monuments located within the development site, and the development does not fall within the Lancaster Conservation Area. The Grade II* Listed 38-42 Parliament Street are located 60 metres to the west of the proposal, and Skerton Bridge which is Grade II* Listed and a Scheduled Ancient Monument is located 100 metres to the west of the proposal. The nearest Grade II Listed building is the Crown Inn on St Leonards Gate (85m to the south of the site). The Lancaster Conservation Area is located 130m to the south of the proposal and Gladstone Terrace, Ridge Street, Green Street, Hinde Street and Albion Street are all locally designated heritage assets.
- 1.5 There was formerly a Public Right of Way (Footpath 25 which entered the site from the west) which since planning permission was granted under 16/01084/FUL was stopped up under Section 257 of the Town and County Planning Act, and this is likely to have been associated with the previous use as a shoe factory as it did not lead to the other side of Bulk Road. The River Lune Biological Heritage Site (BHS) is located to the west of the proposed development being located 170 metres away and the Morecambe Bay RAMSAR, Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) is located 2.5km away.

2.0 The Proposal

- 2.1 A planning application under application 16/01084/FUL was granted consent in January 2017 for the erection of a new student village (as amended under application 17/01413/VCN). It was a conditional consent, and one of the conditions related to a scheme for off-site highway works:

'Notwithstanding the details submitted, within 6 months of the date of this decision notice a scheme for the construction of off-site highway improvement works as shown conceptually on drawing: External Highway Works Servicing Arrangements drawing number SK21654-001 Revision D (25th November 2016) shall be submitted to, and approved in writing by, the local planning authority in consultation with the Highway Authority. For the avoidance of doubt, and in addition to those measures as contained on the plan the scheme shall include;

- o Relocation of residents parking to the eastern side of Bulk Road including the removal of the short stay parking to provide vehicle access and the loading bay;*
- o Bus Boarding Area and bus stop improvement on Bulk Road;*
- o Shared space treatment at the junction of Bulk Road and St Leonards Gate including kerb realignment and extension of footways;*
- o The various servicing areas (including loading bays);*
- o Provision of footway on Caton Road;*
- o Measures to control vehicle speeds to include traffic calming measures on St Leonards Gate;*
- o Extension of the footways, pedestrian crossing facilities (to include dropped kerb, tactile paving and push button facilities) together with the extension of the footway provision to provide continuous level surface for pedestrians, including the retention of the left turn closure from Caton Road.*

No part of the development hereby approved shall be occupied until the approved off-site highway works are constructed and completed in accordance with the agreed scheme details, unless an alternative timetable for implementation has first been agreed with the local planning authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site, in the interests of highway safety and to encourage sustainable transport modes.

- 2.2 The applicant seeks to amend the wording of the condition as proposed below:

'Notwithstanding the details submitted, a scheme for the construction of off-site highway improvement works shall be submitted to, and approved in writing by the local planning authority in consultation with the highway authority. For the avoidance of doubt the scheme shall include:

- The various servicing areas (including loading bays);*
- Provision of footway on Caton Road;*

- *Extension of footways, pedestrian crossing facilities (to include dropped kerb, tactile paving, and push button facilities) together with the extension of the footway provision to provide continuous level surface for pedestrians, including the retention of the left turn closure from Caton Road.*

3.0 Site History

3.1 The most relevant planning history is detailed below.

Application Number	Proposal	Decision
18/00820/FUL	Erection of four buildings up to six storeys in height to create student accommodation comprising fourteen two bedroom apartments (C3), 19 shared townhouses (sui generis), with ancillary communal facilities, new vehicular and pedestrian accesses, car parking, servicing bays, retaining walls and structures, public realm and landscaping	Approval at 7 January 2019 Planning Committee
17/01413/VCN	Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping (Pursuant to the variation of condition 2 on planning permission 16/01084/FUL to amend the approved plans relating to the fenestration of Blocks A, C1 and C2; and Block B from a pitched to flat roof, and condition 4 with respect to modification to the pedestrian route across the site and amendment to the phase 1 vehicular and pedestrian access)	Approved
16/01084/FUL	Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping.	Approved
15/01622/PRETWO	Erection of a student village	Advice Provided

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection in principle to the applicant's proposal subject to modifications to the existing Traffic Regulation Order on Bulk Road and the re-introduction of the bus boarding area and bus stop improvements on Bulk Road.

5.0 Neighbour Representations

5.1 No representations have been received in respect of the scheme.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Section 2 – Delivering sustainable development
 Section 4 – Decision Making
 Section 8 – Promoting healthy and safe communities
 Section 9 – Promoting sustainable transport
 Section 11 – Making effective use of land
 Section 12 – Achieving well-designed places

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

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the 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 the first quarter of 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council in late 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 Local Plan 2008

H3 – Housing Opportunity Site

6.4 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
 SC5 – Design Quality
 SC6 – Crime and Community Safety
 ER2 – Regeneration Priority Areas

6.5 Development Management Development Plan Document (DM DPD)

DM20 – Enhancing Accessibility and Transport Linkages
 DM21 – Walking & Cycling
 DM22 – Vehicle Parking Provision
 DM23 – Transport Efficient and Travel Plans
 DM35 – Key Design Principles
 Appendix B – Car Parking Standards
 Appendix D – Purpose Built and Converted Shared Accommodation
 Appendix F – Studio Accommodation

7.0 Comment and Analysis

- 7.1.1 The application is made under Section 73 of the Town and Country Planning Act, and seeks to modify the wording and requirements of a planning condition associated with off-site highway works in connection with the planning permission. The wording of the condition is noted below:

‘Notwithstanding the details submitted, within 6 months of the date of this decision notice a scheme for the construction of off-site highway improvement works as shown conceptually on drawing: External Highway Works Servicing Arrangements drawing number SK21654-001 Revision D (25th

November 2016) shall be submitted to, and approved in writing by, the local planning authority in consultation with the Highway Authority. For the avoidance of doubt, and in addition to those measures as contained on the plan the scheme shall include;

- i Relocation of residents parking to the eastern side of Bulk Road including the removal of the short stay parking to provide vehicle access and the loading bay;
- ii Bus Boarding Area and bus stop improvement on Bulk Road;
- iii Shared space treatment at the junction of Bulk Road and St Leonards Gate including kerb realignment and extension of footways;
- iv The various servicing areas (including loading bays);
- v Provision of footway on Caton Road;
- vi Measures to control vehicle speeds to include traffic calming measures on St Leonards Gate;
- vii Extension of the footways, pedestrian crossing facilities (to include dropped kerb, tactile paving and push button facilities) together with the extension of the footway provision to provide continuous level surface for pedestrians, including the retention of the left turn closure from Caton Road.

No part of the development hereby approved shall be occupied until the approved off-site highway works are constructed and completed in accordance with the agreed scheme details, unless an alternative timetable for implementation has first been agreed with the local planning authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site, in the interests of highway safety and to encourage sustainable transport modes.

7.1.2 Members may recall that Officers from the City and County Councils invested significant time and resource with respect to the original grant of consent to secure an off-site highway improvement scheme that was characteristic of the high quality design that was proposed as part of the wider development. The extant condition was put forward by the County and City Councils and this was accepted by the developer. The developer has been discussing the extent of the off-site highway works with the County Council for some time. The various parts of the condition that are seeking to be amended are noted below, but for clarity the applicant is amenable to parts iv, v and vii as noted above.

7.1.3 Relocation of residents parking to the eastern side of Bulk Road including the removal of the short stay parking to provide vehicle access and the loading bay

The rationale for the inclusion of this originally was down to the requirement to allow for the main access to the site to be created and ensure that those leaving the site has sufficient visibility splays. The Highway Authority has responded that this is no longer required given the disruption it may cause to local residents. However, it will still be necessary to make some amendments to the existing Traffic Regulation Orders (TRO) on the west side of Bulk Road to accommodate the new access and to introduce a new Loading Bay TRO. There will need to be amendments to the drawings for this, though this will be determined via the Section 278 process.

7.1.4 Bus boarding area and bus stop improvement on Bulk Road

The applicant had sought to remove the requirement for a bus boarding area and bus stop improvements on Bulk Road. However, no rationale has been submitted as to why. The Highway Authority still requires there to be an improvement (no shelter currently exists), although the case officer has concerns as to whether the footway is wide enough to accommodate a shelter in this location. Whilst the site is in a sustainable location, this is a large development of over 650 bedrooms and therefore it is still reasonable to request that this is undertaken in accordance with the terms of the original planning consent.

7.1.5 Shared space treatment at the junction of Bulk Road and St. Leonard's Gate including kerb realignment and extension of footways

The major disappointment to Officers is the loss of the shared space treatment at the junction of Bulk Road and St Leonards Gate including the kerb realignment and extension of the footways. The approved development included quite a significant amount of shared space to the south of the site with the intention for the positives associated with the redevelopment of the site to have a lasting

legacy in terms of this junction. Shared space essentially involves the removal of features such as kerbs, road surface markings, designated crossing places and traffic signs. The one fundamental shift in shared space has been the withdrawal on 8 August 2018 of the Government's Guidance on shared space. Given the change in policy backdrop the Highway Authority no longer requires this, and the applicant has proposed a more formalised, conventional pedestrian crossing facility which they support. Officers are naturally disheartened with this as whilst they are supportive of the benefit associated with the redevelopment of the site, a major planning gain was the public realm improvement at the junction of the Bulk Road and St Leonards Gate. In view of this some enhanced treatment is a necessity to compensate for this loss and Officers are liaising with the applicant's agent in this regard. The use of a Marshalls La Linia Block Paviour is being considered at present which has worked well elsewhere (Lancaster Community Fire and Ambulance Station).

7.1.6 Measures to control vehicle speeds to include traffic calming measures on St. Leonard's Gate

A further requirement of the condition was that measures to control vehicle speeds on St Leonards Gate should have been proposed. Members may recall that as part of the consideration of planning application 18/00885/VCN (conversion of St Leonards House to student accommodation) a raised table was proposed at the junction of Phoenix Street and St Leonards Gate and this is to be in place prior to October 2019. There is confidence that this will be put in place as Robertson Group have made significant progress on the conversion of St Leonards House to student accommodation. In view of this it would now be unreasonable to suggest that the same condition is proposed on this application, and therefore this element of the condition can be removed. The Highway Authority is also amenable to the change.

7.1.7 Pedestrian Crossing Caton Road

Members will recall at the Planning Committee meeting on 7 January 2019, Phase II of the development (18/00820/FUL) was approved subject to the resolution regarding the pedestrian crossing on Back Caton Road. Dialogue is still ongoing between Officers from the County and City Councils with regards to this element of the works. However, for Phase I of the development, the cross route footpath is not included within this footprint, and therefore will be part of the phase II works.

7.1.8 The Highway Authority has raised some concern that this submission only caters for Phase I of the works and not Phase II. Whilst Phase I is being built out, Phase II has been amended by planning permission 18/00820/FUL. As yet it is unclear whether the approved variations will be implemented, or the original scheme, but in reality given construction and operational issues, the applicant will have to implement the amended scheme.

7.2. Planning Conditions

There are still a number of planning conditions associated with the development that do require to be formally submitted and discharged, and work has been ongoing with the applicant for a long period of time regarding submission of details as the scheme develops. It is necessary as this application results in the grant of a new planning consent to re-impose conditions where needed, and these are outlined in the recommendation section of this report.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 Officers are naturally disappointed that the high quality public realm improvements on Bulk Road / St Leonards Gate cannot come to fruition due to the Government's change in stance to delivering shared surface schemes. Equally Officers do not wish to promote a highway proposal that raises safety concerns. One benefit of this application involves not having to relocate the resident parking to the eastern side of Bulk Road in the manner that was initially envisaged, which should cause residents less disruption. The works associated with traffic calming on St Leonards Gate/Phoenix Street are being addressed by application 18/00885/VCN at St Leonards House, and given St Leonards House is closer to the location of these works it is considered unreasonable to require them of the applicant here. On balance Officers are supportive of the changes proposed as part of

this planning application and can offer support subject to the agreement of the Highway Authority on the proposed modified condition for off-site highway works which shall be phased in the event application 18/00820/FUL is not implemented.

Recommendation

That subject to reaching an agreement with the Highway Authority regarding the precise wording of amended condition 7, this Section 73 application **BE GRANTED** subject to the following conditions:

1. Approved Plans List
2. Written Scheme of Investigation
3. Surface Water Drainage
4. External Refuse Enclosures, Drop Off places, cycle storage,
5. Television and Reception Condition
6. Highway Access Drawings
7. Offsite highway works as per this permission
8. Scheme for ventilation system
9. Landscaping Scheme
10. Public Realm Surfacing and Landscaping
11. Materials
12. Development in accordance with full Construction Environment Management Plan (CEMP)
13. Restriction on clearance of vegetation – Bird Breeding Season
14. Finished Floor Levels
15. Development in accordance with phasing plan
16. Noise Mitigation measures
17. Crime prevention methods
18. Sustainable Energy Measures
19. Flood Waring and Evacuation Plan
20. Communal Satellite System
21. Façade Cleaning
22. Travel Plan
23. Delivery , servicing and maintenance plan
24. Foul Drainage Scheme
25. Contaminated Land Assessment
26. Restriction on soils being brought to site
27. Development in accordance with AIA
28. Development in accordance with approved FRA.
29. Restriction to students
30. Removal of PD rights
31. Lighting detail.

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

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

Background Papers

None.

Agenda Item	Committee Date	Application Number
A9	4 February 2019	18/01413/VCN
Application Site Land South Of Hala Carr Farm Bowerham Road Lancaster Lancashire	Proposal Erection of 25 dwellings and creation of a new access and access roads (pursuant to the modification to condition 6 (ii) on planning permission 16/01551/FUL to remove the requirement for street lighting at the junction of Bowerham Lane and Kempton Road, and 6 (iii) to remove the requirement for a pedestrian refuge, together with the submission of details to satisfy conditions 3, 4, 5 and 6 (highways requirements), 7 (foul water drainage), 8 (finished floor levels), 9 (surface water drainage arrangements), 10 (noise mitigation), 11 (earth bund details), 12, 13 and 14 (materials)	
Name of Applicant Mr Chris Middlebrook	Name of Agent Miss Bryanni Cartledge	
Decision Target Date 4 February 2019	Reason For Delay Not applicable	
Case Officer	Mr Mark Potts	
Departure	Yes	
Summary of Recommendation	Approval (Subject to a deed of variation for the Section 106 Agreement).	

i) **Procedural Note**

The original application was deemed to be a departure from the Local Plan given the site lies within Key Urban Landscape (a locally designated protected landscape) and given this application seeks to modify conditions associated with the extant consent, it has also been advertised as a departure from the Local Plan, and therefore has to be determined by Planning Committee.

1.0 The Site and its Surroundings

- 1.1 The site is a greenfield wedge bounded by Hala Carr Farm to the north, the M6 motorway to the east and Bowerham Lane to the west. The site area is 1.76 hectares. The site slopes from the east (the M6 boundary is at 84 metres Above Ordnance Datum (AOD) to the west (Bowerham Lane is at 71 metres AOD) and is more pronounced towards the north. The northern boundary comprises a section of stone wall and hawthorn on the boundary with Hala Carr Farm and the eastern boundary comprises a post and wire fence on the open boundary of the M6. The southern boundary is bounded by a small but mature mixed woodland copse and the western boundary with Bowerham Road comprises an overgrown predominately hawthorn hedgerow. The site consists of coarse grassland which has been colonised around the edges by blackthorn, gorse, bramble and bracken. There is an existing belt of trees punctuated by an access gate on the boundary to Bowerham Lane. These trees screen the site from existing 2 storey residential properties fronting the western side of Bowerham Lane. There are also existing hedgerows on the boundary to Hala Carr Farm and part of the boundary with the M6 motorway.

- 1.2 The site does not benefit from any statutory nature conservation or landscape designation, with the Forest of Bowland Area of Outstanding Natural Beauty (AONB) being located 1.5km to the west and Morecambe Bay Ramsar Site, Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) being located 2.5km to the west of the application site. An existing water trunk main enters the site from under the M6 (at a point opposite the junction of Bowerham Lane and Sandown Road) and exits the site to the south of Hala Carr Farm. The site is allocated as Key Urban Landscape and as a Woodland Opportunity Site in the adopted Local Plan; within the emerging plan the land is allocated as Urban Setting Landscape.

2.0 The Proposal

- 2.1 The applicant is wishing to vary the planning conditions associated with the existing planning permission. The main change proposed by this planning application is to remove the requirement for street lighting in the vicinity of the Bowerham Lane / Kempton Road junction and the provision of a pedestrian refuge on Bowerham Lane. This was imposed to allow pedestrians to cross safely. For ease the condition that is sought to be modified states:

6) Apart from the creation of the site's access as referred to in condition 3, development shall not commence until a scheme for the construction of off-site highway improvement works has been submitted to and approved in writing by the local planning authority. These shall include:

- i) Setting back of the boundary treatment along the sites frontage with Bowerham Lane, and associated hard and soft surfacing to enable the required visibility splay to be achieved;*
- ii) Provision of street lighting along the sites frontage and in the vicinity of Bowerham Lane / Kempton Road junction;*
- iii) Construction of a pedestrian refuge facility on Bowerham Lane; and*
- iv) Improved carriageway thermoplastic lining at the sites junction with Bowerham Lane.*

The scheme shall be completed in accordance with the approved details prior to first occupation of any dwelling of the development hereby approved.

- 2.3 The application also seeks to discharge a number of planning conditions in relation to highways, foul and surface water drainage, noise mitigation, landscaping, earth bund details and materials. These matters would generally be agreed under the discharge of condition process but the applicant has included the relevant details within this application for consideration, which is also an acceptable approach.

3.0 Site History

- 3.1 Planning permission was approved on appeal (APP/A2335/W/18/3195605) in June 2018 for 25 dwelling houses, creation of a new vehicular access and associated roads within the site (16/01551/FUL) after the application was recommended approval by Officers, but refused by Members of the Planning Committee. Development has not commenced on site.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection to the removal of the need to provide street lighting at the junction of Kempton Road/ Bowerham Lane, but initially raised an objection to the removal of the pedestrian refuge. Following significant negotiations, the Highway Authority is amenable with a vehicle activated sign on the south bound approach to encourage lower vehicle speeds in lieu of the pedestrian refuge together with a simple dropped crossing arrangement. The applicant is amenable to such a request and no objection has been received in relation to the proposed modifications.
Highways England	Recommend that planning consent is not granted until such time additional information has been submitted regarding the structural integrity of the development – notably the landscaped embankment. Highways England has issued a holding

	notice that recommends that planning permission is not granted until at least 28 January 2019. Additional information has been submitted by the applicant to address the concerns raised and comments are awaited from Highways England.
Environmental Health (Noise)	No objection
Natural England	No objection
Lead Local Flood Authority	No observations received within the statutory timescales
United Utilities	No objection to the surface water and foul water drainage arrangements
Strategic Housing Officer	No observations received within the statutory timescales
Tree Protection Officer	No observations received within the statutory timescales
Lancaster Civic Society	No observations received within the statutory timescales
Fire Safety Officer	No objection

5.0 Neighbour Representations

5.1 To date the scheme has attracted 4 letters of objection, based on the reasons below:

Drainage matters – concerns associated with the drainage rates, and that the surface water and the rate which was agreed with United Utilities was in advance of the flooding on Bowerham Lane in November 2017 and should be reconsidered.

Highway matters – concerns regarding traffic generation along Bowerham Lane and that highway safety should be paramount over some cost savings associated with the pedestrian refuge.

Amenity – the proposed dwellings are located too close to the M6 in the event any cars run off the M6 and into the site and dwellings. Also concerns from a noise and air quality perspective.

5.2 One letter in support of the application to remove the requirement for a pedestrian refuge as this could impact on the ability to access 262 and 264 Bowerham Lane (who have home based businesses)

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;

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 Local Plan (saved policies)

E27 – Woodland Opportunity Areas
E31 – Key Urban Landscape

6.4 Lancaster District Core Strategy

SC1 – Sustainable Development
SC2 – Urban Concentration
SC4 – Meeting the District's Housing Requirements

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM23 – Transport Efficiency and Travel Plans
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles
DM36 – Sustainable Design
DM37 – Air Quality Management and Pollution
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential Dwellings

7.0 Comment and Analysis

7.0.1 The main considerations arising from this planning application are:

- Principle of development;
- Highway matters;
- Drainage matters;
- Building materials;
- Noise matters; and
- Landscaping matters.

7.1. Principal of Development

7.1.1 The application is made under Section 73 of the Town and Country Planning Act as full planning permission exists for the erection of 25 dwelling houses and associated new access from Bowerham

Lane (16/01551/FUL). The house types, and siting remain as approved, as does the associated access from Bowerham Lane. However, the applicant is seeking to remove the requirement for the implementation of a pedestrian refuge, and also street lighting at the junction of Bowerham Lane / Kempton Road. In addition to the above, as part of this application the applicant has included details that were reserved by means of planning condition. Members are therefore not considering the merits of whether the principle of development is acceptable (as that has been established by the grant of consent), but whether there is a requirement for a pedestrian refuge and street lighting at the junction of Bowerham Lane and Kempton Road.

7.2 Highway Matters

- 7.2.1 Bowerham Lane is a single carriageway road with a width of 7.5 metres at the site frontage and therefore it is not a wide road for pedestrians to cross. There is a 2.5m wide footway on the west side of the road adjacent to properties on Bowerham Lane. The road has a 30mph speed limit and is serviced by street lighting. In general it has good visibility in both directions of travel for drivers at the site frontage (north and south bound). All the properties on the west side of Bowerham Lane are served by private driveways and there is some on-street parking in front of some properties on this side of the road. The extant consent provides for a pedestrian access point from the site entrance, and a further one opposite the apartment block at the southern end of the site.
- 7.2.2 With respect to street lighting, the extant consent required works associated with the junction of Bowerham Lane / Kempton Road. These works were proposed 165 metres to the north of the site. The Highway Authority has stated that these works are no longer required but there may be a requirement to upgrade lighting on Sandown Road and Bowerham Lane. Planning conditions can only be imposed if they are reasonable and would otherwise make unacceptable development acceptable. There is nothing to suggest there is a real need to upgrade the street lighting along Sandown Road and Bowerham Lane, and notably it was not raised as part of the approved consent. Street lighting will be required in connection with the site access and pedestrian access points, and the applicant has shared plans that are required in relation to the Section 278 process. Therefore it is acceptable to remove the requirement of street lighting to the north of the site.
- 7.2.3 The pedestrian refuge was initially required under the original outline planning permission (15/00714/OUT) and there was agreement for the pedestrian refuge as part of the approved consent (this formed part of the site's abnormal costs associated with the viability assessment). As part of the justification for its removal, the applicant's appointed highway consultant has undertaken traffic counts along Bowerham Lane, which shows the distribution of traffic over a weekday period, but has put forward the following justification for its loss:
1. High cost to relocate an Open Reach telecoms (fibre optic) chamber that is located adjacent to the kerb on the east side of Bowerham Lane;
 2. The removal of a longer section of hedge on the east side of Bowerham Lane to provide the required visibility splays because the Give Way line for the access road would be moved further back (eastwards);
 3. Widening of the carriageway along Bowerham Lane for over 60 metres to provide the necessary vehicle approach and exit widths for the refuge; and
 4. Significant additional earthworks within the proposed development site resulting from the widening of Bowerham Lane (the site rises steeply from the boundary with Bowerham Lane).
- 7.2.4 As a result of the traffic counts, the transport consultant considers Bowerham Lane carries a relatively low volume of traffic even during the weekday peak periods and the road has a good road safety record with no recorded injury accidents during the most recent 5 year data period.
- 7.2.5 The extant consent provided for a pedestrian refuge on Bowerham Lane. During the detailed design of the scheme it has transpired that there would be significant cost in terms of the creation of a pedestrian refuge. Taking aside the cost implications associated with the creation of a pedestrian refuge, the first question that needs to be asked is whether the pedestrian refuge is needed in the interests of highway safety and whether failure to provide this would warrant a refusal of the scheme on the basis of highway safety. The cost of providing the refuge should not be at the detriment of highway safety, and the case officer is aware that vehicles do travel at speeds of greater than 30mph having visited at various times on different days, so understands the concerns of the local residents in this regard.

- 7.2.6 Significant dialogue has occurred between all parties, and a solution has now been reached where in lieu of the pedestrian refuge the applicant will propose a dropped crossing arrangement with a vehicle activated sign on the approach to it. This will assist with lowering vehicle speeds on the south bound approach. The Highway Authority states the pedestrian refuge would have benefits for pedestrian safety, and would act as a speed reducing feature, especially given that speed count data for 2013 showed higher than desirable 85%tile speeds of 38mph for south bound traffic heading essentially away from Lancaster. The Highway Authority accepts that locating a central pedestrian refuge on a residential road is difficult due to driveways and on-street parking and there is acceptance there is no obvious location which is not going to cause some degree of difficulty for existing residents and that an alternative option should be considered. The alternative dropped crossing arrangement together with a vehicle activated sign on the approach to encourage lower vehicle speed in the south bound direction is acceptable.
- 7.2.7 The original submission contained both a north and south pedestrian connection point. It is noted that the southern pedestrian access would require steps to afford access. It is considered that this point of access should be re-sited 5 metres to the north and replanting occur. Further discussions with the Highway Authority are ongoing in this regard, but overall there is no objection to the applicant's proposals.
- 7.2.8 The applicant has submitted details associated with the access arrangements, the exact detail of which will be determined via the Section 278/38 processes, but the Highway Authority requires some further information in this regard. It will be necessary in the interests of planning to re-impose this condition unless the detail can be agreed in advance of Planning Committee. Members will be updated in this regard.
- 7.2.9 Highways England has requested that the application is not determined until 28 January 2019, given the creation of the earth bund and drainage associated with the site. This is from the perspective of seeking to ensure that the safety and integrity of the motorway asset is not jeopardised. The applicant has been engaging with Highways England throughout the process and the geotechnical and drainage issues associated with development will be managed via the HD22/08 process administered by Highways England. Whilst Highways England have objected, this is on matters that are being addressed by the planning conditions and therefore in the event there is no resolution with regard to the agreed details, conditions shall be re-imposed.
- 7.3 Drainage Details
- 7.3.1 As part of this Section 73 application the applicant has provided the detailed surface water and foul water drainage arrangements. The scheme is to be drained via the use of a sustainable drainage scheme (essentially underground surface water attenuation) which is then connected into the existing drainage network albeit at a controlled rate. A series of attenuation tanks have been proposed across the site, which connect into pipework then lead to a new hydro-brake which then connects into the existing surface water sewer with foul water being drained into the foul water sewer at an unrestricted rate. The extant planning condition provided for a discharge rate of 6.1 litres per second, but the Officer's report, and consultee comments from the LLFA and United Utilities did suggest 9 litres per second, and it is this figure that has been agreed with United Utilities as part of the Section 104 Agreement.
- 7.3.2 The case officer is sympathetic to those residents that experienced surface water flooding in November 2018, and during the summer of 2018, but the proposed scheme has been found acceptable to United Utilities. Notwithstanding this, the views of the Lead Local Flood Authority are still required. However, United Utilities does not object to the development, and recommend that the submitted information is approved. In the absence of the LLFA's comments, the condition should be re-imposed, though it is hoped that this will be resolved in advance of Planning Committee.
- 7.4 Building Materials
- 7.4.1 The scheme proposes to utilise brickwork as the facing material on the dwellings and a buttermilk smooth render finish. All windows are proposed to be grey Upvc. The roofing material will generally consist of concrete tiles with a thin leading edge, though some natural slate will be used on plot 1. There is still some discussion regarding building materials as the applicant has shared some further samples, but in general the applicant has proposed a palette of materials that tie in with the local

built environment. The boundary treatments are proposed to be a combination of brick boundary walls, and typical close boarded timber fences. Officers are amenable to the choice of boundary treatments although would need to see samples.

7.5 Noise

- 7.5.1 The application includes mitigation measures associated with protecting residential amenity with noise emanating from the M6. Acoustic fencing will be provided along the boundaries of those dwellings that bound the landscaped bund. The acoustic fence will be 2 metres in height and is acceptable in principle, although details of the appearance will still need to be agreed. In terms of protecting internal amenity within the dwelling houses, glazing is proposed that would meet 30dB for first floor windows to all properties and trickle vents will be used to ensure that 35dB internal levels can be achieved. No objection has been received from Environmental Health Officers and assuming matters associated with the appearance of the fencing can be agreed the scheme is acceptable from a noise perspective.

7.6 Landscaping Matters

- 7.6.1 The proposed development involves some quite significant landscaping along the eastern boundary in connection with the landscaped bund. The applicant initially sought to retain more spoil on site than what was approved under the extant consent, but this has now been amended to provide a landform that is better suited to its location adjacent to the M6 and the levels on site have been amended which Officers can support. A detailed and comprehensive landscaping scheme has been submitted, and the Tree Officer's observations awaited in this regard.

7.7 Other Matters

- 7.7.1 Concern has been raised regarding elevated pollutant levels on the site from the M6 motorway. This was a concern raised as part of the original grant of consent but no objections from an air quality perspective were raised on the last application. The Council originally imposed a requirement for electric charging points. However, the Planning Inspector considered the inclusion of these would be desirable but not essential to make the development acceptable from a planning perspective. The Planning Inspector considered that only permitted development rights on plot 1 should be removed given the presence of the main water pipe that crosses the site. The case officer considers that to ensure the drainage systems work effectively and efficiently, permitted development rights need to be removed on all properties, apart from the apartments which are plots 22-25 (as these do not benefit from permitted development). The reason for this is that development in the form of extensions may have an adverse impact on the operation of the drainage network and this should be embodied into the management and maintenance scheme associated with the SuDS.
- 7.7.2 There is a United Utilities water trunk main that crosses the western boundary of the site (essentially the alignment of the spine road). The applicant has provided for a 10 metre easement but the road is sited within the easement. The applicant has submitted a Risk Assessment for the protection of the water pipe and it is clear from the submitted scheme that measures have been taken to ensure its protection.

8.0 Planning Obligations

- 8.1 There is an extant Section 106 agreement, which provides for the provision of 4 affordable dwellings and also the ongoing management and maintenance of the non-adopted drainage, highways, landscaping and open space across the site. In permitting this scheme, a simple deed will be required tying the permission to the obligations outlined within the Section 106 to ensure the obligations are binding with the implementation of this planning consent.

9.0 Conclusions

- 9.1 The application seeks to modify the requirement for a pedestrian refuge to be installed on Bowerham Lane. The critical question with respect to the application is whether the development is likely to create a highway safety concern without a pedestrian refuge. There has been significant discussion between the applicants, the County and City councils, and whilst all parties initially had a slight difference of opinion, all were aligned in providing a scheme that did not compromise highway safety. It is considered that the solution of a simple uncontrolled crossing with an associated vehicle

activated sign is acceptable, as is the removal of the requirement for street lighting at the Bowerham Road / Kempton Road junction.

- 9.2 Whilst there are issues associated with the concerns of Highways England to address, these matters are associated with the discharge of conditions, which, if these matters are not resolved can be re-imposed. The same is true with materials, landscaping and highway details.

Recommendation

Subject to a Deed of Variation being signed and completed tying the permission to the obligations outlined within the existing Section 106, that Planning Permission **BE GRANTED** subject to the following conditions:

1. Timescales development commence by 14 June 2021
2. Approved plans
3. Access detail
4. Construction Risk Method Statement in connection with water main
5. Construction Method Statement
6. Off-site highway improvement
7. Foul drainage
8. Finished floor levels
9. Surface water drainage measures
10. Noise mitigation
11. Earth bund details
12. Hard and soft landscaping
13. Material samples
14. Boundary treatments
15. Development in accordance with the approved AIA
16. Bird breeding season protection
17. Protection of visibility splays
18. Car parking spaces provided
19. Removal of Permitted Development rights

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

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

Background Papers

None

Agenda Item	Committee Date	Application Number
A10	4 February 2019	16/00276/OUT
Application Site Lune Industrial Estate New Quay Road Lancaster Lancashire	Proposal Outline application for the demolition of industrial buildings and erection of up to 249 dwellings with associated access points	
Name of Applicant Hurstwood Holdings	Name of Agent Mr Michael Gilbert	
Decision Target Date 27 October 2016 Extension of time to 5 th February 2019	Reason For Delay Late consultation responses, submission of amendments and additional supporting information, lengthy negotiations including viability matters and a second committee site visit.	
Case Officer	Mrs Jennifer Rehman	
Departure	Yes	
Summary of Recommendation	Refuse	

(i) Procedural Matters

The application was submitted in March 2016 and later validated in July 2016. The application has been pending consideration since it was made valid. The local planning authority initially recommended that the application should be withdrawn. Instead the applicant took the opportunity to attempt to address concerns raised through the submission of amended plans and further supporting information. There have been a series of amendments to the proposal in the intervening months. Given the length of time the application has been pending, the Planning Committee also requested a second site visit, which is due to take place on the 28th January 2019. The Planning Committee's first site visit took place on the 5th December 2016.

1.0 The Site and its Surroundings

- 1.2 The site relates to 10.12 hectares of previously development land and premises forming part of the Lune Industrial Estate in Lancaster. It also forms part of a larger employment area known as Luneside. A slither of the western part of the site extends into land designed as open space. The Lune Industrial Estate is located south of the River Lune; east of Freeman's Wood and land allocated as Urban Greenspace (including recreational land) with 'Countryside Area' beyond and north and west of existing residential areas (Luneside West, Marsh and Abraham Heights). It is approximately 1.5km west of the city centre.
- 1.3 The site is irregular in shape and essentially forms two development parcels. The main parcel of land extends between New Quay Road to the north and Europa Way to the south. A small island of existing buildings in the northern part of this larger development parcel is excluded from the proposals (and the red edge). The buildings include an unrestricted B8 (storage and distribution use) unit occupied by Howdens and an unrestricted B1 (general industrial use) unit occupied by VMC developments. Open space at Freemans Wood lies immediately west of this larger development parcel. The eastern boundary of this parcel of the site extends up to and includes part of Paragon Way wrapping around a number of existing industrial premises in the northern section of the site, including the manufacturing businesses known as Metamark and Vuflex (both of which lie outside

the application site). The smaller development parcel is located between the above-mentioned employment premises (outside the red edge) and residential development associated with Luneside West) to the north and east. Both parcels contain a mix of buildings of varying condition and scale. At the point the application was submitted two significant buildings (one stone building fronting New Quay Road and the other a large pre-cast concrete building to the rear of the site) formed part of the proposals, which have since been demolished under the provisions of the Town and Country Planning (General Permitted Development Order) 2015.

- 1.3 The principal point of access and egress into the industrial estate is off New Quay Road, although access/egress is also available from Europa Way/Paragon Way within the estate via Willow Lane. The roads within the estate are not adopted roads. The closest bus stops/bus routes to the site are located on Willow Lane, Lune Road and St Georges Quay. The Strategic Cycle Network passes along New Quay Road following the River Lune. The city's railway station is located approximately 1km east of the site.
- 1.4 The topography of the site is relatively flat and low lying given its proximity to the River Lune. Existing site levels range from approximately 7.5m Above Ordnance Datum (AOD) along New Quay Road gradually sloping towards the southern boundary to approximately 6.2m AOD. On average, the levels are around 6.5m AOD. The site is located within flood zones 1, 2 and 3.
- 1.5 There are a number of protected trees along the site frontage and into the site (TPO No: 623 (2017)), which have been confirmed following the submission of the application. The adjacent River Lune is a Biological Heritage Site. Approximately 700m west of the site the River Lune enters the Lune Estuary (recognised as a Site of Special Scientific Interest (SSSI)) and Morecambe Bay (internally protected as a Special Protection Area/Ramsar Site). The site is outside the city centre's Air Quality Management Area but within its consultation zone. The site is also outside the city's Conservation Area and does not include or directly affect any designated heritage assets.

2.0 The Proposal

- 2.1 The application originally sought outline planning permission for residential development comprising up to 263 dwelling houses with an associated access. The proposal has reduced in scale during the determination period to comprise up to 249 dwellings.
- 2.2 As part of this outline proposal, the applicant seeks permission for the access arrangements to serve the development. Details in respect of layout, scale, landscaping and appearance are reserved for subsequent approval (reserved matters).
- 2.3 The applicant seeks to utilise the existing access off New Quay Road to serve the majority of the proposed residential development. This access would also serve the retained employment uses outside the application site (including those on the periphery of the site and the retained industrial island in the centre of the site). Two separate access points are proposed off the newly constructed residential estate roads to the east of the site, to serve the smaller development parcel. Access to Paragon Way will be maintained.
- 2.4 An amended indicative masterplan illustrates how the site could accommodate the development including the provision of public open space. This plan indicatively shows a haulage route along the far eastern boundary of the larger development parcel and an area marked up to show potential future commercial development. The commercial element illustrated on this plan does not form part of this outline proposal.
- 2.5 The application indicates that the proposed dwellings shall be between 2 and 2.5 storey houses reflective of the surrounding residential development with a mix of 2, 3 and 4 bedroom properties.

3.0 Site History

- 3.1 The industrial estate has an extensive planning history, which primarily relates to employment-related development. The most relevant planning history relates to an outline permission and subsequent reserved matters approval for the redevelopment of the site for employment purposes. The table overleaf also summarises relevant planning history relating to land and buildings adjoining the site.

Application Number	Proposal	Decision
05/01628/OUT	Outline application for the redevelopment of land at Lune Industrial Estate including amended access	Permitted
07/00195/REM	Reserved matters application for the erection of 10 units and upgrading of existing building (block N), provision of ancillary car parking and landscaping	Permitted
05/00103/OUT	Outline application for a mixed use development comprising 356 housing units, 136305 sq ft of industrial/commercial usage including a neighbourhood centre, car parking and means of access	Refused and allowed on appeal
05/01535/REM	Reserved matters application for the erection of 354 residential units (178 one and two bed apartments, 176 three and four bed houses) and associated parking and open space	Permitted
10/00660/FUL 14/00587/VCN 14/01084/VCN	Residential development comprising 403 units, associated highways works, open space and landscaping (and associated section 73 applications)	Permitted
12/01044/FUL	Erection of a General Industrial Unit at 7 Thetis Road (VMC Deveopments)	Permitted
13/00109/ELDC	Application for an existing lawful development certificate for the use as B8 storage and distribution at Unit 50 Brockbank Avenue (Howdens)	Certificate granted
16/01255/PAD	Prior approval for the demolition of redundant industrial buildings	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	<p>Objection to the proposed access arrangements to New Quay Road on the grounds of highway safety.</p> <p>Original objections relating to site sustainability were removed following the applicant's commitment to provide funding towards a new bus service between the city centre and the site via New Quay Road and improvements to the cycle route along New Quay Road. This funding for the bus service is £540,000. The improvements to the cycle route could be delivered via a Section 278 agreement and could be secured by planning condition.</p> <p>County is now satisfied with the submitted traffic assessment and addendums and advise that the traffic impacts of the development will not adversely affect the operation of the local highway network.</p> <p>They retain concerns over the illustrative layout plan in relation to the ability to provide a suitable turnaround facility/route for the new bus service and potential concerns over the access to the residential estate linking directly to the indicative haulage route.</p> <p>If approved the following conditions are recommended (together with the s106 for the bus service contribution):</p> <ul style="list-style-type: none"> • Estate roads to be built to adoptable standards to at least base course level • Access and off-site highway details to be agreed • Travel Plan • Construction Method Statement

Local Planning Policy	<p>Following the original policy objection, the summary below provides an up-to-date position in light of changes to policy and receipt of amended proposals:</p> <ul style="list-style-type: none"> • The adopted policy position is that the site is allocated for employment uses and the proposal would be a departure to the Development Plan; • Whilst emerging policy provides a more flexible approach to future land uses it does not support the piecemeal redevelopment of the site that concentrates only on residential development; • It is accepted that due to the level of objections received to the emerging policy, at this point, it should only be given limited weight; • The Council can demonstrate a 5-year housing land supply but it anticipates imminent changes by Government which will affect that position; • It is accepted that the industrial estate as a whole is no longer appropriate in this location in the long term but still has economic value evidenced by the number of businesses operating from the site; • The proposal will result in some economic displacement but it is recognised that the applicant, through its Framework Relocation Strategy and the fact the applicant has sought to invest in alternative premises in the Lancaster area, provides fair and reasonable steps to assist existing businesses and removes earlier concerns. However, the ability to secure the implementation of the Framework Relocation Strategy as part of any planning permission is questioned; • The lack of comprehensiveness remains a concern and it will result in potential impacts on residential amenity and the accessibility and operation of remaining employment uses, noting the best way to address these constraints would be through a comprehensive plan.
Council's Economic Development team	<p>Comments provided indicate that there is limited commercial property opportunities in Lancaster for businesses to relocate to from the site, with the majority on Lansil that forms part of the applicant's relocation offer. The Economic Development team note that there are opportunities elsewhere in the district which could support some businesses, particularly given the timetable set out in the relocation strategy but recognise that there is unlikely to be sufficient space at prices comparable to the existing site to relocate all the business affected.</p>
Strategic Housing Officer	<p>Concerned that the proposal does not propose any affordable housing and advises the LPA to seek advice on the viability matters to fully test whether the assumptions and development costs provided by the applicant are reasonable. The housing mix should incorporate one-bedroom units and three-bedroom bungalows (these are the main under-supply of housing types in Lancaster South).</p>
Lancashire County Council (Planning)	<p>Comments relate to the potential implications of residential development sitting alongside the existing, permitted waste transfer station. The approval of the waste transfer permission secured a routing plan via s106, requiring HGV movements associated with the waste transfer station to access/egress the waste transfer station via New Quay Road (opposed to Willow Lane). Amenity and safety concerns have been received in relation to the use of the residential estate roads for access/egress for HGVs associated with retained employment uses, in particular the waste transfer station. County would not consider Willow Lane an alternative route for traffic associated with this waste transfer station.</p>
Environmental Health Service	<p>Objection - The updated noise assessment fails to address earlier concerns in respect to the following:</p> <ol style="list-style-type: none"> 1. Background sound levels used in the assessment are not justified and do not provide representative background noise levels. 2. Assessment period is deficient and excludes Sundays and evening periods. 3. Uncertain predictions/measurements of industrial noise. 4. Acoustic character corrections – whilst further information has been provided within the revised report, arguably there could be additional tonality correction – especially in view of known tonal complaints from Supaskips and Spandex. <p>Notwithstanding the above, the revised assessment, even with significant mitigation, indicates that there will be significant adverse impacts in certain locations of the development site. On this basis, the site is considered unsuitable for residential development and should be refused.</p>

	<p>Inadequate assessment and associated mitigation of odour/dust impacts.</p> <p>Inadequate assessment of the impacts of the development on Lancaster's AQMA. A further air quality assessment should be undertaken to reassess the impact of the development using revised emission factors and new traffic survey data. The approach adopted should be clearly detailed and agreed given the issues evident within the Lancaster AQMA and the development should propose measures to minimise its transport impact.</p> <p><i>NB: At the time of compiling this report, no further comments have been received in response to the applicant's updated air quality and odour assessments. A verbal update will be provided.</i></p> <p>Despite deficiencies with the submitted report, the Council's Contaminated Land Officer recommends standard contaminated land conditions can be imposed should permission be granted.</p>
Environment Agency	<p>No objections subject to the imposition of the following conditions:</p> <ul style="list-style-type: none"> • Development to be carried out in accordance with the FRA. • Site Investigation for contaminated land. • No occupation of any part of the development until verification report demonstrating completion of works in accordance with SI remediation strategy.
Lead Local Flood Authority	<p>Following submission of amended information, the LLFA has withdrawn their objection, subject to a detailed surface water drainage details being provided at the reserved matters stage. The LLFA is satisfied with the principle of draining to the culverted watercourse if infiltration is proven unfeasible at the detailed design stage.</p> <p>The LLFA has indicated that the illustrative layout drawing does not address potential easements required over culverted watercourses noting that if the applicant wishes to divert such watercourses such would be subject to land drainage consent. The LLFA also note from the FRA that there are isolated areas of the existing site that are at risk of surface water flooding and development should be avoided in this areas, unless appropriate flood alleviation are put in place.</p>
United Utilities	<p>No Objections subject to the following conditions:</p> <ul style="list-style-type: none"> • Foul and surface water to be drained on separate systems • Development to be carried out in accordance with FRA • SuDS management and maintenance plan <p>NB: United Utilities have not responded to the latest consultation and amended FRA. They also note easement requirements for a rising main within the site.</p>
Natural England	<p>No objection subject to appropriate mitigation being secured by condition, as set out in the amended Habitat Regulations Assessment.</p>
Greater Manchester Ecology Unit	<p>No objections in principle on nature conservation grounds subject to consideration of the following:</p> <ul style="list-style-type: none"> • Meaningful open space be incorporated into the scheme; • Bat mitigation be incorporated into the proposal; • More of the existing trees should be retained and incorporated into high-quality landscaping and tree planting to compensate for losses; • Method Statement for the eradication of Japanese Knotweed required. <p>GMEU has provided the Habitat Regulations Assessment on behalf of the Council addressing the potential effects of the proposal on the nearby designated sites. GMEU had raised no objections to the survey effort undertaken given the site itself is not of significant nature conservation value and because site conditions have not substantively changed since the surveys were undertaken.</p>
Tree Protection Officer	<p>Objection remains on the grounds that the updated AIA needs to reflect the proposed changes to the scheme and include a tree survey, tree constraints plan, tree protection plan and method statement. Comments on the updated AIA are yet to be received. A verbal update will be provided.</p>

Education Authority	No objections. The County Education Authority have indicated that the development would not need to contribute towards the provision of additional school places and no financial contribution is required.
Public Realm Officer (POS Officer)	Objection to the proposed location of the public open space (POS) noting it is on the edge of the site with limited natural surveillance and would not be in keeping with good design practice. Concerns are also raised in relation to the close proximity of the POS to the proposed haulage route. Other concerns noted in the original representations from the POS Officer include the poor pedestrian connections between the site and the recreational grounds at Willow Lane and the need for off-site contributions towards Quay Meadow and outdoor sports provision.
Conservation Officer	No objections. The Council's Conservation Officer notes that the main conservation and heritage considerations relate to the setting of distant views of the city centre from across the River Lune, noting that the use of materials like other schemes adjacent to the river, will be important.
Lancaster Civic Society	Objection to the demolition of the historic stone-built mill building – this should have been retained for residential use. The Civic Society has also commented on the principle of the development raising concerns over what happens to retained businesses, the amount of development, lack of POS, pressure on existing infrastructure including the local highway network, unsafe links to the nearby school and local shops and the compatibility of residential development surrounding retained employment uses. They support the Education Authority in a recommendation for a provision of a new school. (NB: this position has subsequently changed with no requirement for the development to contribute towards education provision).
Lancashire Fire and Rescue Service	Standard comments received noting the development must comply with the access requirements of Building Regulations.
Lancashire Constabulary	No objections and provides a number of security recommendations in order to design out crime and the fear of crime.
Dynamo (Lancaster & District Cycle Campaign)	Objection on the following grounds: <ul style="list-style-type: none"> • Need to maintain and increase employment in Lancaster as well as provide homes. • The mix of increased residential traffic with large lorries (from retained employment uses) is worrying and seems very inappropriate. • No extra provision for cycling or walking including improved permeability with adjacent sites. • Any development should extend the shared-use path on St George's Quay to the end of the public road.

5.0 Neighbour Representations

5.1 The application has been subject to an initial consultation and subsequent consultations and publicity following amendments to the scheme. At the time of compiling this report, **137 letters of objection** have been received. This includes representations from a group of businesses on the Industrial Estate whom have collectively made strong objections, together with legal representations from adjoining businesses relating to legal rights of access over the estate roads. A summary of the main reasons for opposition are as follows:

Impact on the local economy including:

- Significant levels of employment (300 full time jobs) still exist and should be retained;
- Failure to adequately demonstrate the employment site is no longer appropriate or viable through lack of marketing;
- Some businesses will be unable to relocate (e.g. too costly, unable to retain staff, difficult moving equipment and unable to maintain business continuity); lack of suitable alternative premises; and businesses could be lost completely (or relocated outside the district);
- Loss of business and jobs would negatively affect local economy;
- Loss of highly skilled workforce (particularly for engineering businesses);
- Negative impact on welfare of local workforce;
- Loss of one business (or segregation of businesses) on the estate could negatively impact other businesses due to the supply chains/distribution links etc between businesses operating on the estate (or nearby);

- Little regard in the submission to the potential negative impacts of the development on the operation of retained employment land/premises (both in terms of compatibility with future residential uses and access/parking and traffic arrangements);
- The industrial estate has seen very little investment but where there has been investment (outside the application site) there is little evidence to suggest there is no demand for employment land/premises;
- Benefits of jobs created during construction is only temporary.

Housing and Policy matters including:

- The proposal is a departure from the Development Plan and does not align with the strategic plan for the area set out in the emerging Local Plan;
- The estate is not unviable or unsuitable for employment uses and is worthy of retention;
- No demand for more housing; jobs are needed to support residential use;
- Piecemeal redevelopment of the site is inappropriate and should form part of a co-ordinated masterplan to deliver sustainable development;
- The run down nature of the estate is a consequence of its management rather than lack of interest for employment purposes;
- The area provides no amenities and services;
- Lack of affordable/social housing;
- There are other areas in the city that could be regenerated without the economic impacts of this proposal (Old Mitchell's brewery site);
- Occupants of the new residential development along the Quay (Riverside development) have lodged complaints about noise and traffic from long established employment uses alongside them.

Traffic and highway safety concerns including:

- Claims that the development will reduce HGV movements but the majority of the HGV vehicles are associated with the retained businesses;
- Some retained businesses are required to access their premises via New Quay Road and will need access through the proposed residential site;
- Traffic assessment considered out of date;
- Indicative layout fails to have regard to retained businesses in the centre of the site in terms of their rights of access and turning provisions;
- Lack of sustainable public transport options;
- Traffic implications for more residential development on the west side of Lancaster which is reliant and affected by the one-way system and New Quay Road is already too busy at peak times;
- Mix of housing and employment within the estate would be unsafe, especially given poor pedestrian connections.

Noise and amenity concerns including:

- The adequacy of the air quality, odour and noise reports have been challenged;
- Residential development close to a waste transfer station and other heavy industrial businesses is unacceptable for both the amenity of future occupants and owner/operators of such neighbouring businesses; and,
- Complaints arising from new housing alongside the industrial estate is evidence that the nature and compatibility of uses is inappropriate.

Infrastructure concerns including:

- Lack of education provision to support more housing in the area;
- Lack of GP and dental surgeries; and,
- A potential increase risk of flooding in the area.

Other issues raised relate to the adequacy of submitted reports; the long determination period of the application which has caused uncertainty for businesses on the estate making it difficult to commit to future plans/investment; that the amended plans/supporting information offer no substantive changes to address earlier concerns and objections, and that; the applicant has failed to positively work and engage collaboratively with other businesses on the wider estate to deliver more sustainable proposals and /or to assist in any genuine relocation strategy.

The Federation of Small Businesses (FSB) has raised concerns over the displacement of existing businesses and employment that would be lost as a result of the development, noting that the proposals have resulted in a great deal of uncertainty for businesses affected.

Cat Smith MP has made representations to the application and **objects** on the following grounds:

- The industrial estate is thriving with most units occupied by local businesses employing local people with around 300 full-time equivalent jobs based on the estate. It is estimated that 100 jobs would be lost permanently and another 100 lost to the area if the development goes ahead.
- The proposal is piecemeal and leaves a number of businesses that generate HGV movements having to use the new estate roads, which will affect both the quality of life for new residents and could prejudice the operations of these businesses.
- The site should be developed as part of a Masterplan.
- Businesses on the site face a number of issues regarding relocation, such as finding suitable and affordable premises; staff retention; finding and training new staff; moving large equipment and offices; maintaining business continuity. The MP notes that these issues are greater when the companies are smaller and more locally based.
- Whilst recognising the housing needs, sustainable development in Lancaster also needs good quality employment in sustainable locations to support a strong local economy.

Councillor Jon Barry has also made representations **objecting** on the following grounds:

- No green space or community buildings as part of the application;
- Use of Willow Lane, Lune Road and West Road by HGVs associated with retained use (as no longer an access via the estate) will be intolerable to residents in these areas;
- Loss of employment and costs to businesses to relocate;
- The emerging local plan suggests that housing might be allowed in 6-10 years. The Council should keep to this framework to allow businesses to plan to relocate.

Steven Abbott Associates LLP have been instructed to **object** to the application on behalf of A1 Supa Skips. The main areas of concern are as follows:

- Concerns about the impact of the proposed development would have on their ability to continue operating their business from the site;
- A1 Supa Skips obtained planning permission from the County Council as a materials recycling facility in 2004 which was subject to a section 106 which defined the route which must be taken by HGVs under the height of 3.9 metres entering and leaving the site. This route is via New Quay Road and through the industrial estate. This routing agreement is a material consideration;
- The development would force vehicles through the new residential development, which depending on the size of roads could lead to highway safety and amenity issues;
- Concerns over proximity of the housing to the recycling centre and its operations;
- Concerns over the background noise levels reported as part of the application;
- Greater separation and acoustic mitigation required;
- Loss of employment and ability for existing business to continue operating.

2 letters of concern (but not objections) from existing business raising the following queries:

- Who is left responsible for the remaining roads on the estate and for haulage and access to Spandex;
- Concerns over lack of access to retained businesses via New Quay Road, leading to degradation of Willow Lane as a consequence of increased haulage traffic on this residential street;
- Wide Load access to Europa Way via Willow Lane will be prohibited as a consequence of existing traffic calming features on this road;
- A connection between Europa Way and New Quay Road should be required;
- Consideration is given to ensuring there is sufficient distance between residential development and retained businesses.

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

Paragraphs 7 – 10 Achieving sustainable development
 Paragraph 11 – 14 The Presumption in favour of sustainable development
 Paragraphs 47 – 50 Determining applications
 Paragraphs 54 – 57 Planning conditions and obligations
 Paragraphs 59, 60, 62 – 64 Delivering a sufficient supply of homes
 Paragraphs 73 – 76 Maintained supply and delivery
 Section 6 – Building a strong, competitive economy
 Paragraphs 91, 92, 94, 96 and 98 Promoting healthy and safe communities
 Paragraphs 102 – 111 Promoting sustainable transport
 Paragraphs 117 – 118, 122 – 123 Making effective use of land
 Paragraphs 124, 127, 129, 130 Achieving well-designed places
 Paragraphs 148 – 154 Planning for climate change
 Paragraphs 155 – 165 Planning and flood risk
 Paragraphs 170, 175 – 177 Conserving the natural environment
 Paragraphs 178 – 183 Ground conditions and pollution
 Paragraphs 213/214 – Annex 1 Implementation

6.2 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 (adopted December 2014)

DM15 – Proposals involving Employment Land and Premises
 DM20 – Enhancing Accessibility and Transport Linkages
 DM21 – Walking and Cycling
 DM22 – Vehicle Parking Provision
 DM23 – Transport Efficiency and Travel Plans
 DM25 – Green Infrastructure
 DM26 – Open Space, Sports and Recreational Facilities
 DM27 – The protection and Enhancement of Biodiversity
 DM28 – Development and Landscape Impact
 DM29 – Protection of Trees, Hedgerows and Woodland
 DM35 – Key Design Principles
 DM37 – Air Quality Management and Pollution
 DM38 – Development and Flood Risk
 DM39 – Surface Water Run-off and Sustainable Drainage
 DM40 – Protecting Water Resource and Infrastructure

DM41 – New Residential dwellings
DM48 – Community Infrastructure

6.4 Lancaster District Core Strategy (adopted July 2008)

ER2 – Regeneration Priority Areas
ER3 – Employment Land Allocations
SC1 – Sustainable Development
SC2 – Urban Concentration
SC4 – Meeting the Districts Housing Requirements
SC5 – Achieving Quality in Design

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

EC5 – Employment allocation
EC14 - Policy seeks to prohibit new businesses which would contribute to an overall increase in HGV movements.

6.6 Emerging Development Plan Policies

A Local Plan for Lancaster District 2011-2013 Part One: Strategic Policies and Land Allocations
DPD (Publication Version, February 2018):

DOS4 - Development Opportunity Site for the Lune Industrial Estate

EC1 – Established Employment Areas
EC5 – Regeneration Priority Areas
SP2 – Lancaster District Settlement Hierarchy
SP3 – Development Strategy for Lancaster District
SP6 – The Delivery of New Homes
SP8 – Protecting the Natural Environment
SP10 – Improving Transport Connectivity

6.7 Other Material Considerations

- National Planning Practice Guidance
- Employment Land Review
- Strategic Housing Land Availability Assessment
- Technical Guidance to the NPPF
- Strategic Flood Risk Assessment (October 2017)
- Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (PAN) (2015)
- Application of the Flood Risk Sequential Assessment Test and Exception Test Planning Advisory Note (PAN) (February 2018)
- Open Space Provision in new residential development (October 2015);
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council September 2018 Housing Land Supply Statement;
- Housing Needs Affordable Practice Note (September 2017);
- Lancaster Strategic Housing Market Assessment (February 2018);
- Provision of Electric Vehicle Charging Points – New Developments (September 2017).
- Low Emissions and Air Quality Guidance for Development Planning Advisory Note (PAN) (September 2017).
- Noise Policy Statement for England (NPSE) March 2010

7.0 Comment and Analysis

7.1 The main planning considerations are as follows:

- Loss of Employment
- Housing Need
- Noise and Odour
- Sustainability, Traffic and Highway safety
- Air Quality
- Flood Risk
- Nature Conservation
- Design and open space

7.2 Employment Land considerations

- 7.2.1 The spatial strategy for the District is embedded in the Core Strategy (SC1 and SC2) which seeks to direct most housing and employment growth to the main urban areas of Lancaster, Morecambe Heysham and Carnforth. This is to promote and build sustainable communities with new development located where there is good access to public transport, employment, retail and leisure services/facilities to reduce and better manage the demand for travel, minimise the use of natural resources and safeguard our environmental capital. Specifically, Policy SC1 requires development proposals to be convenient to walk, cycle and travel by public transport between homes, workplaces, schools, recreational facilities and other services; to be on previously developed land; not be at risk of unacceptable flooding or cause flooding off-site; to be developed without loss or harm to features of biodiversity, landscape, archaeological or built heritage importance; and that the proposed use would be appropriate to the character of the landscape.
- 7.2.2 The application site relates to a large proportion of an existing allocated employment site, protected by saved Policy EC5. This policy identifies approximately 29 hectares of employment land in the Luneside area for a range of B1 (Business) and B2 (General Industrial) uses. B8 (Storage and Distribution) uses are discouraged due to the constraints of the local highway network for HGVs (Policy EC14). Core Strategy policy ER2 identifies the Luneside area as a Regeneration Priority Area and advocates mixed-use proposals for housing and continued employment. The application seeks a wholly residential development (i.e. not mixed use) on an allocated employment site. Subsequently, the proposal is a departure from the adopted Development Plan. Planning Law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore exceptional circumstances should be demonstrated to justify a departure from the adopted Development Plan.
- 7.2.3 The applicant maintains a position that the relevant policies relating to the existing employment allocation and the housing policies are out-of-date and specifically that the saved employment allocation policy (EC5) does not explicitly safeguard the site from future alternative uses. This was the purpose of policy EC8, which was not a saved policy and therefore no longer forms part of the adopted Development Plan. The applicant sets out that the proposal accords with the spatial vision for development growth in the district (as set out in Core Strategy policies SC1, SC2 and ER2); that the site is not suitable or viable for employment purposes in the long term which is consistent with the Council's own evidence in support of the emerging Local Plan, and; that the proposal will positively contribute to the delivery of housing in the district. The applicant also argues that due to the level of residential development already permitted in the Luneside area, the proposed development would form a logical continuation to the regeneration of the area.
- 7.2.4 The Council acknowledges the long-term challenges faced with the continued use of the wider industrial estate for employment purposes. This is reflected in the emerging Local Plan, which seeks to take a more pragmatic approach to the regeneration of the Luneside area and specifically the Lune Industrial Estate. The emerging Local Plan (Policy EC1) does not include the Lune Industrial Estate as an employment allocation. As part of the emerging Local Plan the Council proposes to reallocate the estate as a Development Opportunity Site via Policy DOS4. The Council's evidence, in particular the Employment Land Review, recognises that Lune Industrial Estate is constrained by its location – isolated from the strategic highway network and effectively located at the end of a large cul-de-sac – and is not high quality employment land. It also highlights that neighbouring residential development potentially presents long-term compatibility issues. The Council's own evidence suggests that the loss of employment land from Luneside can, at least in part, be absorbed in the long term utilisation of underused employment land elsewhere in the district, for example providing a greater role for economic growth at the Heysham Gateway. However, it should be noted that the Council's aspirations in this regard may not accord with the demands of existing businesses which may have a locally-specific requirement for location within the City of Lancaster.
- 7.2.5 Notwithstanding the constraints described and the Council's aspirations for economic growth elsewhere in the district, the evidence does not categorically rule out employment uses on the site and indeed recommends its release (from employment land) be supported over time to ensure there is no shortfall of such land in the early phases of the plan period. Subsequently, the Council's approach focuses on the de-allocation of the estate over the longer term for comprehensive, mixed-use redevelopment. Critically, the emerging Local Plan seeks to address the regeneration of the industrial estate as a whole and for a mix of uses. The application site relates to land which the applicant only owns. Whilst this is a sizable part of the wider industrial estate, it would still present a

piecemeal approach to the estate's redevelopment. Equally, the proposal remains solely residential development. Whilst the Council continues to advocate the emerging policy position as part of the preparations for the Local Plan, due to the levels of objection received to the policy (from the applicant themselves), the weight that can be afforded to it is limited at this stage in the context of paragraph 48 of the NPPF.

- 7.2.6 The site contains around 312,000sq.ft of industrial floorspace. The applicant originally stated that approximately one-third was currently vacant, together with around 6ha of undeveloped and vacant land. The demolition of the two large buildings on the site since the application was submitted now contributes further to this. The applicant makes a case that the site is unviable in the long-term despite extensive marketing of the site for employment purposes. The Council does not dispute the applicant's conclusions in terms of the longer-term prospects of the (wider) estate. However, what is clear is that despite the current condition of the application site (and parts of the wider estate) it remains an active employment site with a number of businesses operating from within it. There have been representations made from businesses operating on the site suggesting the current residential proposal would affect around 300 jobs. During deliberation, Officers have viewed the site and noted that there remains a large proportion of employment activity despite significant areas of vacancy/dereliction. Additionally, and despite locational constraints, where there has been investment in the estate (not the application site), there appears to be no signs to suggest the uptake of improved employment premises has been limited or slow.

- 7.2.7 The proposals have elicited a significant number of objections to the application, many of which stress that the lack of investment and marketing of the estate has led to its current condition and its potential demise. There are strong objections from many of the business operators from within (and adjacent to) the site regarding the loss of this employment site. The reasons are summarised in paragraph 5.1 but it is clear there is genuine concern over the ability of existing businesses being able to viably and sustainably relocate elsewhere (if alternative premises exist) and for retained businesses to continue operating without restrictions given the increase in sensitive users (residential development) sitting alongside them.

- 7.2.8 Policy DM15 of the DM DPD primarily relates to proposals involving employment land and premises on unallocated sites. The reasoned justification supporting this policy clearly indicates that the Land Allocations DPD would provide the approach to future employment allocations. Whilst the criteria set out in DM15 provides useful tests that could be considered when assessing whether exceptional circumstances exist to support a departure from the adopted development plan position, it is not criteria that should be used as a general get-out clause for allocated employment sites to be lost.

- 7.2.9 Whilst there are large areas of the site vacant and underutilised, there are a number of employment uses operating from the site, which undoubtedly provides economic value and contributes to the local economy in terms of investment and job creation. The impacts on this will need to be weighed against the benefits of the proposal.

- 7.2.10 Whilst the applicant maintains a position that there is sufficient headroom in the existing supply of industrial land to absorb the impacts of the land to be lost, the applicant does accept that the proposals will have economic impacts. The applicant has been receptive to the officers' concerns regarding the impacts on affected businesses and they have considered potential re-location strategies in an attempt to mitigate the impacts. This has evolved during the determination period. The latest Relocation Strategy confirms that the applicant has, in a bid to provide alternative business premises, secured alternative commercial/employment premises in Lancaster. The principles and intentions behind the relocation strategy appear reasonable and fair, setting out a pragmatic and realistic timetable and an offer to provide slightly reduced rental rates for a 3-year period. The Council's Economic Development Team has also reviewed the proposals and indicate there are limited commercial opportunities in Lancaster for businesses on the Lune Industrial Estate to relocate to, noting the majority are on Lansil and that forms part of the applicant's relocation offer. There is better availability of commercial property in Morecambe and more limited opportunities in the rural areas. The Economic Development Team indicates that at present there does not appear to be enough units of the appropriate size for all the businesses from the Lune Industrial Estate to relocate to. However, the applicant's timetable set out in the relocation strategy does provide a longer period for tenants to seek alternative premises. Whilst this provides some opportunity to mitigate the local economic impacts, it will not remove the impacts completely. For some businesses, the costs to relocate (due to the low rates currently available on the site) will potentially make it unviable to continue operating. Furthermore, the ability to secure the measures set out in

the relocation strategy are unlikely to meet the legal tests for imposing conditions and securing a planning obligation.

7.3 Housing Needs

- 7.3.1 At the time when the application was submitted, the Council could not demonstrate a 5-year housing land supply. More recently, following the publication of the revised NPPF (July 2018) and the publication of the 2016 sub-householder projections in September 2018, the Council has revised its 5-year land position using the standard methodology described in the NPPG, which now demonstrates that the Council can demonstrate a 5-year housing land position. Notwithstanding this, there is clear government guidance indicating that the outcomes of the revised (national) methodology will be revised again, so little weight is given to the current oversupply position.
- 7.3.2 Despite some significant shifts in relation to housing supply since the application was submitted, the Government maintains its position that Councils should seek to significantly boost the supply of housing. Subsequently, even if the Council is able to demonstrate a 5-year land position, this does not mean housing development should not be supported. The key test is ensuring such housing constitutes sustainable development. Similarly given relevant policies in the determination of this application are considered out-of-date, the trigger of the tilted balance set out in the presumption of sustainable development is still engaged. This means granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies of the Framework taken as a whole.
- 7.3.3 The proposed development would provide up to 249 dwellings on previously developed land within Lancaster. There remains some concerns over accessibility issues to local services and facilities, which are addressed later in the report, but the principle of housing (notwithstanding the employment allocation) is not an unreasonable land use proposition in this location.
- 7.3.4 In terms of the provision of affordable housing, the applicant initially proposed no affordable homes on the site due to the nature and extent of abnormal costs associated with the redevelopment of the site. Lengthy viability negotiations have taken place and with the support of an independent viability consultant, the agreed position is that 22 affordable units (9% of the total number of dwellings proposed) can be provided. This is significantly below the policy expectations but on the basis that policy DM41 allows for viability matters to be considered, it does not render the scheme contrary to policy. However, it is noted that the extent of abnormal costs is greater due to the piecemeal nature of the development within the wider industrial estate and the need to implement significant acoustic buffer works to address incompatibility issues between the proposed residential development and retained employment uses within and around the site. By consequence, a more comprehensive development of the wider site could, theoretically, be capable of achieving greater returns in terms of affordable units.

7.4 Noise and Odour considerations

- 7.4.1 The exclusion of some areas of the wider industrial estate raises the issue of compatibility between proposed residential use and retained business and industrial use. The scheme excludes a small pocket of industrial development in the centre of the site where Howdens and VMS are located. Both of these premises enjoy unrestricted industrial B2 and B8 uses. Along the south and eastern boundaries of the larger development parcel, there are a number of large general industrial uses including a waste transfer station. The smaller development parcel also bounds these adjoining industrial uses. Access and egress to retained employment premises is via New Quay Road, with secondary access for some businesses via Europa Way. The planning permission for the operation of the waste transfer station is subject to a routeing plan requiring access/egress via New Quay Road. This is a material consideration in the determination of the application.
- 7.4.2 Given that the wider site has not been assembled for this proposal, the applicant has been faced with the difficult task of attempting to address the potential impacts and the relationship between these conflicting uses through various supporting documents, including noise and odour assessments. In relation to noise, the proposed scheme will need to include in-built acoustic mitigation measures, and these are indicated as a 6m high acoustic barrier around the southern boundary of the site extending northwards for a portion of the eastern site boundary. Additional acoustic fencing is also required in a number of other locations including the site frontage along the Quay, along the proposed (albeit indicative) haulage route and around part of the commercial island

in the centre of the site. The applicant's own assessment indicates amendments would be required to the layout to reduce the noise impacts but goes on to suggest such could be capable of control by planning condition.

- 7.4.3 The Councils' Environmental Health Team has commissioned an independent consultant to review the applicant's noise assessments. The conclusions from that independent review and comments from Environmental Health indicate that the applicant has failed to address all the original concerns and deficiencies of the original report (as summarised in our consultation section of this report). Even with significant mitigation, the applicant's own assessment predicts excesses over background noise levels that would indicate 'adverse to significant adverse' impacts. The Noise Policy Statement for England and paragraph 180 of the NPPF clearly states that significant adverse impacts should be avoided in the interests of safeguarding health and the quality of life for future occupants. Paragraph 182 of the NPPF is also relevant. This states that planning decisions should ensure new development can be integrated effectively with existing businesses and that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. In this case, the proposed mitigation is clearly insufficient to protect the amenities of future occupants (in certain locations of the development) and could clearly prejudice the future operations of existing businesses.
- 7.4.4 The applicant maintains that consideration of the noise impacts can be conditioned and re-assessed at the reserved matters stage. Given the scale of the development, the nature and extent of surrounding employment uses and the extent of the site affected by potential noise impacts, Officers are not convinced such can be adequately dealt with by condition. On this basis, the proposal is considered to be non-compliant with DM35 and paragraph 180 of the Framework.
- 7.4.5 With regard to potential odour impacts, the applicant's original assessment was considered deficient and a revised assessment has been carried out and submitted which is still pending consideration by the Council's Environmental Health Officer. Principally this assessment recognised the potential odour impacts of the retained industrial uses and undertook further observational assessments. The main sources of odour detected during the survey effort related to exhaust fumes, building waste, refuse and cement. The applicant contends the impacts overall are likely to be 'slight adverse' in one location (around Metamark) and 'negligible' around the waste transfer station (Supa Skips) and not significant overall. No mitigation is proposed. A verbal update will be provided on this matter once further comments are received from our Environmental Health Officer.

7.5 Sustainability, Traffic and Highway Safety Considerations

- 7.5.1 National and local planning policy recognises that consideration of transportation has a vital role to play in facilitating sustainable development. In particular, developments that generate significant movements should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Core Strategy policy SC1 makes this point quite clear and indicates that a sustainable location for residential development is normally 400m safe walking distance from a public transport route; less than ½ hour by public transport from local services such as GP practice, employment areas and town centres, and; less than 1km by a safe direct route to the District's Strategic Cycle network (amongst other criteria). The purpose of the Development Plan policy aims to support the District's regeneration, improve resident's quality of life and minimise the environmental impacts of traffic and to do this development should be focused in accessible and sustainable locations in the first instance. The Development Management DPD sets out more specific policies in respect of enhancing accessibility and transport linkages (see Paragraph 6.3 for details). The applicant has been mindful of these policy considerations and has submitted a Transport Assessment (TA) in support of their application. The scope of the TA has been the subject of pre-application discussions with the Highway Authority. The TA concludes that the proposed development is sustainably located and can be accommodated without detriment to the operational capacity or safety of the local highway network nor would it create 'severe' impacts.

7.5.2 Accessibility and sustainability

The site is within reasonable walking distance of the city centre for employment, retail and health facilities. It benefits from good access to the strategic cycle network, which runs along the River Lune and good connections to a network of public rights of way, mainly to the west of the site. Access to public transport to serve the proposed development is considered poor. Whilst there is a bus stop located on Willow Lane (circa 300m south of the site) access to Willow Lane can only be taken via the internal estate roads serving the wider industrial estate (Europa Way). These roads

are outside the applicant's control and are not included within the application site; they are unadopted, poorly maintained, unlit with no footway provision. Contrary to the assertions in the original TA (suggesting there is a pedestrian access to Willow Lane), the bus stop, school and small retail shop on Willow Lane (together with access to Coronation Field) are considered inaccessible to and from the application site. There are bus stops on Lune Road (circa 1km from the site) and St George's Quay (circa 1.4km) which exceed the recommended 400m walking distance.

7.5.3 In order to address the Highway Authority's initial objection over the sustainability of the site (as a consequence of the site's poor access to public transport/connections to Willow Lane), the applicant has now committed to a significant financial contribution (£540,000) to fund a new bus service between the city centre and the site. This shall provide a new service along the quayside and is judged necessary to make the development acceptable, particularly given the poor connections between the site and Willow Lane. This bus service will undoubtedly provide added benefits to the wider existing community that live and work in and around the Luneside area. The applicant has also committed to widen and extend the cycle way along New Quay Road for a length of approximately 250m. The Highway Authority no longer objects on the grounds of sustainability and accessibility. The above mitigation can be secured by planning condition and a planning obligation in the event the planning application is supported. This would ensure the proposal complies with the relevant parts of DM20 and DM21 of the DM DPD together with the objectives set out in chapter 9 of the NPPF (specifically paragraphs 108 – 110).

7.5.4 Impact on the local highway network

Turning to the potential impacts of the proposal on the operation and safety of the local highway network. Paragraph 109 of the NPPF plainly states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the cumulative impacts on the road network would be severe. Currently the industrial estate has two points of access. The main access, which is located off New Quay Road, and a secondary access off Willow Lane, which is located within a residential area. In respect of New Quay Road the primary point of access would be regarded as being via Damside Street (1.8km to the east) and on to Cable Street (A6) in the centre of Lancaster. Secondary access points are available via Lune Road/West Road. There are a number of extant residential planning permissions on New Quay Road which are in varying stages of completion. Although some industrial uses on the estate are retained (excluded from the proposals), the composition of traffic using the route to and from Cable Street will change significantly from a mixture of private cars and HGVs to a predominant proportion of private cars.

7.5.5 Trip generation analysis and modelling has been undertaken to support the application. The scope of this analysis was agreed with the Highway Authority in advance of the submission and is still regarded acceptable by the Highway Authority despite the age of the traffic surveys (2013). The 2013 traffic surveys were undertaken at the two existing site accesses to determine the traffic generated by the B1, B2 and B8 uses at the site. These surveys showed 147 two-way movements in the morning peak and 180 two-way movements in the evening peak. At that time there was 79% occupancy on the site and as such a pro-rata increase was applied to the traffic data in order to assume full occupation, including the existing figures to 164 two-way movements in the morning peak and 189 two-way movements in the evening peak. The proposed trip generation figures accounts for the residential development and the retained industrial units (Howdens and VMC) concluding in the morning peak there would be 180 two-way movements and in the pm peak 185 two-way movements. The residual trip generation in the morning peak would be slightly higher and in the evening peak slightly lower. The critical point the applicant makes is that the make-up of the movements will be markedly different, noting a significant reduction in potential HGV movements.

7.5.6 There have been some concerns raised over the robustness of the assessment given it is unclear how the traffic survey data and subsequent trip generate can reflect the actual movements associated with retained uses unaffected by the proposal to the east and south of the site. There have been objections received noting that the nature of the uses to be lost are not necessarily the highest HGV generators and the retained uses outside the application site contribute mostly to these movements. The likely outcome being that the actual reduction in HGV movements may be less than suggested by the applicant. There is some validity in this argument. However, the applicants' approach is reasonable and consistent with usual best practice. Despite various iterations and additional addendums to the original TA, the Highway Authority does not object on the grounds of the adequacy of the TA submitted.

7.5.7 The TA and subsequent addendums have included operational capacity assessments for key junctions, principally the Cable Street/Damside junction. The modelling for this junction suggests that the additional traffic emanating from the development together with the anticipated flows from the extant planning permissions, which exist along St Georges Road and New Quay Road would not lead to any significant congestion at this junction. The representative from the Highway Authority has visited the site and can concur with some of the comments raised from objectors over queuing along St George's Quay. However, they are satisfied that during the peak hour traffic period the limited amount of queueing readily dissipated over a short period of time and would not be classed as 'severe'. In conclusion, the traffic generated by the development is considered acceptable and would not adversely affect the operation or capacity of the local highway network. On this basis, the development is considered compliant with paragraph 108 of the NPPF and DM20 of the DM DPD.

7.5.8 Access arrangements

The original proposals sought a new principal access off New Quay Road and a pedestrian access towards Willow Lane (as set in the TA). The access arrangements have varied throughout the determination period with one amended scheme providing two separate access points off New Quay Road: one serving the proposed residential development and a separate access proposed to serve a new Haulage route through the site to enable access/egress for retained employment uses to the east and south of the site. The latest amendment, which our recommendation is based upon, reverts to a single access utilising the existing access arrangement. Two further access points are proposed off the residential estate roads to serve the smaller development parcel to the east. All access points are priority-controlled junctions. There are no highway safety concerns or capacity issues associated with the proposed access arrangements for the smaller parcel of land. These could be secured by planning condition. The principal access of New Quay Road, however, is no longer accepted. Whilst there are no capacity issues associated with this junction, the proposed design and overrun area, and essentially a shared access for both the residential development and retained employment development, is considered sub-standard and unsafe. The Highway Authority has objected on this basis. This element of the proposal conflicts with the requirements of policy DM20 of the DM DPD and paragraph 108 of the Framework and therefore forms one of **the** recommended grounds for refusal.

7.5.9 Haulage route

The provision of a haulage route has evolved during negotiations over the compatibility of this residential scheme sitting alongside retained employment uses and the need for the applicant to demonstrate that the proposal would not prejudice access/egress and the operation of surrounding employment uses. The requirement for a haulage route is considered a necessary requirement of the proposal from both an amenity and design perspective but also to mitigate potential economic impacts. As noted above the current arrangements also present highway safety concerns. Subject to an acceptable access arrangement being secured, it is accepted that the precise location and routing of the haulage road could be addressed at the reserved matters stage, although its requirements would need to be secured by planning condition. The position of this route is likely to be in the area indicatively shown on the latest amended plan because of other constraints, such as noise impacts and mitigation. In principle, the provision of a haulage route to serve retained employment uses is acceptable and would not result in adverse highway impacts. Its purpose is principally to prevent the use of the proposed residential streets by HGVs as well as securing and maintaining suitable access/egress routes for retained employment uses outside the application site.

7.6 Air Quality considerations

7.6.1 The proposed site lies outside the City's Air Quality Management Area but due to the changes in the composition of traffic generated associated with the development, the impacts of such have been assessed as part of this proposal. The Council's Air Quality Officer has had fundamental concerns over the traffic data used as part of the air quality assessment, with a concern that the likely reduction in the HGV movements is far less than what may actually occur on site. In light of the Highway Authority accepting the traffic survey data, it would be difficult to sustain an argument to the contrary. In simple terms, the applicant's case is that the proposal will have a beneficial impact on the AQMA due to the reduction in HGV movements. The Air Quality Officer's position (though updated comments are due to be provided in response to the applicant's amended assessment), is if the traffic data was adjudged and HGV movements were not as low as predicted, the impacts on the AQMA may change to neutral or slightly adverse. The applicant does not share this view and maintains in the amended scheme the proposal will not adversely affect the AQMA. Nevertheless, having regard to the current air quality position of Lancaster's AQMA, mitigation is proposed

including the cycle/bus vouchers which could be delivered and achieved through the implementation of a Travel Plan. Furthermore, and whilst not required for air quality reasons, the contribution towards a new bus service will also help minimise traffic and therefore emissions between the site and the city. On this basis and notwithstanding the outstanding comments due to be provided before the Committee meeting, the proposal is unlikely to conflict with the objectives set out in paragraph 181 of the Framework and DM37 of the DM DPD.

7.7 Flood Risk and Drainage

7.7.1 The site straddles all three flood zones with a large majority of the site located within Flood Zone 3 which is defined as having a high probability of flooding. It is acknowledged that the site is within an area benefiting from flood defences with crest levels of the defences at the site set at a minimum of 8.15m above Ordnance Datum. The NPPF and Policy DM38 of the DM DPD seeks to direct new development away from areas at highest risk of flooding. New development, in areas which are vulnerable to flood risk, are required to meet the Sequential and Exception Tests as appropriate and provide site-specific flood risk assessments (FRA) to demonstrate the site is not at risk of flooding and would not increase the risk of flooding elsewhere.

7.7.2 To support the proposals, the applicant has provided an FRA and Drainage Strategy (with subsequent addendums) together with a Flood Risk Sequential Test. The Sequential Test should demonstrate that there are no reasonable available sites in areas with a lower probability of flooding that would be appropriate to accommodate the type of development and land use proposed. In accordance with the NPPG, a pragmatic approach to the availability of alternative sites has been taken. The site is located within the Luneside Regeneration Priority Area and so it is accepted that the scope of the Sequential Test be limited to this area only. This is consistent with how the local planning authority has considered other development proposals in the Luneside area. The applicant's assessment is reasonable and thorough and concludes there are no sequentially preferable sites within the Regeneration Priority Area to accommodate a comparable proposal. Officers are satisfied with the assessment undertaken and conclude that the sequential test is satisfied.

7.7.3 Due to the flood risk vulnerability of the development (categorised as 'more vulnerable') combined with the site's location within parts of Flood Zone 3, the Exception Test should also be satisfied. The Paragraph 160 of the NPPF states that for the Exception Test to be passed it should be demonstrated that:

- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and,
- b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing the flood risk elsewhere, and, where possible, will reduce flood risk overall.

7.7.4 With regard to the first requirement of the Exception Test, it is the applicant's case that the proposed development constitutes a sustainable form of development, which will positively contribute to the Council's wider regeneration objectives for the Luneside area and will positively contribute to the supply of housing in the district. Officers acknowledge that there are benefits associated with the proposal but for the reasons set out above there remain some significant negative aspects to the proposal which may, on balance, result in the proposal not being considered sustainable in the whole or meeting exceptional circumstances to warrant a departure to the development plan. Officers will address whether the Exception Test is satisfied when addressing the planning balance at the conclusion of this report.

7.7.5 Turning to the second requirement of the Exception Test, the application is supported by a site specific FRA (and subsequent addendum reports), together with a detailed drainage strategy (as amended). In order to ensure the development is not at risk from flooding, flood risk mitigation is required. The proposal includes the following mitigation:

- finished flood levels being set at least 600mm above existing ground levels;
- that safe access and egress in the 1 in 100yr plus climate change event can be provided (though reliant on the flood defences like much of the Luneside area);
- flood warning measures can be put in place, and;
- the incorporation of sustainable drainage.

The Environment Agency has raised no objections to the proposal subject to the implementation of the FRA in particular securing the agreed finished flood levels.

- 7.7.6 The drainage strategy (as amended) indicates that surface water shall be restricted to existing brownfield run-off rates with discharge to the culverted watercourses that traverse the site and eventually outfall to the River Lune. The LLFA is now satisfied with the proposal subject to a detailed drainage scheme being conditioned in the event planning permission is granted. In conclusion, and except for our consideration of the Exception Test, the applicant has adequately demonstrated that the site is capable of being developed without being at significant risk of flooding or increasing the risk of flooding elsewhere. Consequently, and subject to the imposition of appropriately worded flood risk and drainage planning conditions, the proposal does accord with the requirements of paragraph 163 of the NPPF, DM38 and DM39 of the DM DPD in relation to ensuring the development would not be at risk of flooding.
- 7.7.7 The LLFA recognises that the layout is only indicative but have made comments in relation to two matters. The first being the close proximity of dwellings to a number of existing culverted watercourses that traverse the site and their associated easement requirements and the second matter relating to isolated areas of the site that are affected by surface water flooding. With regard to the first point, the applicant maintains that the alleged watercourses are private drains but indicates further consultation would be carried out with the LLFA at the point of reserved matters and the detailed design stages of the development. The principle to discharge to these drains/watercourses is not necessarily disputed. The issue will be ensuring that the site can accommodate the amount of development having regard to the future drainage infrastructure of the site and the need to provide any necessary easements. With regard to the second point, there are only very small pockets of the site (largely limited to the estate roads and a small area within the smaller development parcel) that are subject to surface water flooding. These areas are not significant for either the 1 in 30 year or 1 in 100 year events. Officers are of the opinion that the extent of surface water flooding would not be a significant constraint to the development of the site and that the layout, detailed drainage scheme and finished floor levels (at reserved matters and condition stages) can design out any potential concerns.
- 7.8 Nature Conservation and Biodiversity
- 7.8.1 The industrial estate is largely dominated by buildings and hardstanding and is therefore not of significant nature conservation value. Notwithstanding this, there are buildings and trees on the site that may support protected species, which are a material consideration. The site does, however, lie within close proximity to the River Lune Biological Heritage site, the Lune Estuary Site of Special Scientific Interest, Morecambe Bay SPA/SAC (designated nature conservation sites) and Freeman's Wood Biological Heritage Site. In light of these circumstances, the application has been supported by an ecological appraisal and appropriated protected species reports. The reports submitted adequately evidence that there are no significant ecological constraints associated with the redevelopment of the site and that the likelihood of significant adverse effects on the special interests of the nature conservation sites is likely to be low. Due to the nature of the proposed works and the geographical distance between the site and the identified non-statutory designated sites (BHS's), no impacts are anticipated. The Council's ecology advisor, GMEU, has raised no objections to the proposal and comment that the mitigation measures set out in the submitted reports are proportionate and acceptable and would adequately ensure that there are no adverse impacts on protected species. Given the condition of the current site, the redevelopment of the site will provide opportunities for new landscaping which if designed appropriately could provide net gains to biodiversity.
- 7.8.2 Despite the heavily developed nature of the site, there are a number of trees within the estate that contribute to the amenity of the area. The applicant's Arboricultural Implications Assessment (AIA) indicates that the majority of trees within the site are not high value individual specimens and their removal would not present a constraint to development. There are a number of higher value trees along the site frontage and around the access which from a design, ecology and amenity perspective should be retained. The latest access proposals (utilising the existing access), indicative proposals and the updated AIA (as amended) demonstrate that the majority of these protected trees are capable of being protected and retained. The Council's Tree Officer is yet to comment on the revised AIA, however, Officers are satisfied that the impact on trees and replacement landscaping is capable of being dealt with as part of any future reserved matters application.
- 7.8.3 With regard to the potential impacts of the development on the designated nature conservation site, these relate mainly to the potential indirect impacts that could arise from water pollution and

disturbance from increased recreational pressures on Morecambe Bay. In order to comply with the Habitat Regulations, the local planning authority, as the competent authority, have undertaken a Habitat Regulations Assessment (HRA). This concludes the development will not affect the integrity of the European sites, providing that conditions are imposed on any grant of planning permission securing the following:

- an Environment Construction Method Statement;
- avoidance of pollution arising from site remediation; and
- homeowner information pack providing information about the nature conservation importance of the bay and the need to avoid any recreational disturbance of birds using the bay.

Natural England has raised no objections to the proposal and concur with the conclusions of the HRA.

7.8.4 Overall the proposal is considered not to have any significant adverse impacts on nature conservation and with appropriate mitigation (through the imposition of planning conditions) conforms with paragraph 175 of the NPPF, and DM27 and DM29 of the DM DPD.

7.9 Design, Amenity and Open Space considerations

7.9.1 There is significant emphasis within the revised NPPF to create high quality places with good design being a key aspect of achieving sustainable development. Paragraph 127 of the NPPF requires decisions to ensure development proposals function well and add to the quality of the area; are visually attractive; establishes a strong sense of place; provides an appropriate mix of development including open space, supports local facilities and transport networks, and; fundamentally creates places that are safe, inclusive, accessible and promotes health and well-being.

7.9.2 The relationship of the proposed residential development to retained employment uses both on the periphery of the site and the units that are central to the main development parcel, has and remains, a fundamental constraint to the development of the site. It is difficult to see how the position and relationship of the development to adjoining industrial units can create a place of high quality and good design and can achieve an acceptable standard of amenity for future occupants. Whilst the application is in outline form only, Officers must be satisfied that the site is capable of accommodating the development applied for, which is 'up to 249 dwellings'. This does not simply mean 249 residential units can fit on the site, but that the maximum number of units can fit on the site together with the appropriate infrastructure and other planning requirements, and that such is capable of delivering a sustainable, high-quality form of development.

7.9.3 Compatibility of residential and industrial uses are not uncommon and it is noted that the residential development of Luneside West is located up against some employment uses with some acoustic mitigation. There are differences between the current proposal and other adjoining residential sites. The first is that this proposal affects access and egress for retained employment uses both within the main part of the development site and on the periphery, meaning traffic to and from those uses will affect the proposed residential development. Secondly, the nature and scale of uses neighbouring this site are greater and will have different impacts to those affecting other previously-approved residential development. Nevertheless, all proposals should be considered on their own merits having regard to relevant policy and guidance at the time of the determination.

7.9.4 In terms of on-site open space requirements, the typologies and square metre area requirements is potentially, capable of being provided on the site. The fundamental issue will be where this open space is located. Again, whilst a matter for consideration at the reserved matter stage, it is clear that in order to achieve the maximum number of units applied for, the only likely location for the main area of public open space is located in the areas constrained for housing due to the noise impacts. Public open space located outside the main developable areas located alongside a potential haulage route and neighbouring industrial uses is unlikely to meet the aims and objectives of delivering a well-planned development on this site. Similarly, the inclusion of acoustic measures set out in the acoustic report, comprising 3m high barriers along the site frontage and a 6m barrier to the south and east are equally not conducive to good design.

7.9.5 The provision of a haulage route is considered a necessary requirement to safeguard the future amenity of the residential development and to safeguard access and egress for surrounding businesses. This could be secured by condition. The design and layout of the development would

need to respond to the provision of the haulage route and would require a greater degree of separation between the built development and the road to provide a suitable standard of amenity and good design.

- 7.9.6 The industrial island in the centre of the site does not form part of the application site. The current indicative layout show residential development built up to the boundaries of these premises. The submission also indicates that acoustic fencing along the northern boundary of the retained employment use would be required to protect future occupants surrounding the site from noise emanating from this unit. In addition to the noise from the building, access to and from these two units would be via the estate roads rather than the preferred haulage route. This will create unneighbourly amenity impacts. To address the impacts, acoustic mitigation could be provided - though the acoustic fencing proposed indicatively in this location would block access to their building and parking areas and would be unacceptable, prejudicing their future operation. Officers are not convinced at the outline stage that the applicant has sufficiently demonstrated that the two uses are capable of co-existing and that the proposal would consequently contribute to the delivery of a well-planned, high quality development. On this basis, Officer contend the proposal does not accord with policy DM35 of the DM DPD or paragraph 127 of the NPPF.

8.0 Planning Obligations

- 8.1 In the event the application was supported, a planning contribution would be required to secure on-site public open space in accordance with the development plan policies and supporting guidance. Based on 249 dwellings there would be a requirement for on-site amenity space, an equipped play area and young persons' provision. An off-site contribution is accepted towards improvements to Quay Meadow. The currently calculation is £82,056 though this would need to be re-calculated at the reserved matters stage once the bedroom mix is known. A contribution was not included towards outdoor sports facilities on the basis access to Coronation Field cannot be secured as part of this proposal. Viability considerations also meant that this was not included.
- 8.2 In terms of education provision and despite the initial request for a new school, on re-assessing at various stages through the determination of the application, the County Council has concluded no education contribution is required from this development.
- 8.3 As set out under the highway considerations of this application, a contribution of £540,000 shall be secured to provide a new bus service along New Quay Road.
- 8.4 The provision of affordable housing has been subject to lengthy viability negotiations. The initial submission proposed no affordable housing or other planning obligations. As set out above, there have been concessions from the applicant in this regard with significant contributions now secured for public transport improvements. This has had implications for the provision of affordable housing. A planning obligation will be required to secure 22 affordable housing units. Provision can be included in the s106 to have this re-evaluated at the reserved matters stage if the number of mix of housing alters from that set out indicatively at this stage.
- 8.5 As with all other developments of this scale, there will be a requirement for management provisions to be built into the legal agreement to ensure open space and sustainable drainage infrastructure is maintained for the life time of the development.

9.0 Planning Balance

- 9.1 The thrust of planning policy is about achieving sustainable development, recognising that the environmental, economic and social dimensions of sustainable development are mutually dependant. Pursuing sustainable development is about place making and ensuring new development can integrate with the existing built, natural and historic environment.
- 9.2 Critical to our consideration of the application is the presumption in favour of sustainable development. It is accepted that there are relevant policies important for determination of this application that are considered out-of-date and therefore it is accepted that the tilted balance is engaged. This means that the Council should only be refusing planning permission if the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 9.3 The provision and delivery of open market housing (and to a lesser extent affordable housing) is a significant benefit of the scheme. The site's redevelopment would support the regeneration of large areas of vacant and poor quality previously developed land within a recognised regeneration priority area. The provision of a new bus service provides wider benefits to the community that already live and work in the area, as would the provision of new areas of open space within the site. The scheme also provides opportunities to deliver new landscaping and biodiversity enhancements. These benefits weigh heavily in favour of the proposal.
- 9.4 On the other hand and despite the long-term objectives for the wider industrial estate that is being advanced by the Council through the emerging Local Plan, the proposal will have adverse economic impacts. There are active businesses on the site that could be lost if they are unable to relocate elsewhere. It is accepted that the application has attempted to address this through the relocation strategy; though ensuring the applicant adheres to the timeframes and intentions set out therein is not something that can reasonably be achieved through planning. The compatibility of the proposed residential development with the existing retained employment uses still represents significant challenges. Even with significant intervention, adverse noise impacts are likely which questions the ability to deliver the scale of development proposed and secure a well-planned development that provides a suitable standard of amenity for all. Furthermore, it is likely that the existing businesses operating close to the site could equally be adversely affected, potentially prejudicing their continued and further operation. The application fails to demonstrate that such significant concerns could be overcome adequately through the control and use of planning conditions. The proposed access arrangement is also deemed unsafe. Cumulatively these impacts equally weigh heavily against the proposal.
- 9.5 This recommendation is finely balanced but the fact the site is allocated for employment purposes and would be a departure, the negative impacts of the proposal are considered to significantly and demonstrably outweigh the benefits. Taking the framework as a whole and policies within the Development Plan, the proposal does not, in its current form represent sustainable development. This is largely because of the difficulties associated with trying to integrate the residential development within the wider industrial estate. On this basis, the proposal is also incapable of satisfying the Exception Test required for flood risk purposes.

For the reasons set out above, Members are recommended to refuse planning permission.

Recommendation

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

1. As a result of the access point off New Quay Road being shared with the adjacent industrial development and as a consequence of its proposed design, the proposal fails to provide a safe and suitable means of access for the proposed residential development. As a consequence, the proposal is contrary to policies DM20, DM21 and DM35 of the Development Management Development Plan Document and Paragraphs 108, 109, 110 and 127 of the National Planning Policy Framework.
2. The application fails to sufficiently demonstrate that the proposed residential development, with mitigation, can be integrated effectively with the neighbouring industrial uses both on the periphery of the site and those retained industrial uses in the centre of the site. Even with significant acoustic mitigation proposals, large areas of the site would be subject to noise levels that would give rise to significant adverse impacts, resulting in unacceptable impacts on the health and amenity of future occupants and prejudicing the continued operation of existing industrial uses neighbouring the site. As a consequence, the proposed development is considered contrary to saved policy EC5 of the saved Lancaster District Local Plan, policy DM35 of the Development Management Development Plan Document, Paragraph 180 and 182 of the National Planning Policy Framework and the Noise Policy Statement for England.
3. The application fails to sufficiently demonstrate that the site is capable of achieving the amount of development proposed, together with open space and other infrastructure requirements, in a manner that would demonstrate a well-planned, safe, and high quality designed residential scheme, capable of providing satisfactory standards of amenity for future occupants. As a consequence, the local planning authority are of the opinion that the development does not constitute a sustainable form of

development and would be contrary to policies DM26 and DM35 and paragraphs 91 and 127 and 130 of the National Planning Policy Framework.

4. The proposed development is considered to not constitute a sustainable form of development and, as such, would not provide wider sustainability benefits to the community that outweigh the flood risk and therefore fails the first part of the Exception Test. It is therefore contrary to policy DM38 of the Development Management Development Plan Document and paragraph 159 and 160 of the National Planning Policy Framework.

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

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

Lancaster City Council takes a positive and proactive approach to development proposals in the interests of delivering sustainable development. During the lengthy determination period of this application, and in accordance with planning guidance, officers have sought to work positively with the applicant in order to try and overcome initial concerns and objections to the proposal. A number of objections have been resolved, however, the resulting scheme remains unacceptable for the reasons prescribed in the above recommendation.

Background Papers

None.

Agenda Item	Committee Date	Application Number
A11	4 February 2019	18/01583/OUT
Application Site Land Adjacent To Stonehaven Bay Horse Lane Bay Horse Lancaster	Proposal Outline application for erection of two dwellings (C3) and associated access	
Name of Applicant Mr & Mrs Armer	Name of Agent Mr Stuart Booth	
Decision Target Date 14 February 2019	Reason For Delay None	
Case Officer	Mrs Eleanor Fawcett	
Departure	None	
Summary of Recommendation	Refusal	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Helen Helme for the application to be reported to the Planning Committee on the basis that the proposal is a small rural development which will provide accommodation for the applicant's children and be close to the places of work.

1.0 The Site and its Surroundings

- 1.1 The site relates to part of a larger agricultural field, located adjacent to Bay Horse Lane, close to the southern edge of the District, and is approximately 220 metres from the A6. There is a verge between the carriageway and the site which is predominantly grassed, although there is an area of hardstanding. The boundary with the highway comprises a hedgerow and there is a small stable building and shed towards the northwest corner of the site. To the east and south west is the remainder of the agricultural field, and beyond this, to the southwest, is a further field and a residential property, Low Abbey. To the northeast of the site is another detached dwelling, Stonehaven, and on the opposite side of the highway, to the west, are two residential properties and a large area of agricultural land. The site is located within the Open Countryside and there is a high pressure gas pipeline located approx. 300 metres to the northwest. It is also within an area identified as being susceptible to ground water flooding.

2.0 The Proposal

- 2.1 Outline planning permission is sought for the erection of two dwellings and the creation of an associated shared access. All matters are reserved with the exception of the access which is proposed in roughly the centre of the site's frontage.

3.0 Site History

- 3.1 An outline application was submitted in 2018 for the erection of four dwellings (18/00988/OUT). The boundary included the current application site and land to the southwest, extending up to the field boundary. This application was refused under delegated powers for the following reasons:

1. The site is located within the open countryside, divorced from key services and facilities and as such it is considered to be unsustainable in terms of its location. There are considered to be no special circumstances, in this instance, to justify four new dwellings in this unsustainable location. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular section 5, Policy SC1 of Lancaster District Core Strategy and Policies DM20 and DM42 of the Development Management Development Plan Document.
2. The development would result in an inappropriate form of ribbon development along this rural road within the open countryside and this, along with the proposed access arrangement, would have a detrimental impact on the character and appearance of the area. It is therefore contrary to the aims and objectives of the National planning Policy Framework, in particular Sections 12 and 15, and Policies DM28 and DM35 of the Development Management Development Plan Document.

Application Number	Proposal	Decision
18/00988/OUT	Outline application for the erection of 4 dwellings with associated access	Approval

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Support.
County Highways	No objection subject to conditions requiring: visibility splays (2.4 by 75 metres); wheel cleaning facilities; and access to be a minimum width of 5.5 metres for 5 metres back from the highway.
Environmental Health	No comments received during the consultation period.
Tree Protection Officer	No comments received during the consultation period.
Natural England	No comments to make.
Cadent Gas	No objection.
Lancashire Fire and Rescue	Comments. It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

5.0 Neighbour Representations

5.1 No comments have been received. Any comments received will be verbally reported to the Planning Committee.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph 11 – The presumption in favour of sustainable development

Paragraphs 77, 78 and 79 – Rural housing

Paragraph 108, 109 and 110 – Access and transport

Paragraphs 124 and 127 – Achieving well-designed places

Paragraph 170 – Contributing to and enhancing natural and local environment

Paragraphs 170, 175 and 176 – Protecting and enhancing biodiversity

6.2 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the

following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

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

This 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 Local Plan Saved Policies

E4 – Development within the Countryside

6.4 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.5 Development Management Development Plan Document (adopted July 2014)

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM27 – The Protection and Enhancement of Biodiversity
DM29 – Protection of Trees, Hedgerows and Woodland
DM28 – Development and Landscape Impact
DM35 – Key Design Principles
DM41 – New Residential Development
DM42 – Managing Rural Housing Growth

7.0 Comment and Analysis

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

- Principle of residential development
- Scale design and landscape impact
- Impact on highway safety
- Impact on residential amenity
- Ecological and tree implications

7.2 Principle of Residential Development

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

travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 sets out sustainable rural settlements where new housing will be supported. It goes on to say that in other rural settlements proposals will be supported if it can be demonstrated that the development will enhance or maintain the vitality of the local community and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits.

- 7.2.2 The application site is located in the open countryside, divorced from any of the villages identified in policy DM42 and is considered to be outside any other settlements. The nearest sustainable settlement is Galgate which is located approximately 2.9 kilometres to the north. It is unlikely that people would be able to walk to services, given the distance to these, with the exception of the nearby public house (the Bay Horse), which is located approx. 200 metres to the north east. There is a small employment site close to the public house but given its size, it is unlikely to provide employment for someone living at the application site. There is likely to be a strong reliance on private transport to reach services, though an alternative means of transport is available by way of a bus service on the A6. The bus stops, on both sides of the highway, are approximately 380 metres from the site and there is some limited street lighting on Bay Horse Lane but no footpaths. Buses along the A6 serve Galgate, Lancaster, Garstang, Preston and Blackpool. In terms of cycling, whilst the site is on the National Cycle Network, there are no designated cycle paths close to the site and the A6 is a busy highway which may discourage people using this. There are alternatives provided by rural roads, although these are mostly unlit.
- 7.2.3 Paragraph 78 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 goes on to say that decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply. The term isolated is not defined in the Framework. The judgment of Lang J in *Braintree District Council v Secretary of State for Communities and Local Government* [2017] EWHC 2743 (Admin) determined that 'isolated' should be given its ordinary objective meaning 'far away from other places, buildings or people'. Therefore this site cannot be considered to be isolated for the purposes of the NPPF. That being said, the accessibility of the site in terms of proximity to services and amenities still needs to be considered.
- 7.2.4 Policy SC1 of the Lancaster District Core Strategy and Policy DM20 of the Lancaster Development Management DPD seek to minimise the need to travel and ensure new development is sustainable. The proximity to the bus stops is a factor in favour of the location, however the site is divorced from all other services and, with the exception of the public house, it would not be possible to walk to these. People living in this location are unlikely to rely on cycling, given the local highway network, to reach services and workplaces. It is therefore considered that there would be a strong reliance on private transport and hence development in this location raises conflicts with both Policies SC1 of the Core Strategy and DM20 of the DM DPD. It is also considered that the proposal is contrary to Policy DM42 as the site is located outside a settlement. The submission sets out that the intention by the applicant is to build the two properties for their family, although they are not seeking a personal consent. The reasons are noted, however they can be afforded limited weight in planning terms.
- 7.2.5 Planning permission was granted earlier in 2018 for the erection of two dwellings within the field to the south west of the application site. The fact that the Council could not demonstrate a 5 year supply of deliverable housing sites was a strong consideration in the determination of the application and a tilted balance towards the supply of housing was applied. However, each application must be determined on its own merits and there were no other material considerations in this case which were considered to significantly weigh against this. It is also acknowledged that several appeals have been allowed within the District, some within locations which are less accessible, primarily as a result of the lack of a 5 year supply of housing, but also considering the site specifics and other implications of the proposals. Some of these did relate to previously developed land, being gardens to rural houses, which the current proposal does not have in its favour. The Council has recently published a five year housing land supply position which sets out that 13.3 years' worth of supply can be demonstrated. However it is likely that the methodology for this will change, and given the undersupply and the need to significantly boost housing, it is considered that the presumption in favour of development should apply. Nevertheless, as set out above, there are clearly conflicts with the Council's adopted policies in relation to the location of the development, which do weigh against the proposal.

7.3 Scale, Design and Landscape Impact

- 7.3.1 Outline consent is sought for the erection of two dwellings and the creation of a singular access to serve the development. All other matters are reserved, though the indicative plan shows these as two large detached dwellings (approx. 13 metres wide by 10 metres deep) set back from the highway, with hardstanding for both properties occupying most of the front of the site.
- 7.3.2 The site relates to part of an agricultural field which separates existing residential development to the northeast from a narrower field to the southwest, which has outline consent for the erection of two dwellings (18/00054/OUT). Another proposal was also being considered at a similar time to the previous refusal (which was proposed across the whole width of the field), closer to the public house (18/01125/OUT). The cumulative impact of the two refused schemes and the existing consent would have been continuous development for the majority of the southern side of the highway between the A6 and the railway line.
- 7.3.3 The immediate area is characterised by either single or small groups of dispersed dwellings separated by areas of agricultural land. Most of these along this road are historic and are evident on both the first addition OS maps from the 1840s and 1880s. The main development absent from these relates to the industrial site (including its associated dwelling) and two properties approximately half way along this road, Lowfield and Stonehaven. The latter lies adjacent to the site. The gaps between the domestic properties are very much part of the character of this rural area and the development would result in almost continuous ribbon development along this rural road to the detriment of its rural character. Whilst the current application is of a smaller scale than the previously refused scheme, the retained gap will be relatively insignificant in the context of the row of continuous development, and the encroachment into the larger field would significantly erode its character and appearance, making it more difficult to resist further development along the retained frontage.
- 7.3.4 It is acknowledged that, beyond the railway line to the northeast, there are rows of residential properties with formalised pavements on either side of the M6 motorway, which appear to have been constructed around the early to mid 20th century. These front onto Whams Lane and this development gives this road a very different character to Bay Horse Lane. These dwellings are not viewed in the context of the application site, being separated by the railway line and open fields. One of the allowed appeals, relating to a new dwelling in the open countryside, is located on Whams Lane, to the northeast of the M6. In this instance it resulted in an infill between properties which already formed a continuous row and was partly on brownfield land. It was therefore considered not to cause harm to the character and appearance of the area. The context of the current application is very different, as outlined above and the loss of part of the agricultural land, separating the existing built development, would significantly and demonstrably harm the character and appearance of the area. Whilst two dwellings have been granted consent adjacent to Low Abbey and the application site, this would still leave a significant separation between the existing development to the northeast and is contained within a smaller field. It is therefore considered that this would not create a precedent for the current proposal. In any event, each application must be determined on its own merits.
- 7.3.5 Policy DM28 of the DM DPD sets out that the Council will support development which is of a scale and in keeping with the landscape character and which is appropriate to its surroundings. The site is located within a landscape character defined as Undulating lowland farmland, sub category 5i (West Bowland Fringes) within the Lancashire Landscape character Assessment (December 2000). Within the associated Landscape Strategy (December 2000), in relation to this landscape type it sets out that ribbon development, which would disrupt the characteristic clustered form of settlements and the rural character of local roads, should be avoided. Whilst this is general guidance to this landscape character type, for the reasons sets out above, it is considered that the proposal, both individually and cumulatively with other existing and consented development, would adversely impact on the rural character of this road. Whilst this has already happened in the past on Whams Lane, this does not justify further erosion of the landscape and development pattern within this part of the countryside.
- 7.3.6 Policy DM35 also sets out that new development should make a positive contribution to the surrounding landscape or townscape and development should contribute positively to the identity and character of the area through good design. In addition to the impacts set out above, in terms of the creation of a ribbon form of development, it is also considered that the layout of the development fails to respond to the characteristics of the area. Whilst it is an outline application, the indicative plan

shows two large dwellings, occupying most of the width of the site with a very minimal separation distance. This layout also leads to the majority of the area to the front being used for parking and laid with hardstanding. The current arrangement would not contribute positively to the identity and character of the area and will create quite a dense and more urban form of development. Whilst this could be partly overcome by reducing the sizes of the dwellings, these would need to be significantly reduced in order to provide adequate separation to help maintain the openness of the area and prevent the frontage being dominated by hardstanding and vehicles.

- 7.3.7 Paragraph 127 of the NPPF sets out that development should ensure that developments are sympathetic to local character and history, including the surrounding building environment and landscape setting. Whilst it is acknowledged that the site is not within a designated landscape area, this does not mean that the landscape does not provide an important setting to the existing development as discussed above. Paragraph 170 of the NPPF sets out that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. For the reasons set out above, it is considered that the development would have a detrimental impact on the character and appearance of the area, contrary to both local and national planning policy.

7.4 Impact on Highway Safety

- 7.4.1 A single point of access is proposed from Bay Horse Lane to serve the development. This road has a speed classification of 60mph. Speed surveys have been undertaken which demonstrate that 85% of traffic speeds in the vicinity are 43 mph. As a result, visibility splays of 2 x 75 metres in both directions have been proposed, which is lower than what would usually be expected for the speed classification. It is not clear why the setback has not been shown as 2.4 metres, which is the standard distance, as it appears that this can be achieved to the front of the hedgerow given the depth of the verge. The Highway Authority has raised no objections subject to conditions, one of which requires splays measuring 2.4 metres by 75 metres. The agent has been asked to show this on a plan to demonstrate that it can be delivered.

- 7.4.2 It is considered that the highway network in the immediate vicinity of the application site is adequate to support an increased level of vehicle movements that the development is likely to generate. Subject to the clarification regarding the visibility splays, it is considered that the proposal would not have a detrimental impact on highway safety, and there is sufficient space within the site for adequate turning and parking to be provided.

7.5 Impact on Residential Amenity

- 7.5.1 It is considered that two dwellings could be accommodated on this site without having a detrimental impact on the amenity of neighbouring properties, including the proposed development to the south west.

7.6 Ecological and Tree Implications

- 7.6.1 An ecological appraisal has been submitted with the application and includes a desk based assessment in addition to a site visit. This relates to the previous application but is also relevant to the current proposal as it covers all of the site. The most valued ecological assets on site are the species-rich hedgerow and the mature trees which offer nesting opportunities for birds and roosting/commuting opportunities for bats. The hedgerow along the western boundary, adjacent to the highway, in particular is a valued asset for local biodiversity and is a good and diverse example and is an 'important' hedgerow as per the Hedgerow Regulations 1996. As the access is proposed through this, it is recommended that all hedgerow that cannot be retained should be translocated elsewhere. The eastern defunct hedgerow would benefit from gaps being filled. It is recommended that trees around the site should be retained due to the habitat value for wildlife. Three swallow nests were identified within the stables. The report sets out that it is planned that this building will be moved elsewhere on the site and consequently there will be no loss of nesting opportunity at the site. However, the stable would be outside the application site, and does not benefit from any consent, although it may not require any as it appears to be a moveable structure. Therefore it is considered that opportunities for swallows could be incorporated into the dwellings. The report also sets out that 6 bird nesting boxes should be installed high in mature trees around the site. These will be outside the application site though if within the same ownership their provision can be secured through a condition.

- 7.6.2 The trees around the site may provide an area for foraging bats and potential roosts and it is intended that these will be retained. The report recommends that lighting is mounted as low as possible and away from the trees and that two bat boxes should be included on the exterior wall of the new buildings within the scheme. No other species have been identified as implicated by the proposals and it is considered that the development would not have a detrimental impact on biodiversity, subject to adequate mitigation as set out above.
- 7.6.3 A number of trees and hedgerows have been identified in relation to the proposed development. However, this also relates to the previous application. They have been identified as T1 (oak tree), H1, H2 and H3 (mixed species hedgerows including hawthorn, ash, sycamore, blackthorn, hazel and holly) and G1 (a group of semi-mature trees including cypress and a monkey puzzle tree). H1, H2 and T1 have been identified as tree and hedges that have a moderate amenity value, as such they should be retained within the overall design of the proposed scheme, in the interest of public amenity value and wildlife benefit. G1 is a group of low amenity value and as such should not influence the design of the scheme. The creation of the access will result in a loss of up to 9.5m of existing hedgerow. There are no proposals to remove any additional trees/hedges in relation to the proposed development.
- 7.6.4 The loss of a section of the hedgerow is considered to be acceptable, subject to appropriate mitigation which relates to both amenity and wildlife value as discussed above. There is no scope for ground works within the root protection area of retained trees and, as such, all underground services must be sited outside the agreed root protection area. There is an opportunity to improve the overall cover of trees within the site and improve the quality and diversity of tree stock. A detailed planting scheme can be considered as part of a reserved matters application.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 Whilst the site would not be 'isolated' in the terms of the NPPF, residential development in this location would conflict with the spatial strategy of the Development Plan, being divorced from most services, with a heavy reliance on private car and does therefore not form an appropriate location for residential development. The proposal would also result in an undesirable form of ribbon development along a rural road to the detriment of the character and appearance of the area. This would also be exacerbated by another recently refused proposal for three dwellings along this road and a previous approval for two, located to the south west of the site. Whilst the proposal would provide two houses and would support local services to some extent, the unsustainable location and the impacts on the character and appearance of the area are considered to significantly and demonstrably outweigh the benefits of the scheme, when assessed against the Development Plan and the NPPF taken as a whole, even when applying a tilted balance towards the delivery of housing.

Recommendation

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

1. The site is located within the open countryside, divorced from most key services and facilities and as such it is considered to be unsustainable in terms of its location. There are considered to be no special circumstances, in this instance, to justify two new dwellings in this unsustainable location. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular section 5, Policy SC1 of Lancaster District Core Strategy and Policies DM20 and DM42 of the Development Management Development Plan Document.
2. The development would result in an inappropriate form of ribbon development along this rural road within the open countryside and this would have a detrimental impact on the character and appearance of the area. It is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular Sections 12 and 15, and Policies DM28 and DM35 of the Development Management Development Plan Document.

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

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

In accordance with the above legislation, the City Council can confirm that it takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in this report. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Background Papers

None

Agenda Item A12	Committee Date 4 February 2019	Application Number 18/01348/FUL
Application Site Land west of Littledale Road Brookhouse Lancashire		Proposal Erection of a detached dwelling (C3) with associated access
Name of Applicant Mr P Kershaw		Name of Agent Mr Dan Ratcliffe
Decision Target Date 18 December 2018		Reason For Delay Awaiting amended plans and consultee responses
Case Officer		Mrs Kim Ireland
Departure		No
Summary of Recommendation		Approval

(i) Procedural Matters

The proposed development would normally fall within the scheme of delegation. However, Councillor Jackson has requested that the application be referred to the Planning Committee for a decision on the grounds that the proposed dwelling is outside the village and will lead to ribbon development and it is on a green field site in Forest of Bowland AONB.

1.0 The Site and its Surroundings

- 1.1 The site which forms the subject of this application relates to land to the south of the village of Brookhouse fronting Littledale Road. The site is currently used as agricultural land and gradually rises from north to south. The field is bounded to the east by a mature boundary hedgerow and metal railing to the Littledale Road frontage. To the north is a post and wire fence. To the west is a post and wire fence that is separated by a small channel/stream that flows in a northerly direction. The unnamed watercourse joins Bull Beck beyond the north boundary of the site. There is no boundary to the south of the site.
- 1.2 The south of Littledale Road is characterised with residential properties that are a mixture of two storey and split level dwellings and dormer bungalows. There are a number of local services within the village of Brookhouse that include a primary school, public house, churches and a convenience store. A bus service runs along Brookhouse Road, passing through the centre of the village.
- 1.3 The site is allocated as a Countryside Area within the Local Plan and is within the Forest of Bowland AONB.

2.0 The Proposal

- 2.1 The proposal is seeking to develop a two storey detached dwelling set within a small garden plot. The footprint of the property measures approximately 152.50sq.m. The plot sits on ground rising 5m from north to south. The overall site curtilage measures 29m deep (west-east) and 39m deep (north-south), totalling 1,131sq.m. The external walls will be finished in render, under a slate roof.

- 2.2 The proposed footprint includes an attached garage that provides off street parking for one car with the addition of further off street parking and a turning area to the north of the proposed dwelling. The driveway into the site is to be provided to the north of the site. The boundaries to the north and west of the site are to remain as existing, the eastern boundary is to remain the same with the removal of a section of the hedge to allow for the proposed access into the site. To the south of the site a proposed native hedgerow is to be planted with the addition of four native trees to the south of the proposed hedgerow. The proposed dwelling is set 3.5m away from Littledale Road with its side elevation fronting the road and the front elevation facing the side elevation of the neighbouring property of 26 Littledale Road.

3.0 Site History

- 3.1 The planning application listed below for the erection of a detached dwelling with associated access was withdrawn last year for concerns raised regarding design, landscape and residential amenity, surface water drainage and proximity to watercourse, safe access and parking and ecology.

Application Number	Proposal	Decision
18/00867/FUL	Erection of a detached dwelling (C3) with associated access	Withdrawn

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Objection. The proposal would not be within the village boundary, it would be an extension of the village. The build would be a higher gradient that will not be in keeping with the surrounding area.
County Highways	No objection subject to conditions relating to a scheme for the construction of the site's access, relocation of speed classification signage, construct and maintain visibility splay, appropriately pave 5m of the access from the highway boundary and development shall not be occupied until the scheme for the construction of the site's access has been constructed and completed.
Environmental Health Officer	No comments received during the statutory consultation period.
Tree Protection Officer	No objection , subject to conditions relating to the development being carried out in accordance with the arboriculture implications assessment and a scheme indicating the type and distribution of all new trees shall be submitted.
Natural England	No objection
Forest of Bowland AONB	Objection. The proposal would extend into the setting of Brookhouse village, the proposal has the potential to create a ribbon development further south along Littledale Road.
Shell	No comments received during the statutory consultation period.
British Pipeline Association	There are no pipelines affected
Fire Safety Officer	No objection
United Utilities	No objection subject to foul and surface water being drained on separate systems
Cadent Gas	No objection

5.0 Neighbour Representations

- 5.1 Five pieces of correspondence objecting to the application have been received. The reasons for opposition include the following:

- The proposed development is located outside the village envelope.
- It is located on a prominent site within the Forest of Bowland AONB. The dwelling is not proportionate, of poor design and would not enhance the AONB. The dwelling does not relate

well to the existing built form and is not in proportion to the existing scale and character of the settlement.

- There are prominent visual impacts of the proposed building due to varying gradients of the hillside location.
- There is no part of the road boundary of the proposed development from which access would be safe.
- Road safety concerns for non-vehicular users.
- The site is a greenfield site.
- Detrimental impact on the neighbouring properties amenity due to the topography of the site.
- Increased risk of flooding due to surface water run-off.
- The visual impact for the neighbouring property.
- The development would have a significant impact on numerous important site designations which provide important habitats that sustain a wealth of biodiversity.
- The scheme is not a sustainable development.
- Loss of hedgerow

5.2 One piece of correspondence supporting the application has been received. The reasons for support include the following:

- There is a big and increasing shortage of residential properties.
- The development does not encroach up Littledale Road into the open countryside/green belt.
- It respects the current development perimeter set by the existing properties on the opposite side of the road.
- It does not set a precedent for further development along Littledale Road.
- The land has low ecology value
- No visual intrusion caused to any properties or public footpaths further up the hills or from the AONB.
- The revised scheme has reduced the size of the property significantly.
- The proposed access will have good sightlines, unlike some of the existing properties along Littledale Road.
- The flood risk assessment and drainage strategy report shows there is no risk of run off onto the highway.
- The property is a moderate two storey dwelling that matches the style, scale and finishes of other properties in this location.
- The new dwelling is positioned away from the boundary with its neighbours to the north.
- There is a demand for this size of property within the village.

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 77 and 78 – Rural Housing

Paragraphs 124 and 127 – Requiring Good Design

Paragraphs 172 and 174 – Conserving and Enhancing the Natural Environment

6.2 Local Planning Policy Overview – Current Position

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

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

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

DM22 – Vehicle Parking Provision
DM27 – The Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows & Woodland
DM35 – Key Design Principles
DM41 – New Residential Dwellings
DM42 – Managing Rural Housing Growth
Appendix B – Car Parking Standards

6.4 Lancaster District Local Plan (saved Policies)

E3 – Area of Outstanding Natural Beauty
E4 – Countryside Area

7.0 Comment and Analysis

7.1 The key considerations arising from the proposal are:

- Principle of housing in this location;
- Drainage;
- General design and impact on AONB;
- Impacts upon residential amenity;
- Highway impacts;
- Impacts on trees and hedgerow; and
- Ecology impacts

7.2 Principle of Housing in this Location

The site is located to the south of the village of Brookhouse, adjacent to the neighbouring property of 26 Littledale Road, which is the last dwelling to the west of Littledale Road before Hill Farm that is approximately 215m to the south. To the east of the site are the neighbouring properties of 35, 37 and 39 Littledale Road that are in line with the proposed site.

7.2.1 Caton with Littledale Parish Council have made an application to designate the area as a Neighbourhood Plan area. Consultation on this area designation took place in 2015 and the designation was approved on 2 July 2015. The Neighbourhood Plan will seek to address the requirements for new housing in the village and securing appropriate locations to achieve such development. Recent case law would suggest that for a Neighbourhood Plan to be considered in the decision making process it must have made significant progress towards completion (being at the Referendum stage) before any real weight can be attached to it. The Neighbourhood Plan for Caton with Littledale is at a very early stage, and so little weight can be afforded to it, but nevertheless is still a material consideration.

- 7.2.2 Policies DM41 and DM42 of the Development Management DPD are both relevant. They seek to support residential development that represents sustainable development. New residential development should:
- Ensure that available land is used effectively but takes account of the characteristics of different locations.
 - Be located where environment, services and infrastructure can accommodate the impacts of expansion.
 - Provide an appropriate dwelling mix

In addition the general requirements for rural housing on non-allocated sites must:

- Be well related to the existing built form of the settlement
- Be proportionate to the existing scale and character of the settlement
- Be located where environment and infrastructure can accommodate the impacts of expansion.
- Demonstrate good siting and design in order to conserve and where possible enhance the quality of the landscape; and, consider all other relevant policies.

- 7.2.3 Brookhouse is identified as suitable for residential development in Policy DM42 of the DM DPD. The application site is adjacent to no.26 Littledale Road and opposite no.35 Littledale Road. Whilst the village has no defined boundaries the site does fall outside the existing built-up area of the village, though its relationship with nos. 26 and 35 means that it relates positively to its surroundings. Therefore it is considered that the location is sustainable, where the provision of a new residential accommodation is encouraged. Consequently the principle of the proposed dwelling is seen as acceptable.

7.3 Drainage

- 7.3.1 There has been a number of concerns raised with respect to surface water drainage within the village, and villagers are understandably concerned given some of the village has suffered flooding in recent years. It should be stressed that the site lies within Flood Zone 1 and therefore the site is considered to be at low risk of flooding. Notwithstanding the above there is a small channel/stream to the west of the site that flows in a northerly direction. The unnamed watercourse joins Bull Beck beyond the north boundary of the site. The proposed dwelling's finished floor levels are to be set 150mm above the surrounding ground levels and flood resistance and resilience measures are not seen to be required given there are no records of flooding on the site or in the near vicinity according to Environment Agency's records. The site layout and proposed drainage system has been designed to ensure that there is no increased risk of flooding on or off the site as a result of extreme rainfall, lack of maintenance, blockages etc. The proposed attenuation of surface water detailed in the supported flood risk assessment and drainage strategy will be located to the west of the site and will consist of a Geocellular crate system. Silt traps will be provided at either end of the crate system to prevent blockages, while a hydrobrake will limit the outflow into the beck. The proposed attenuation will mitigate both on and off site flooding concerns and it is considered that subject to an appropriate condition being imposed that the scheme can be found acceptable from a surface water perspective.

7.4 General design and impact on AONB

- 7.4.1 There is a mixture of different sizes and designs of dwellings in this locality that are predominantly semi and detached dormer and non-dormer bungalows and detached two storey properties to the north and east of the site.
- 7.4.2 Policy DM28 of the Development Management DPD is relevant, as it states that development proposals should through their siting, scale, massing, materials and design seek to contribute positively to the conservation and enhancement of the protected landscape.
- 7.4.3 The design of the dwelling initially raised concerns with the local planning authority. The general height and massing was considered acceptable, as they had been reduced from the previous planning application. However it was thought the variety of different roof forms complicated the general design of the dwelling and the eastern elevation needed to provide an active frontage given it faced the road.

7.4.3 Improvements were made to the roof form and alterations to the eastern elevation that overcame the concerns that had been raised regarding the design of the proposed dwelling. The scale and massing of the proposed dwelling is thought to be similar to two storey properties in the vicinity and the siting of the dwelling is dictated by the channel/stream that runs to the west of the site. However, due to the reduced scale and height of the proposed dwelling from the previous planning application, the scheme is thought to be of similar scale and massing to the existing surrounding built form. The materials that are proposed to be used are not thought to have an adverse impact to the AONB, given the surrounding properties use similar materials and the existing boundaries that are mainly to remain in situ, will break up the elevations and soften the visual impact upon the protected landscape.

7.5 Impacts upon residential amenity

7.5.1 Policy DM35 of the Development Management DPD states that new dwellings should be private and free from overlooking and overshadowing as possible. There should normally be at least 21m between dwellings where windows of habitable rooms face each other, though ground levels should be taken into consideration as part of the assessment. The proposed attached garage will be set 21m away from the neighbouring property of 26 Littledale Road. The south elevation of this neighbouring property has two windows to the ground floor that serve the kitchen/dining room. The only window in the north elevation of the proposed dwelling serves a first floor bedroom window. This is elevated, in terms of both the difference in ground levels between the 2 properties (the proposed dwelling being 2m higher than its neighbour) and the fact it is set into the building at first floor level. Therefore the separation distance should exceed 21m. The first floor window is set back from the attached garage, so the separation between windows would be 25m. This is considered to be acceptable. The proposed dwelling will be set 35m away from the neighbouring property of 35 Littledale Road. The eastern elevation has a number of windows located within it, which look onto the front elevation of the neighbouring property. 35 Littledale Road is situated in an elevated position, possibly slightly higher than the proposed dwelling, but given the separation distance there are no amenity concerns arising with regards the relationship between these 2 properties.

7.6 Highway impacts

7.6.1 There are four off-street parking spaces proposed to the north of the proposed dwelling, including the one space provided within the attached garage. Appendix B of the Development Management DPD sets out parking requirements. 4-bed dwellings should provide a minimum of 4 car parking spaces and therefore the development complies with the standards set out. The proposed access to the site is to be provided 11m in from the northern boundary and visibility splays have been shown, which are 2.4m x 43m to the south and 2.4m x 25m to the north. County Highways has raised no objections to the scheme and the visibility splays shown conform to the measurements that have been set out in the consultee response. Provided within the site is a turning area, which allows vehicles to access and egress the site in a safe manner. The proposed position of the access requires the relocation of speed classification signage. The proposed level of off-street parking and the access arrangements are considered to be acceptable in both highway safety and visual amenity terms.

7.7 Impacts on Trees and Hedgerow

7.7.1 The post and wire fence boundaries to the north and west are to remain in situ and the existing hedgerow boundary to the east is to mainly remain with the exception of a section that is to be removed to allow for the proposed access into the site. To the south of the site a proposed native hedgerow is to be planted with the addition of four native trees south of the proposed hedgerow. There are on and off site trees established to the boundary lines that are directly and indirectly implicated by the proposed development. However due to the presence of the existing watercourse and embankment to the west of the site, the root systems of the existing trees are safeguarded and there are no proposals to remove the trees in order to facilitate the proposed development. A requirement will need to be conditioned to install tree protective barrier fencing as set out in the submitted arboriculture implications assessment if the application is approved. The retention and protection of the existing trees will maintain the valuable greening, screening and wildlife benefits. Overall the Tree Officer has no objections to the proposed scheme and has requested conditions to be applied to the decision. One of the conditions sought relates to the provision of a planting scheme but this information has been provided on the proposed site plan and therefore it is not necessary to apply this condition on this occasion.

7.8 Ecology Impacts

- 7.8.1 The application is supported by an ecological appraisal, which states that an ecological survey, site appraisal and impact assessment were carried out on site. Bats, badgers and nesting birds are known to occur in the local area. However, there was no conclusive evidence of any protected species utilising on the site or the surrounding areas, which would be negatively affected by the proposed dwelling. Mitigation measures are set out in the ecology appraisal and these can be conditioned if the application is approved. Natural England has been consulted on the planning application and have confirmed that the proposed development is unlikely to have a significant impact on the natural environment.

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 proposed dwelling is to be sited adjacent to the village of Brookhouse which is well served by a number of local facilities. Drainage, landscaping, design, access and on-site parking are all adequately addressed in the application and the proposal's impact on ecology, the designated landscape and residential amenity are all satisfactory. It is on this basis that the application is recommended for approval.

Recommendation

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

1. Standard 3 year timescale
2. Development to accord to amended plans
3. Details of construction of the site access and of site works to be submitted
4. Details and samples of materials to be submitted
5. Details of finished floor and site levels
6. Planting scheme shall be as per agreed details
7. Development shall be carried out as per Arboriculture Implications Assessment
8. Visibility splays shall as per agreed details
9. Site access for a minimum of 5m from the highway boundary shall be appropriately paved
10. The relocation of the existing carriageway speed classification signage shall be reviewed
11. Development shall be carried out as per flood risk assessment and associated drainage strategy
12. Unforeseen Contamination
13. Hours of Construction

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 A13	Committee Date 4 February 2019	Application Number 18/00604/FUL
Application Site 71 North Road Lancaster Lancashire LA1 1LU	Proposal Change of use of retail unit (A1) to takeaway (A5) and installation of a flue to the rear elevation	
Name of Applicant Mrs Ranjit Kaur Uppal	Name of Agent Mr Chris Gladding	
Decision Target Date 14 August 2018	Reason For Delay Further Information Requested	
Case Officer	Mrs Kim Ireland	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, the Planning Manager Mark Cassidy has requested the application is to 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 three storey mid terrace property, which is located on North Road in Lancaster City Centre. North Road is characterised with commercial properties to the ground floor and a mixture of commercial and residential accommodation to the first and second floors. The property is situated within Lancaster Conservation Area and dates from the early 19th century. It is noted in the Conservation Area as a positive building, and is therefore classified as a non-designated heritage asset. The building is constructed of natural stone, under a slate roof, with timber windows to the first and second floors and a timber shop front to the ground floor.

1.2 The building is currently used as a newsagent to the ground floor, a store room to the first floor and a staff room to the second floor.

2.0 The Proposal

2.1 The application seeks consent for the change of use of a retail unit to a takeaway and installation of a flue to the rear elevation. The hot food takeaway would be accommodated on the c50sq.m ground floor is 51.3 sq.m whilst the first and second floors would retain their uses as storage and staff room respectively. The proposed flue is to be installed to the rear elevation above the ground floor that projects further than the above floors. It will be 2.5m high with addition of the chimney cap on top.

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
94/01282/FUL	Installation of security shutters	Permitted
91/01245	Demolition of chimney stack to roof height and tile roof over	Permitted
87/00640	Erection of new shop front	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objections
Conservation Team	No objections
Lancashire Constabulary	No objections
Environmental Health Officer	Insufficient information was originally submitted. Further information has now been submitted and a consultee response is awaited

5.0 Neighbour Representations

5.1 Seven piece of correspondence objecting to the application have been received. The reasons for opposition include the following:

- The use would create a noise and odour nuisance for the residential properties that are located to the first and second floors.
- There would be more than 20% of non A1 uses (shops) along the secondary retail frontage and is compounded by City Council licensed street traders.
- There are already three hot food takeaways along this length of North Road
- This area already experiences anti-social behaviour.
- The use will have an associated delivery service; this area is already congested in the evening and this further service will add to the public nuisance and issues of safety already experienced.
- Litter problems are already experienced; the use would add to the problem.

5.2 One piece of correspondence from Lancaster BID objecting to the application has been received. The reasons for opposition include the following:

- The use has the potential for further significant strain to a very congested area of Lancaster City Centre, in which there are already three takeaways already trading.
- The associated footfall, vehicular difficulties, noise and antisocial behaviour would be at an even more detrimental level for residents and businesses.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph 11 – Presumption in Favour of Sustainable Development
 Paragraphs 124 and 127 – Requiring Good Design
 Paragraphs 7, 8 and 9 – Building a strong, competitive economy
 Paragraph 85 – Ensuring the vitality of town centres
 Paragraphs 185, 187, 192, 193 and 196 – 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

DM1 – Town Centre Development

DM2 – Retail Frontages

DM5 – The Evening and Night-Time Economy

DM31 – Development Affecting Conservation Areas

DM33 – Development Affecting Non-Designated Heritage Assets and their Setting

DM35 – Key Design Principles

6.4 Lancaster District Core Strategy Policies

SC1 – Sustainable Development

SC5 – Achieving Quality in Design

7.0 Comment and Analysis

7.1 The key considerations arising from the proposal are:

- Principle of the proposed use
- General Design and Impact upon the Conservation Area; and
- Emissions

7.2 Principle of the proposed use

7.2.1 The application site is located towards the edge of the City Centre designation and is surrounded by a mix of uses. Nos. 73 and 75, to the south, are A5 (hot food takeaway) uses and nos. 26/28 Church Street and 56 North Road opposite, are A3/A5 (café/restaurant and hot food takeaway) uses. The adjacent property of 69 North Road has recently received planning permission (17/00198/FUL) to change the use of the property to an A5 use, though this has not been implemented to date.

7.2.2 Policy DM2 of the DM DPD states that the Council will seek to retain an appropriate mix of 'A' Class uses whilst permitting a limited number of non-A1 uses in secondary retail frontages. Proposals which involve the change of use of ground floor premises to non-A1 will not be permitted unless the adjoining building is in a A1 retail use and the proportion of the continuous retail frontage length in non-A1 use would not exceed 20%.

7.2.3 The proposal fails to meet both of the requirements set out within policy DM2 with the extant planning permission on 69 North Road and consequently it is recommended that the principle of the proposal should not be granted in this instance.

7.2.4 Retail units within the areas designated as 'secondary retail frontages' play an important role in supporting the retail centre of Lancaster. Whilst the Council will support some diversification of uses within the A use class, it seeks to prevent a clustering of non-A1 uses to maintain the City Centre's vitality. The proposed hot food takeaway would further reduce the retail character of the secondary frontage and could encourage the consumption of non-healthy food.

7.3 General Design and Impact upon the Conservation Area

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 policy DM31.

7.3.2 The proposed flue is to be installed to the rear elevation in an enclosed yard area to the rear of the property and therefore is not visible from within the street scene. Consequently the proposal is not thought to have an undue impact on the Conservation Area and is considered to have a less than substantial impact on the adjacent heritage assets. The Conservation Officer concurs.

7.4 Emissions

7.4.1 The Environmental Health Officer initially raised an objection to the proposed scheme on the grounds that the extract will terminate below openable windows that belong to student accommodation and no information has been provided as to what system will be used to abate any odorous emissions.

7.4.2 Since the application was originally submitted, further information has been received, but a consultation response from the Environmental Health Officer is still awaited. Therefore the impact of emissions cannot be provided at this time. If the further information is found to be not acceptable, a further reason for refusal will be added to the decision. A verbal update will be provided at the Planning Committee once the consultation response has been received.

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 proposal is located within the City Centre's secondary retail frontage area. The proposal fails to meet the requirements that are set out within Policy DM2, as the adjoining buildings are either already being used as a hot food takeaway or due to an extant planning permission are to be used as a hot food takeaway. In addition the proportion of the continuous retail frontage length of non-A1 use exceeds 20%. Consequently it is recommended that the change of use should not be granted. The proposed flue is acceptable in design and heritage terms, but in the absence of the Environmental Health Officer's comments it is not clear whether it satisfactorily deals with emissions generated by the proposed use. A negative response from this consultee would result in a second reason for refusal.

Recommendation

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

1. The application site is located in Lancaster City Centre's Secondary Retail Frontage area. The proposed takeaway use would, by virtue of the adjoining non-A1 retail uses and the percentage of non-A1 uses along the continuous retail frontage of which the application site forms a part exceeding 20%, be contrary to Policy DM2 of the Development Management DPD. This would have a detrimental impact on the vitality of this part of the City Centre due to the clustering of non-A1 uses. Although the application states that the use would be open during normal daytime trading hours, it would not seek to maintain or enhance footfall in the area during normal retail opening hours due to the nature of the use being proposed. As such, the proposed change of use is contrary to Policy DM2 of the Development Management DPD, and consequently the provisions of the National Planning Policy Framework, particularly Paragraph 85.

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

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

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

Background Papers

None

Agenda Item	Committee Date	Application Number
A14	4 February 2019	18/01608/FUL
Application Site Recycling Site Alfred Street Lancaster Lancashire	Proposal Change of use of vacant land to car sales area associated with commercial garage (Sui Generis)	
Name of Applicant Mr David Gillespie	Name of Agent Mr Dan Brown	
Decision Target Date 14 February 2019	Reason For Delay N/A	
Case Officer	Mrs Kim Ireland	
Departure	No	
Summary of Recommendation	Approval	

(i) **Procedural Matters**

This form of development would normally be determined under the Council's scheme of delegation. However, the land is in the ownership of Lancaster City Council and as such the application is referred to the Planning Committee.

1.0 The Site and its Surroundings

- 1.1 The application site is located to the east of the road junction of Alfred Street and Seymour Street, situated in close proximity to the City Centre of Lancaster. To the north of the site are Units 1 to 3 Alfred Street that are disused workshops. To the south of the site are the Units 7 to 9 Alfred Street that are leased to D.Gillespie Car Service Centre. To the east of the site is vacant land that is not within the ownership of Lancaster City Council. To the west of the site are two Lancaster City Council car parks of Edwards Street and St Leonards Gate.
- 1.2 The land was previously used as a recycling site, but this use ceased in January 2017. Since then the site has remained unused and has become unsightly due to the dilapidation of the recycling site's boundary fencing and overgrown vegetation.
- 1.3 The site is within Lancaster Conservation Area and is identified as land within Canal Quarter redevelopment.

2.0 The Proposal

- 2.1 The application seeks consent to change the use of 245 sq.m. of vacant land to car sales area associated with commercial garage (sui generis). The land is to be used for a total of 17 cars that will be advertised for sale in connection with the business of D.Gillespie Car Service Centre that is located to the south of the site.
- 2.2 The site has existing hardstanding that is to remain in situ and it has been agreed that the redundant timber fencing, concrete fence posts, heras fencing and vegetation will be cleared from site within 2 months of the date of the decision.

3.0 Site History

3.1 There are two planning applications which relate to the site, which are listed below:

Application Number	Proposal	Decision
08/00866/OUT	Comprehensive redevelopment comprising a retail led mixed used scheme to include demolition of existing buildings and associated structures, the demolition of all residential dwellings, the closure and alteration of highways, engineering works and construction of new buildings and structures to provide, retail, restaurants, cafes, offices, workshop, rehearsal space and residential accommodation, together with ancillary and associated development including new pedestrian link bridge and entranced pedestrian routes and open spaces, car parking and vehicular access and servicing facilities	Refused
93/00755/DPA	Creation of an area of hardstanding to accommodate seven recycling banks and one litter bin and provision of fencing	Permitted

4.0 Consultation Responses

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

Consultee	Response
Conservation Officer	No objection – no significant impact on the conservation area, particularly as the proposed scheme will involve tidying up the site and clearing away the redundant fencing.
County Highways	No objection
Fire Safety	No objection – advice is provided to make the applicant aware of conditions that will be satisfied with a subsequent Building Regulations application.
Canal and River Trust	No comment to make on the proposal.

5.0 Neighbour Representations

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

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph 11 – Presumption in Favour of Sustainable Development

Paragraphs 124 and 127 – Requiring Good Design

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 the first quarter of 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council in late 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

DM31 – Development affecting Conservation Areas

DM35 – Key Design Principles

7.0 Comment and Analysis

7.1 The key issues arising from this application are:

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

7.2 Principle of Development

7.2.1 The site was previously used as a recycling site. However, since this use ceased in January 2017 the site has remained unused and has become unsightly. The proposed car sales area is to be used in connection with the business of D.Gillespie Car Service Centre that is directly adjacent to the south of the site. The existing hardstanding is to remain in situ and no lines will be painted onto the hardstanding. The proposed site layout indicates car parking spaces, but these are for illustration purposes only to show that the site can accommodate 17 cars.

7.2.2 The proposed change of use of vacant land to a car sales area is considered acceptable in this instance, due to being in connection with the Car Service Centre business, which is directly adjacent to the south of the site. In addition it has been agreed that the redundant fencing, fence posts and overgrown vegetation will be cleared from site, which will tidy up the site and could be seen as an enhancement to the area. Whilst the parking of vehicles for sale is not aesthetically pleasing, it will help to screen the overgrown site to the east. It is also considered that given to the west of the site are the two Lancaster City Council car parks of Edward Street and St Leonards Gate that the proposed car sales area will not have an adverse visual impact when viewed from within the street scene.

7.2.3 It is thought that a temporary period of three years would be acceptable, so that the proposal could be re-visited and re-assessed should circumstances and its environment change with the progression of a scheme at Canal Quarter.

7.3 Design and Impact on Character of the Conservation Area

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 DM31.

7.3.2 It is considered that as the site is situated between two unattractive light industrial units, the adjacent site is overgrown, other adjacent sites are used as surface car parks and the proposed works include removing redundant timber fencing, concrete fence posts, heras fencing and vegetation, the

proposal will not have a significant impact on the Conservation Area. The proposal is seen to have a neutral impact upon the character and appearance of the area.

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 proposed change of use of vacant land to a car sales area would not be ordinarily be supported in a Conservation Area. However, due to the unattractive light industrial units and surrounding car parks, the proposal is not seen to have an adverse visual impact when viewed from within the street scene. In addition it has been agreed to remove the redundant fencing, fence posts and overgrown vegetation that will tidy up the site.

Recommendation

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

1. Development to accord to approved plans
2. Permission to be granted for a temporary period of three years
3. The redundant fencing, fence posts and overgrown vegetation to be removed from site within two months of the date of the decision

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 decision 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 decision 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

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
16/00115/VLA	Albion Mills, Factory Hill, Lancaster Variation of legal agreement attached to planning permission 13/01198/VCN to vary the affordable housing nomination arrangements for Impact Housing Association (Bulk Ward)	Application Permitted
18/00151/DIS	85-89 Penny Street, Lancaster, Lancashire Discharge of conditions 5, 6 and 7 on approved application 18/00588/FUL for Mr Trevor Bargh (Castle Ward 2015 Ward)	Application Permitted
18/00156/DIS	Land At OSGR E351057 N464848, Low Road, Halton Discharge of conditions 5 and 10 and updated details submitted pursuant to condition 3 on approved application 17/01423/REM for Mr Warren Cadman (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
18/00158/DIS	Development Land, Wennington Road, Wray Discharge of conditions 3,4,5, 6, 7 and 8 on approved application 18/00237/FUL for Mr A Livesey (Lower Lune Valley Ward 2015 Ward)	Split Decision
18/00164/DIS	Carnforth Business Park, Oakwood Way, Carnforth Discharge of conditions 3, 5 and 6 on approved application 18/00269/FUL for Strong Developments Ltd (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
18/00175/DIS	Burrowbeck Grange Nursing Home, Scotforth Road, Lancaster Discharge of condition 9 on approved application 16/01248/FUL for - - (Scotforth East Ward 2015 Ward)	Application Permitted
18/00180/DIS	6 Sunningdale Crescent, Hest Bank, Lancaster Discharge of condition 3 on approved application 18/01126/FUL for Rev Pauline Nixon (Bolton And Slyne Ward 2015 Ward)	Application Refused
18/00181/DIS	The Gables, The Green, Over Kellet Part discharge of condition 3 on approved application 18/00513/LB for Mr Stephen Jeffers (Kellet Ward 2015 Ward)	Application Permitted
18/00190/DIS	Land South Of, Low Road, Halton Discharge of condition 4 on approved application 17/01423/REM for Mr Warren Cadman (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
18/00625/VLA	Land South Of, Low Road, Halton Variation of legal agreement attached to planning permission 14/01344/OUT to allow changes to the affordable housing and open space requirements for Mr Warren Cadman - Forge Weir View Ltd (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/00744/PAM	Telephone Exchange, Back Knowlys Road, Heysham Prior approval for the installation of a 20m monopole, 4no. equipment cabinets and 1no. meter cabinet for Vodafone Ltd (Heysham Central Ward 2015 Ward)	Prior Approval Granted

LIST OF DELEGATED PLANNING DECISIONS

18/00798/FUL	60 - 62 Church Street, Lancaster, Lancashire Change of use of bar (A4) and restaurant (A3) to a mixed use scheme comprising an internet cafe bar (A1/A3) and eight student studio apartments (C3) incorporating installation of 2 rear dormer windows, replacement awning and a new front doorway for Mighty Student Living Ltd (Castle Ward 2015 Ward)	Application Permitted
18/00845/FUL	1 Brook Street, Lancaster, Lancashire Demolition of existing single storey rear extension and erection of a replacement single storey rear extension and canopy for Professor (Dr.) Malik Salameh (Castle Ward 2015 Ward)	Application Permitted
18/00910/FUL	Lower House Farm, Park House Lane, Wray Erection of a toilet block with associated hardstanding, installation of a sewage treatment plant and change of use of garden area to sensory farm for Miss Rebecca Dobson (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/01025/LB	Caterleisure Ltd Platform 4, Castle Station, Westbourne Road Listed building application for the installation of an internal ramp, creation of a new internal opening on structural wall, new internal door, flooring, ceiling and lighting, internal boarding to opening, a new partition wall and screen and the removal of partition walls and door for Mr O'Connell (Castle Ward 2015 Ward)	Application Permitted
18/01070/FUL	Unit 1, Kingsway Retail Park, Caton Road Installation of new and additional glazing to front elevation, trolley bay and external plant, and alteration to pedestrian canopy and replacement of double doors for Accrue Capital (Bulk Ward 2015 Ward)	Application Permitted
18/01088/FUL	12 Strickland Drive, Morecambe, Lancashire Erection of single storey side and rear extension and retention of outbuilding to the rear for Mr Stewart Whiteley (Bare Ward 2015 Ward)	Application Permitted
18/01121/FUL	The New Bungalow, Caton Green Road, Caton Green Excavation of land to facilitate the erection of a detached garage for Stephen Brown (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/01154/FUL	8 Wyresdale Gardens, Lancaster, Lancashire Retrospective application for the retention of a detached outbuilding for Mr Stefan Vogt (John O'Gaunt Ward 2015 Ward)	Application Permitted
18/01155/FUL	Glenside, Red Bridge Lane, Silverdale Excavation of land and erection of single storey extension to create garage with terrace above, erection of two storey rear and single storey side extensions, creation of raised terrace and steps to side, change of use of land to form domestic garden and creation of a new driveway and turning/parking area (part retrospective) for Mr John Shaw (Silverdale Ward 2015 Ward)	Application Permitted
18/01156/FUL	Burrow House Cottage, Burrow Heights Lane, Lancaster Erection of a two storey rear extension for Mr Ian Campbell (University And Scotforth Rural Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

18/01234/FUL	53 Market Street, Lancaster, Lancashire Change of use of first and second floor offices (B1) to 2 5-bed student flats (C4), erection of a first and second floor extension, installation of roof balcony, rear staircase and erection of a bin store and cycle store for Mrs Brenda Cookson (Castle Ward 2015 Ward)	Application Withdrawn
18/01308/FUL	Land To The Side Of Former Police Station, Grosvenor Road, Carnforth Erection of 2 semi-detached 2-bed dwellings (C3) with associated garden area and parking for Mr John Noye (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
18/01324/CU	Asian Wok, Northgate, White Lund Industrial Estate Retrospective application for the change of use from sandwich bar (B1) to a hot food takeaway (A5) for Mr Prem Lal (Westgate Ward 2015 Ward)	Application Refused
18/01340/CU	The Castle Inn, 49 Main Street, Hornby Change of use of function room into a 2-bed dwelling (C3) with associated parking for Catalyst Corporate Development Ltd (Upper Lune Valley Ward 2015 Ward)	Application Refused
18/01341/LB	The Castle Inn, 49 Main Street, Hornby Listed building application for the installation of a staircase and rooflight, creation of a first floor and new window openings and conversion of window into doorway on the north elevation for Catalyst Corporate Development Ltd (Upper Lune Valley Ward 2015 Ward)	Application Refused
18/01353/FUL	St Johns Hospice, Slyne Road, Lancaster Erection of a single storey side extension and installation of replacement glazing for Mrs Shirley Morch (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/01354/FUL	Kent House, Chancellors Wharf, Aldcliffe Road Retrospective application for the retention of a boiler flue for Nick Szpunar (Castle Ward 2015 Ward)	Application Permitted
18/01355/FUL	Clear Water Bistro And Bar And Holiday Cottage, Clear Water Fisheries, Kellet Lane Change of use of holiday cottage to site managers accommodation (C3), erection of a two storey side extension and erection of single storey extensions to the front and rear of the cafe for Mr Alex Mollart (Warton Ward 2015 Ward)	Application Permitted
18/01361/CU	Wickes Car Park, Unit G, Sunnyclyff Retail Park Retrospective application for the change of use of car park for the siting of a mobile catering van (A5) for Mrs Jaime Hurst (Overton Ward 2015 Ward)	Application Refused
18/01366/FUL	1 Rotten Row, Brookhouse, Lancaster Installation of replacement timber windows to the front and rear elevation, installation of boiler flue to the side elevation, construction of replacement roof to existing garage. for Mrs Hannah Walling (Lower Lune Valley Ward 2015 Ward)	Application Permitted

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18/01377/FUL	4 High Street, Lancaster, Lancashire Change of use of 2 2-bed ground floor flats with associated basement storage to a 2-bed maisonette over ground and first floors, installation of replacement doors to the rear elevation and construction of glazed canopy to the rear elevation for Mr & Mrs Steve Wilkinson (Castle Ward 2015 Ward)	Application Permitted
18/01378/LB	4 High Street, Lancaster, Lancashire Listed building application for the installation of replacement basement windows to the front elevation and doors to the rear elevation, construction of glazed canopy to the rear elevation, new internal structural openings, replacement internal screen, removal and erection of partition walls, installation of internal doors and relocation of gas and electricity meters for Mr & Mrs Steve Wilkinson (Castle Ward 2015 Ward)	Application Permitted
18/01380/FUL	Richmond Hall , Lancaster Road, Cockerham Erection of a farm maintenance and repairs workshop building (B2) for Mrs Victoria Walmsley (Ellel Ward 2015 Ward)	Application Refused
18/01383/FUL	47 Moor Gate, Lancaster, Lancashire Change of use of grocery store (A1) to a hot food take away (A5) and installation of a flue for Mr Ahmed Patel (Bulk Ward 2015 Ward)	Application Permitted
18/01385/PAD	Forrest Hills, Hazelrigg Lane, Ellel Prior approval for demolition of former cattle shed and single storey outbuilding for Mr David Griffiths (Ellel Ward 2015 Ward)	Prior Approval Granted
18/01386/FUL	Trenemene, Westbourne Drive, Lancaster Part retrospective application for the erection of a greenhouse for Mr Andy B evington (Marsh Ward 2015 Ward)	Application Permitted
18/01391/FUL	185 Brookhouse Road, Brookhouse, Lancaster Erection of a single storey rear and side extension for Mr Ian Hall (Lower Lune Valley Ward 2015 Ward)	Application Refused
18/01392/FUL	10 Willowfield Road, Heysham, Morecambe Retrospective application for the retention of a car port to the side elevation with a flat roof for Mr P Wolstenholme (Heysham South Ward 2015 Ward)	Application Refused
18/01394/FUL	19 Golgotha Road, Lancaster, Lancashire Erection of a single storey rear extension for Mr G O'Neill (John O'Gaunt Ward 2015 Ward)	Application Permitted
18/01395/FUL	Higher Crookhey Farm, Garstang Road, Cockerham Demolition of two storey side extension to existing barn, change of use of outbuilding to create dwellinghouse (C3) and erection of a single storey front extension and two storey side extension and construction of boundary walls for Mr And Mrs Walling (Ellel Ward 2015 Ward)	Application Permitted

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18/01402/LB	Higher Crookhey Farm, Garstang Road, Cockerham Listed building application the erection of a single storey front extension, two storey side extension, internal works comprising the removal of walls, insertion of partition walls, alterations to window and door openings and installation of new window/door openings and rooflights, blocking up of existing site access and alterations to existing boundary walls for Mr And Mrs Walling (Ellel Ward 2015 Ward)	Application Permitted
18/01404/CU	10 New Road, Lancaster, Lancashire Part retrospective application for the change of use of 7-bed YMCA bedroom accommodation (C2) into student accommodation comprising one 6-bed cluster flat (C4) and construction of decking, fencing and cycle storage to the rear for Yellow Door Lets (Castle Ward 2015 Ward)	Application Permitted
18/01405/LB	10 New Road, Lancaster, Lancashire Listed building application for alterations to internal partition walls, creation of a doorway to the rear elevation and construction of decking, fencing and cycle storage to the rear for Yellow Door Lets (Castle Ward 2015 Ward)	Application Permitted
18/01411/PLDC	13A Selside Drive, Morecambe, Lancashire Proposed lawful development certificate for the erection of a detached garage for Mr John Manley (Westgate Ward 2015 Ward)	Lawful Development Certificate Granted
18/01418/FUL	Land To The East Of 315 Health Club, Mannin Way, Lancaster Change of use of car park to facilitate the erection of a three storey office building (B1) with associated parking, access road, bin store, landscaping and boundary fencing for Butarose LTD (Lower Lune Valley Ward)	Application Permitted
18/01424/PLDC	39 Acre Moss Lane, Morecambe, Lancashire Erection of a single storey rear extension for Mr MICHAL Orlik (Harbour Ward 2015 Ward)	Lawful Development Certificate Granted
18/01428/VCN	Unit 1 And Unit 2, Irving House, Northgate Change of use of 2 units comprising the sales of motorcycles with workshop and store and sales of motor vehicles to 1 mixed use unit comprising motorcycle sales, workshop, sales of motorcycle parts and memorabilia, training facility and café (sui generis) (pursuant to the variation of condition 3 on planning permission 18/00530/FUL to allow hot food to be cooked and consumed on the premises) for Mr P Rogerson (Westgate Ward 2015 Ward)	Application Permitted
18/01431/CU	101 - 102 Marine Road West, Morecambe, Lancashire Change of use of ground floor from amusement arcade to dance studio (D2) for Miss Lora Donald (Harbour Ward 2015 Ward)	Application Permitted
18/01434/LB	Unit 4 And Unit 8, Willow Mill, Fell View Listed building application for the construction of a new internal staircase, with associated handrails and boxing for Julian Handy (Lower Lune Valley Ward)	Application Permitted
18/01441/FUL	Caravan, Scale House Farm, Scale House Lane Erection of an agricultural workers dwelling with associated access for Mr Daniel Towers (Upper Lune Valley Ward 2015 Ward)	Application Permitted

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18/01446/FUL	48 Regent Road, Morecambe, Lancashire Change of use and conversion of dwelling into three 2-bed flats and installation of replacement windows and smoke vent for Demczuk (Harbour Ward 2015 Ward)	Application Permitted
18/01448/FUL	17 Greaves Drive, Lancaster, Lancashire Erection of a two storey rear and side extension for Mr & Mrs Cousins (Scotforth West Ward 2015 Ward)	Application Withdrawn
18/01449/ADV	7 Main Road, Nether Kellet, Carnforth Retrospective advertisement application for the display of a freestanding sign and flag sign for Mr Ethan Fisher (Kellet Ward 2015 Ward)	Application Refused
18/01453/FUL	Docker Hall, Keerside, Arkholme Erection of an extension to existing steel portal agricultural livestock building for Mr Ian Close (Upper Lune Valley Ward 2015 Ward)	Application Permitted
18/01456/FUL	19 Salford Road, Galgate, Lancaster Erection of a conservatory to the side for Mr & Mrs B Clarke (Ellel Ward 2015 Ward)	Application Permitted
18/01457/FUL	Woodside, Bowerham Road, Lancaster Installation of a raised roof incorporating 2 dormer extensions, gable ends and a Juliette balcony, erection of a two storey rear extension and a detached double garage and storeroom, installation of a raised terrace and retention of retaining wall and re-grading of land for Mr Raymond Metcalfe (John O'Gaunt Ward 2015 Ward)	Application Permitted
18/01458/CU	Silverdale Golf Club, Red Bridge Lane, Silverdale Retrospective application for the change of use of golf club land to car park and installation of a new access for Silverdale Golf Club (Silverdale Ward 2015 Ward)	Application Refused
18/01459/FUL	Silverdale Golf Club, Red Bridge Lane, Silverdale Retrospective application for the erection of a timber shed, tin shed, covered sand bunker and open sand bunker with dividing wall for c/o agent (Silverdale Ward 2015 Ward)	Application Refused
18/01460/FUL	Old School Building, Adjacent To Friends Meeting House, Yealand Road Removal of existing stone chimney stack and reinstatement of pitched slate roof for Mrs Sue Tyldesley (Warton Ward 2015 Ward)	Application Permitted
18/01461/FUL	Escowbeck Knoll, Lancaster Road, Quernmore Construction of pitched roofs over existing flat roof sections of the dwelling for Mr Andrew Deall (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/01466/FUL	119 Aldcliffe Road, Lancaster, Lancashire Extension and conversion of outbuilding into ancillary accommodation for Mr Mark Goodwin (Castle Ward 2015 Ward)	Application Permitted
18/01468/PLDC	41 South Road, Morecambe, Lancashire Proposed lawful development certificate for the construction of a hip to gable and rear dormer extensions for Mr & Mrs Hay (Bare Ward 2015 Ward)	Lawful Development Certificate Granted

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18/01469/ADV	Silverdale Golf Club, Red Bridge Lane, Silverdale Advertisement application for the display of a freestanding sign for Silverdale Golf Club (Silverdale Ward 2015 Ward)	Application Refused
18/01471/FUL	27A St Georges Quay, Lancaster, Lancashire Change of use of two existing second floor flats (C3) to hotel accommodation (C1) comprising of 4 en-suite bedrooms, installation of roof lights, installation of new window openings on the front and rear elevations and alterations to external windows on the front and rear elevations for Mr R. Mason (Castle Ward 2015 Ward)	Application Permitted
18/01472/LB	27A St Georges Quay, Lancaster, Lancashire Listed building application for the installation of roof lights, installation of new window openings on the front and rear elevations, alterations to external windows on the front and rear elevations and installation of new and relocated partition walls to the second floor for Mr R. Mason (Castle Ward 2015 Ward)	Application Permitted
18/01476/CU	20 Glentworth Road West, Morecambe, Lancashire Change of use of shop (A1) to hot food takeaway (A5) for Mr S. Nagalingam (Westgate Ward 2015 Ward)	Application Permitted
18/01478/FUL	15 Sunnyfield Avenue, Morecambe, Lancashire Installation of a raised replacement roof incorporating two hip to gable extensions and a dormer extension to the rear elevation and erection of part two storey part single storey rear extension for Mr & Mrs J. Wills (Bare Ward 2015 Ward)	Application Permitted
18/01480/FUL	287 Heysham Road, Heysham, Morecambe Conversion of existing detached garage to the rear, including single storey extension, to form granny annexe for Mr & Mrs A. Dalton (Heysham Central Ward 2015 Ward)	Application Withdrawn
18/01481/FUL	Lancaster Castle, Castle Park, Lancaster Alterations to land levels to re-landscape the existing courtyard, including removal of existing walls and installation of steps and handrails, walls, planters and surface treatments for The Duchy Of Lancaster (Castle Ward 2015 Ward)	Application Permitted
18/01482/LB	Lancaster Castle, Castle Park, Lancaster Listed building application for alterations to land levels, removal of existing walls, and installation of steps and handrails, walls, planters and surface treatments, and restoration of existing steps for The Duchy Of Lancaster (Castle Ward 2015 Ward)	Application Permitted
18/01483/FUL	Old Hall, Kirkby Lonsdale Road, Arkholme Erection of a two storey rear infill extension for Mr Christopher May (Kellet Ward 2015 Ward)	Application Permitted
18/01485/ADV	Canal Quarter, Edward Street, Lancaster Advertisement application for the display of 4 standalone signs within the Canal Quarter development site for Lancaster City Council (Bulk Ward 2015 Ward)	Application Permitted

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18/01486/FUL	377 Heysham Road, Heysham, Morecambe Partially retrospective application for the change of use of mixed use unit comprising of a dwelling, ancillary garage (C3) and bed and breakfast (C1) to supported living accommodation (C3b) for . (Heysham Central Ward 2015 Ward)	Application Permitted
18/01491/FUL	92 South Road, Morecambe, Lancashire Erection of a first floor rear extension for Ms L Nisbet (Bare Ward 2015 Ward)	Application Permitted
18/01496/PLDC	52 Windsor Avenue, Lancaster, Lancashire Proposed lawful development certificate for the construction of a hip to gable extension, dormer extension to the rear and rooflight to the front facing roof pitch for Mr & Mrs Markham (John O'Gaunt Ward 2015 Ward)	Lawful Development Certificate Granted
18/01497/VCN	Development Land, Betony, Morecambe Erection of three detached 2-storey dwellings, detached garage and associated access (Pursuant to the variation of condition 2 on planning permission 17/01161/FUL for the addition of a chimney on plots 2 and 3) for Mr Simon Livesey (Torrisholme Ward 2015 Ward)	Application Permitted
18/01498/FUL	Former Courtaulds Building, Northgate, White Lund Industrial Estate Change of use of part of existing factory building (B2) to storage & distribution (B8) for Former Courtaulds Building (Westgate Ward 2015 Ward)	Application Permitted
18/01500/FUL	33 Coulston Road, Lancaster, Lancashire Demolition of existing rear extension and erection of a single storey rear extension for Mr Peter Charnley (John O'Gaunt Ward 2015 Ward)	Application Permitted
18/01501/CU	1 Hornby Road, Caton, Lancaster Change of use from cake shop (A1) to dog grooming unit (sui generis) for Miss Kerry Mills (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/01505/LB	Merchants, 29 Castle Hill, Lancaster Listed building application for the re-cladding of existing bar, installation of replacement shelving and cupboards, new shelving units fixed to the back bar, box shelves suspended from ceiling joists, installation of lighting and the replacement of existing suspended glass rack over the bar for Mr T Tomlinson (Castle Ward 2015 Ward)	Application Permitted
18/01506/FUL	4 Forgewood Drive, Halton, Lancaster Erection of a single storey rear extension for Mr J. Bland (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
18/01508/FUL	26 Hawthorn Road, Bolton Le Sands, Carnforth Construction of a first floor Juliet balcony to front elevation for Mr I. Benbow (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/01511/FUL	22 Kentmere Road, Lancaster, Lancashire Erection of a single storey side extension for Mr Colin Bertram (Bulk Ward 2015 Ward)	Application Permitted

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18/01512/FUL	14 Lindeth Road, Silverdale, Carnforth Erection of single storey rear and side extension, installation of a raised patio area to the rear and access stairs to the side elevation for Ms Jackie Eaton (Silverdale Ward 2015 Ward)	Application Permitted
18/01516/FUL	6 Wakefield Drive, Lancaster, Lancashire Construction of a hip to gable extension and dormer extension to the rear elevation incorporating Juliet balcony for Mr & Mrs M. Campion (Scotforth East Ward 2015 Ward)	Application Permitted
18/01517/FUL	35 Borwick Lane, Warton, Carnforth Demolition of existing conservatory to cill level and erection of a replacement single storey rear extension for Mr & Mrs C Antonsen-Stubbs (Warton Ward 2015 Ward)	Application Permitted
18/01524/FUL	Booths, Scotland Road, Carnforth Installation of 4 vehicle charging units and associated equipment in existing car park for Mr Paul Hicks (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
18/01540/HLDC	Crown Court, Lancaster Castle, Castle Park Certificate of Lawfulness for proposed works to a Listed Building for the installation of a new server and cable route for Mr Cameron Davey-Wright (Castle Ward 2015 Ward)	Lawful Development Certificate Granted
18/01545/LB	53 Market Street, Lancaster, Lancashire Listed building application for the erection of a first and second floor extension, installation of roof balcony and rear staircase, installation of secondary glazing to front first and second floor windows, construction of an internal acoustic wall and construction and removal of internal walls for Mrs Brenda Cookson (Castle Ward 2015 Ward)	Application Withdrawn
18/01547/FUL	5 Greenfinch Way, Heysham, Morecambe Erection of a single storey side extension for Mr Lee Roberts (Heysham South Ward 2015 Ward)	Application Permitted
18/01548/NMA	Land For Proposed Bailrigg Business Park, Bailrigg Lane, Lancaster Non material amendment to planning permission 16/01308/REM to amend roof material, new location of cycle stand and new area of hardstanding for Mr & Mrs Jason Homan (University And Scotforth Rural Ward)	Application Permitted
18/01557/FUL	1 Sykelands Grove, Halton, Lancaster Erection of a single storey side extension and construction of a dormer to the rear for Mr & Mrs Rick Hoswell (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
18/01563/FUL	4 Johnson Close, Carnforth, Lancashire Erection of a first floor side extension for Mr Steven Pinch (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
18/01565/FUL	5 Knowlys Drive, Heysham, Morecambe Erection of a single storey side extension for Mr John Dean (Heysham Central Ward 2015 Ward)	Application Permitted

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18/01579/NMA	Twin Lakes Country Club, Burton Road, Warton Non-material amendment to approved application 16/00890/VCN to amend the internal layout of lodge within plot 23 and install 2 additional roof lights for Mr P Farquhar (Warton Ward 2015 Ward)	Application Permitted
18/01612/FUL	4 Windham Place, Lancaster, Lancashire Erection of a single storey side and rear extension for Mr & Mrs C. Bell (Skerton West Ward 2015 Ward)	Application Permitted
19/00006/DIS	Lancaster University Management School, Gillow Avenue, Bailrigg Discharge of conditions 4, 5 and 6 on approved application 18/01160/VCN for Mr Stuart Foy (University And Scotforth Rural Ward)	Application Permitted
19/00047/NMA	Site Of Former Police Station, Heysham Road, Heysham Non-material amendment to planning permission 14/00291/VCN to alter the North elevation window configuration for the installation of three full height double width windows and three single obscure glazed windows on the West elevation for Mr Gott (Heysham Central Ward 2015 Ward)	Application Permitted