



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 4 MARCH 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 4 February, 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 18/01493/FUL	Land Off Bye Pass Road And Land Rear Of 18 To 24 Monkswell Avenue Bolton Le Sands	Bolton and Slyne Ward	(Pages 1 - 11)
		Erection of three dwellinghouses (C3) and a retail unit (A1) with associated parking and access		
6	A6 18/01183/FUL	Land North East Of Ex Servicemens Club Scotland Road Carnforth	Carnforth and Millhead Ward	(Pages 12 - 25)
		Erection of a care home building comprising of 118 bedrooms and communal, staff and services areas with associated internal road layout, car parking and landscaping, creation of a new access and construction of a new retaining wall		
7	A7 18/01348/FUL	Land West Of Littledale Road Brookhouse	Lower Lune Valley Ward	(Pages 26 - 32)
		Erection of a detached dwelling (C3) with associated access		
8	A8 17/01502/FUL	Heaton Hall Morecambe Road Lancaster	Skerton West Ward	(Pages 33 - 42)
		Change of use and conversion of the tavern into five dwellinghouses (C3) including the demolition of the existing conservatory and associated motel building and the		

erection of nine dwellinghouses (C3) with associated landscaping and vehicular parking

9	A9 17/01503/LB	Heaton Hall Morecambe Road Lancaster	Skerton West Ward	(Pages 43 - 47)
		Listed building application for internal and external works, comprising the insertion of partition walls and demolition of internal walls, provision of new windows, construction of a single storey extension to the north and east facing elevations and demolition of the existing motel units		
10	A10 18/01543/VCN	Luneside East St Georges Quay Lancaster	Marsh Ward	(Pages 48 - 55)
		Demolition of existing mill building, erection of 3 buildings comprising ground floor ancillary uses (Classes A1-A4, B1a, D1 and D2) and student accommodation above and 1 building of student accommodation, conversion of existing pump house to a mixed use communal facility (Classes A2, B1a and D1), and associated access, parking, servicing and landscaping / public realm works (pursuant to the variation of conditions 2 and 17 on planning permission 16/00574/FUL to reconfigure the layout of the student accommodation to provide additional student bedrooms in Blocks B and C, smaller cluster flats to Blocks A and D and associated changes to the elevations including the insertion of perforated metal sheets to windows openings, and to revise the trigger for completing the remediation and validation process)		
11	A11 18/01556/FUL	29 Combermere Road Heysham	Heysham South Ward	(Pages 56 - 59)
		Change of use of vacant land to form part of domestic curtilage and erection of a 1.8 metre boundary fence		

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|-----------|--|---|---------------------------|------------------------|
| 12 | A12 18/01623/LB | Grand Theatre St Leonards Gate Lancaster | Bulk Ward | (Pages 60 - 63) |
| | | Listed building application for the installation of one CCTV camera | | |
| 13 | A13 18/01628/FUL | Proposed Sculpture Smithy Lane Heysham | Heysham South Ward | (Pages 64 - 68) |
| | | Installation of a sculpture with information panel | | |
| 14 | Quarterly Reports (Pages 69 - 76) | | | |
| 15 | Delegated Planning List (Pages 77 - 85) | | | |

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 Monday 18th February, 2019.

Agenda Item	Committee Date	Application Number
A5	4 March 2019	18/01493/FUL
Application Site Land Off Bye Pass Road And Land Rear Of 18 To 24 Monkswell Avenue Bolton Le Sands Lancashire	Proposal Erection of three dwellinghouses (C3) and a retail unit (A1) with associated parking and access	
Name of Applicant Langdale Capital	Name of Agent Miss Rosanna Cohen	
Decision Target Date 17 January 2019	Reason For Delay Extension of time agreed with the applicant in order for them to facilitate amendments to the scheme	
Case Officer	Clare Bland	
Departure	No	
Summary of Recommendation	Approval	

(i) Procedural Matters

The proposed development would normally fall within the scheme of delegation. However, Councillor Wild has requested that the application be referred to the Planning Committee for a decision on the grounds of the possible impact on the existing retail units and businesses along Main Street and, concerns of flooding and water displacement.

1.0 The Site and its Surroundings

- 1.1 The site extends to approximately 0.48 hectares of undeveloped, agricultural land, situated on the western side of Bye Pass Road (A6), within the settlement of Bolton-le-Sands. It is adjacent to, but falls outside of, the Bolton-le-Sands Conservation Area and there are no statutorily or locally listed buildings either within or immediately adjacent to the site.
- 1.2 The site comprises two parcels of land which are sub-divided by a public right of way (PROW) and a brook, Mill Dam, which run adjacent to each other in a north-south direction. The eastern portion of the site is a fairly level triangular piece of land, bounded to the north by an agricultural field, to the south east by a hedgerow and Bye Pass Road, and to the south west by Mill Dam and the adjacent PROW. Further to the west, across the PROW, is the eastern boundary of 24 Monkswell Avenue. Access to the site is currently achieved via a gate at a break in the existing hedgerow on the Bye Pass Road frontage.
- 1.3 The western portion of the Site is a rectangular piece of land bounded to the east by the PROW and the adjacent Mill Dam, to the south by Monkswell Barn (dwelling and garden), to the west by the rear garden of 16 Monkswell Avenue, and to the north by the rear gardens of 18, 20, 22 and 24 Monkswell Avenue and the access road which is situated between nos. 18 and 20. Although relatively level for the most part, this area of the Site rises steeply upwards from approximately the north south line of the access road into the south west corner. Ground level in the eastern end of this portion of the site is approximately 1m above the ground level immediately surrounding Monkswell Barn, albeit the garden area of this property similarly rises towards the west.

2.0 The Proposal

- 2.1 The application proposes the erection of a convenience retail (Class A1) unit of 390 sq m (GIA) on the eastern portion of the site, and 3 4-bed detached dwellings on the western portion of the site.
- 2.2 The proposed retail element of the development includes dedicated service and vehicle turning areas, 23 car parking spaces (including 2 mobility spaces), 2 motorcycle parking spaces, and 3 covered Sheffield cycle hoops. A stepped pedestrian access is proposed from Bye Pass Road separate to the vehicular access, with footpaths provided alongside the vehicular access to facilitate level access into the site. Within the site, there is a pedestrian route to the south of the proposed building that links to the existing PROW. Enhancements to the PROW within the application site boundary are proposed, as well as the repair and retention of the existing bridge across Mill Dam and the introduction of a safety guardrail. Landscaping and drainage attenuation are proposed to the northern portion of the site outside of the parking and access areas.
- 2.3 The proposed residential element of the development comprises the erection of 3 4-bed dormer bungalows. Access to the properties would be taken from the existing road between 18 and 20 Monkswell Avenue. Each property has been designed with an integral garage of suitable size to accommodate a car, and off road parking suitable for at least 2 cars.

3.0 Site History

- 3.1 The relevant planning history to the site is noted below:

Application Number	Proposal	Decision
05/00533/OUT	Outline Application for residential development	Refused
06/00723/OUT	Outline application for residential development	Refused
18/00754/PRETWO	Erection of a small-scale retail convenience store and 3 dwellings	Advice Provided

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No objection to residential element, object to retail element. Concern over: highway safety; proximity to the Cricket Club and implications for interference with play and liability insurance; timing (and by default, completeness) of ecology assessments; flood risk and drainage; impact of noise and light pollution on residential amenity; impact on existing retail within the village.
County Highways	No objection. The site is well served by frequent public transport service and benefits from pedestrian footway provision, and access to the retail unit is not restrictive in terms of an over reliance on car journeys, as such it accords with national and local policies relating to transport sustainability. Access arrangements to both elements would operate in a safe and efficient manner. Proposed junction control to be appropriate in capacity terms given traffic levels on Bye Pass Road. Parking to the retail element falls short of the Council's maximum standards (by 5 spaces) with implications for overflow parking impacting on surrounding lengths of the Site's means of access to the detriment of delivery vehicles and visitors. Conditions are recommended to secure on and off site highway works that are considered necessary for the safe operation of the development.
Environmental Health	No objection. Recommend conditions to control noise impacts associated with external plant to ensure that there will be sound of low impact to nearest noise sensitive receptors and to restrict on delivery hours.
Tree Officer	No objection. Recommend conditions relating to the submission of replacement planting and tree protection measures.
Natural England	Response received. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

Public Realm Officer	Response received. Advised to consult with Sport England in respect of the potential impact on the existing cricket pitch in terms of ball strike distances.
Lead Local Flood Authority	No comments to make.
United Utilities	No objection. The proposals are acceptable in principle subject to a condition requiring drainage to be carried out in accordance with the submitted FRA, no surface water to drain directly into public sewer, and sustainable drainage to be managed and maintained.
Fire Safety Officer	The scheme would be required to meet Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'
Conservation Officer	No objection. As originally proposed the scheme, mainly the retail element, was considered to lead to a less than substantial level of harm to the setting and significance of the Conservation Area and Non-Designated Heritage Asset (Monkswell Barn). It was noted that any development of the site would cause a level of harm to the significance of these heritage assets, but development could be mitigated by an improved design which would minimise the visual impact and/or create interest that is sympathetic to the vernacular qualities of the surrounding historic environment. The Officer indicated that there needed to be alterations to the design, particularly the principal elevation of the retail unit, such as the reduction of modern K-render used and potentially more stone and/or glazing used. The scheme was revised to address comments raised. The Officer has subsequently recommended conditions be imposed to ensure suitable materials would be used in any development.
PROW County Highways	No response received.
Canal & River Trust (North West)	No comments to make.
Sport England	No objection. Recommend a condition requiring development to be undertaken in accordance with the Ball Strike Assessment, with fencing details to be agreed with Bolton-le-Sands Cricket Club.
Lancashire Constabulary	No response received.
LCC Planning Policy	No objection given the localised nature of this proposal and the scale of retail to be provided, the Sequential Test (as submitted in support of the application) is passed.

5.0 Neighbour Representations

- 5.1 38 Representations have been received to date in respect of the scheme, comprising 36 objections, 1 support, and 1 observation (neither objecting or supporting).
- 5.2 The objections have been made on the following grounds:
- there is no need for additional retail development within the village;
 - there is no need for additional housing within the village;
 - concerns regarding highway safety, parking and accessibility;
 - impact on residential amenity from overlooking, noise and light pollution;
 - impact on existing ecology and habitats;
 - concerns regarding flood risk and drainage, and the impact the development will have on the existing situation;
 - visual impact on surrounding area;
 - loss of amenity space; and
 - safety of the proposed attenuation pond.
- 5.3 Support has been submitted welcoming the proposed new retail development, commenting that it is difficult to park close to the existing retail unit on Main Street.
- 5.4 The observation has been submitted considering the scheme acceptable subject to dealing with flooding potential and control of signage.
- 5.5 County Councillor Stuart Morris objected to the application on the basis of:
- Cricket balls being hit into the supermarket car park;

- Drainage issues for the cricket ground;
- Environmental issues related to local wildlife;
- Excess street lighting;
- Noise from delivery vehicles;
- Damage to local businesses trade.

5.6 David Morris MP objected to the application on the basis of:

- Flood risk.

The objection appended a letter from a local resident which was also submitted directly to the Local Planning Authority and which has been considered in the Neighbour Representations above.

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 59, 60, 62 to 64 - Delivering a sufficient supply of homes

Paragraph 68 – Identifying land for homes

Paragraph 73 to 76 – Maintaining supply and delivery

Paragraphs 77 to 78 – Rural Housing

Paragraphs 86 – 89 – Ensuring the vitality of town centres

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 and 130 - Achieving well-designed places

Paragraphs 148, 155, 163 and 165 – Flood risk

Paragraphs 170, 172 and 175 - Conserving the natural environment/habitats and biodiversity

Paragraphs 178 to 180 and 182 - Ground Conditions and Pollution

Paragraphs 189 to 193, 196, 197 and 200 – Conserving and enhancing the historic environment

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 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)

DM1 – Town Centre Development
DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM26 – Open Space, Sports and Recreational Facilities
DM27 – The protection and Enhancement of Biodiversity
DM29 – Protection of Trees, Hedgerows and Woodland
DM32 – The Setting of Heritage Assets
DM33 – Development Affecting Non-Designated Heritage Assets or their Settings
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth

Appendix B: Car Parking Standards

6.4 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC3 – Rural Communities
SC4 – Meeting the Districts Housing Requirements
SC5 – Achieving Quality in Design
SC6 – Crime and Community Safety
SC8 – Recreation and Open Space
ER5 – New Retail Development

7.0 Comment and Analysis

7.1 The main issues are:

- Principle of Residential use;
- Principle of Retail use and Retail Impact;
- Residential Amenity;
- Flood Risk & Drainage;
- Highway Safety and Parking;
- Ecology; and
- Public Realm and Tree Protection.

7.2 **Principle of Residential Use**

7.2.1 The site has no specific land use designation and there are no site constraints that would preclude it from being considered appropriate for residential development. Bolton-le-Sands is classified in the Local Plan as a sustainable rural settlement where new housing development can be supported in principle subject to satisfying the criteria of Policy DM42.

7.2.2 In terms of addressing these criteria, the site is well related to the existing built form, scale and character on the western side of Bye Pass Road which is dominated by 20th century detached and semi-detached bungalows interspersed with older residential properties and domestic conversions of a modest scale. The area to the east of Bye Pass Road also features detached dormer bungalow and modest scale residential properties in the immediate vicinity of the Site, with the style and use of buildings changing further away from the site and as the land rises towards Main Street.

7.2.3 The application has been supported by technical information, which demonstrates how the proposals can be accommodated within the existing infrastructure of the surrounding area, specifically in terms of aspects such as highways, drainage, flood risk and ecology. Statutory consultees have all confirmed that the information submitted in support of the proposals satisfactorily addresses these matters (considered in more detail below), with conditions recommended where appropriate.

7.2.4 The siting, including orientation of buildings and overall scheme layout, and the design of the three residential properties, including their height and elevational treatment, has been carefully considered so as to integrate within the surrounding area. Although the scheme would result in the loss of a greenfield site that can be viewed from the Conservation Area, it is already surrounded on three

sides by existing residential properties; it is located within (and not on the periphery of) the settlement boundary of Bolton-le-Sands; is not of such quality so as to be a protected landscape; nor does it act as providing a landscape setting in the context of the wider area. The Council's Conservation Officer has advised that the setting of Monskwel Barn has been eroded by the 20th century development of lower quality materials to the rear of the building and as such the level of harm on the setting and significance is somewhat reduced.

- 7.2.5 Policy DM41 addresses new residential development in principle, confirming proposals that represent sustainable development will be supported. The proposals address the requirements of DM41 insofar as the scheme makes effective use of the land and takes account of the characteristics of the location in terms of the style and density of development. The three additional properties will be able to integrate into the existing environment in terms of design and infrastructure, and the composition of the scheme, being 3 4-bed detached bungalows, addresses the 'need' within Bolton-le-Sands as identified in the adopted Meeting Housing Needs SPD.
- 7.2.6 Policy DM41 requires developments on greenfield land to demonstrate that the benefits of the proposal outweigh the impact on local amenity. From an amenity perspective, the site is not accessible for public use and acts therefore as a visual 'gap' between existing residential properties. The proposals would change the view from neighbouring residences, from the adjacent PROW, and the wider views from Bye Pass Road and further afield from within the Conservation Area. However, due to the small scale of the buildings, which would integrate well with the existing settlement pattern of the village, the design characteristics and materials, and the regard that has been given to meeting the Council's residential amenity requirements, they would not detrimentally impact on existing amenity. Additionally, the provision of housing of a size that meets an identified local need, would be an overall benefit, thereby satisfying this policy requirement.
- 7.2.7 Objections have been received from local residents stating that there is no need for new residential development within Bolton-le-Sands. However, adopted policy and the background papers prepared to inform the emerging Local Plan indicate that there is in fact such a need and the proposals would accord with this position.
- 7.2.8 Due to the small number of proposed dwellings there would be no requirement for affordable housing as part of the scheme.

7.3 **Principle of Convenience Retail Use & Retail Impact**

- 7.3.1 The site has no specific land use designation in the adopted Local Plan. The creation of a convenience retail store represents a main town centre use, as defined by Annex 2 of the NPPF and, given its out-of-centre location, the sequential test must be passed to accord with both national and local planning policy.
- 7.3.2 In accordance with NPPF Paragraph 86 and 87 and Policy DM1, the convenience retail element of the application has been supported by a sequential test assessment that addresses criteria i to v of Policy DM1. The scope of the sites considered as part of the assessment were reviewed by, and agreed with, the Council's Planning Policy team, and the results of the assessment have been critiqued by them. The Planning Policy team have concluded that given the localised nature of this proposal and the scale of retail to be provided, the Sequential Test is passed.
- 7.3.3 Objections have been received to the convenience retail element of the application, indicating that there is already sufficient local provision and concern over the impact that the development could have on existing facilities in the surrounding area. As noted above, the proposals have satisfied the tests required by both local and national planning policy and there are no other planning policy requirements applicable to the scale of development proposed that could be used to assess competition with, or impact on, existing retail operations in the village.
- 7.3.4 Therefore having regard to the above, based on the nature and the operational characteristics of the type of retail use proposed, the principle of the convenience retail element of the scheme is acceptable in this instance. This would not be the case for comparison retailing, which would need use specific assessment, and therefore a condition is recommended restricting the nature of retailing at the site.

7.4 Residential Amenity

- 7.4.1 Residential amenity has been considered both in terms of any impact of the proposals on the amenity of existing surrounding residents, and also the amenity of future occupiers of the residential element of the scheme, including impacts on privacy/overlooking, an overbearing impact, noise and light pollution.
- 7.4.2 Impact on privacy/overlooking has been addressed by the orientation and siting of the proposed development, and the location of windows within the proposed elevations. The scheme includes acceptable separation distances secured between facing and oblique habitable room windows, including having regard to the site level differences between the properties, in accordance with adopted policy guidance (Paragraph 18.4 of the adopted Local Plan). 1.8m boundary fences have been proposed that would similarly reduce the propensity for overlooking, particularly from ground floor windows, between rear garden areas, and from the adjacent PROW.
- 7.4.3 Additionally, due to the relationship between proposed Plot 3 and Monkswell Barn, the originally proposed rear dormer window has been changed to rooflight so as to further reduce the propensity for overlooking – there are no directly facing habitable room windows in this relationship, with a minimum distance of 14m at an oblique angle between elevations, and a minimum of 16m in directly facing elevations without habitable room windows. There are no windows proposed within the commercial unit facing towards any surrounding residential properties and no public or staff circulation areas that would result in any impact on privacy or overlooking of residents. It is recommended that permitted development rights be removed from the residential units in order to ensure there is no future detrimental impact on existing neighbouring residents through alterations, extensions or outbuildings, which may otherwise increase the propensity for overlooking or overshadowing.
- 7.4.4 There is a level difference of approximately 1m at the junction of the site and the dwelling of Monkswell Barn (the site being on a higher plane), with a post and rail fence currently in place along the length of the boundary with Monkswell Barn's garden. As originally proposed the scheme included a 1.8m close boarded fence directly on the southern site boundary. However, due to Officer concerns that this could potentially have an overbearing impact on the amenity of Monkswell Barn residents at the point closest to the existing house, the proposed fence has been pulled approximately 0.6m north of the boundary. This separation will reduce the perceived height of the fence from the Monkswell Barn side and will also allow a maintenance strip along the southern edge of the application site for the benefit of future residents.
- 7.4.5 An environmental noise impact assessment has been undertaken in support of the application. This has taken into account the existing background noise levels and the potential noise generating elements of the proposals, including from operational equipment and deliveries. The assessment has considered the impact on existing residential properties and those proposed. The report has been reviewed by the Council's Environmental Health team who have advised they are:
- 'satisfied that there will be 'lowest observed effect levels' in respect of noise associated with both the commercial and residential aspects of the development site'.*
- 7.4.6 Environmental Health also confirms that for the residential element, internal sound design criteria recommended within BS8233:2014 can be achieved with upgraded glazing and trickle ventilation and although there are slight exceedances to recommended sound levels within external amenity areas they are considered acceptable in the context of the site. It is also confirmed that noise arising from commercial activities (notably deliveries) is likely to be of low impact at this location and noise management procedures are not necessary in respect of this. Conditions are recommended in respect of noise impacts from external plant and hours of operation and deliveries.
- 7.4.7 Objections have been received relating to the impact of the proposals on residential amenity. However, the proposals accord with the Council's policies and nationally applicable standards and as such, having regard to the above, the proposals will not detrimentally impact on existing or future residential amenity.

7.5 Flood Risk and Drainage

- 7.5.1 The application is supported by a Flood Risk Assessment and Drainage Proposals document. Although not in a flood risk zone, a small area of the eastern portion of the Site is susceptible to 1

in 100 year Surface Water Flooding, and more of this area is susceptible to a 1 in 1000 year event. The whole site also falls within an area of less than 25% susceptibility to groundwater flooding.

- 7.5.2 The assessment has robustly analysed the effect the proposed development on the existing baseline situation, the findings of which have been critiqued by United Utilities. Due to the size of the site and scale of development proposed, the Lead Local Flood Authority (LLFA) have not commented on the application.
- 7.5.3 The assessment proposes that the surface water drainage system will follow SuDS guidelines and will incorporate individual controlled discharge points for the residential and retail elements, these being below ground tank water storage for the residential area and open pond feature to the commercial development to make 'space for water'. The final discharge from the development will be attenuated to the calculated discharge rate of below 5.0 l/sec aggregated across the two storage systems, which individually would have discharge rates of 1.75 litre per second for residential and 3.25 litre per second for retail. The storage facilities proposed as part of the scheme have been designed to accommodate a +40% climate change allowance factor, which represents an anticipated 100 year lifetime for the development. This is substantially above the Council's baseline requirement of +30% and represents a robust proposal.
- 7.5.4 Foul water disposal for both sites is proposed via gravity pipework into the existing public combined water sewers. For the residential element this would be connected into the Monkswell Avenue infrastructure, and for the retail it would be the Bye Pass Road infrastructure.
- 7.5.5 United Utilities stated that from a drainage perspective, the proposals are acceptable in principle and have requested that any development be carried out in accordance with the principles set out in the FRA prepared by Rutter Johnson (ref 18008-FRA_Rev A dated November 2018), the reason being to ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.
- 7.5.6 In the absence of LLFA comments, the Case Officer has liaised with the Council's Engineers and Building Control Officers, who have confirmed that the surface water drainage proposals appear comprehensive and they have no objection to the scheme, and that the assessment undertaken for the development accords with Council's required standards.
- 7.5.7 Objections have been received from residents in respect of flood risk, surface water flooding and drainage. However, having regard to the above, the proposals are not considered to have detrimental implications for the existing baseline flood risk or drainage at the site or surrounding area subject to the implementation of proposed engineering works. As proposed, the works are likely to have a positive effect on the existing baseline propensity for localised flooding experienced at the neighbouring property of Monkswell Barn. Relevant drainage conditions have been proposed to secure these details.
- 7.5.9 Concern has been raised as to the safety of the attenuation pond area. Whilst understandable concerns, this is a health and safety issue that the retail occupier will need to attend to, and not a planning issue.

7.6 Highway Safety and Parking

- 7.6.1 Vehicular and pedestrian access to the convenience retail element of the proposed development is to be taken from Bye Pass Road, slightly south of the existing access point. An additional stepped pedestrian access point is proposed to the south of this and access will also be possible from the PROW via the existing bridge over Mill Dam, enhancements to which are proposed as part of the application. Vehicular and pedestrian access to the residential element of the scheme is proposed to be taken from Monkswell Avenue via the existing site entry point. There will be no direct access from the residential element of the scheme to the PROW.
- 7.6.2 County Highways has been consulted on the scheme proposals and have advised that the site is well served by frequent public transport services and benefits from pedestrian footway provision. Access to the retail unit is not restrictive in terms of an over reliance on car journeys and as such it accords with national and local policies relating to transport sustainability. Parking to the retail element falls short of the Council's maximum standards by 5 spaces (though given the site's accessibility to pedestrian and public transport networks, this is deemed acceptable) with implications for overflow parking impacting on surrounding lengths of the site's means of access to

the detriment of delivery vehicles and visitors. As such, they have recommended double yellow lines be introduced around the entrance to the site in order to address this. County Highways has confirmed that access arrangements generally to both elements would operate in a safe and efficient manner and the proposed junction control is appropriate in capacity terms given traffic levels on Bye Pass Road. Overall they have no objections and have recommended conditions relating to on and off site highway works to control the appropriate implementation of the development.

7.6.3 County Highways had requested a contribution towards the enhancement of the entire PROW (including land outside of the site). However, such works would not meet the tests of NPPF. Discussions are ongoing between the applicant and County Highways to agree an appropriate level of enhancement works to the length of the PROW within the site and a condition can reasonably be imposed to ensure these works are undertaken prior to the retail unit being brought into use.

7.6.4 Residents have objected to the proposals on grounds of highway safety, but County Highways has thoroughly reviewed the proposals and have confirmed that, subject to the on and off site works proposed, the scheme will be acceptable and can operate safely.

7.7 Ecology

7.7.1 The application is supported by two Ecological Appraisals, one undertaken by Penny Anderson Associates Ltd in November 2017 in respect of the retail portion of the site, and one undertaken by Simply Ecology Limited in November 2018 in respect of the residential portion of the site. The timing of the surveys has been questioned by objectors, but there is no evidence to suggest that they were incomplete or that the results were constrained. The 2017 report confirmed that *'The survey was undertaken at a suitable time of year for the habitat and protected species scoping assessments, during good weather conditions'*, and the 2018 report advises that although *'not the most optimal time to record habitats ... given the habitats present on site and the ability to recognise pertinent vegetative indicator species at any time of the year, the timing was not considered to represent a constraint'*.

7.7.2 The surveys did not identify any invasive plant species at the site.

7.7.3 The assessments included desk studies of protected species, statutory and non-statutory designations and species of conservation concern within 2km of the site. A Phase 1 habitat survey and hedgerow assessment has also been undertaken. The sites were assessed for potential habitats to support protected species and those of conservation concern. It was confirmed that, due to the characteristics of the site and the surrounding area, there were little or no features that would support great crested newts. The hedgerows provided some nesting opportunities for birds, along with a small potential hunting habitat for species, such as barn owls and kestrel albeit no nesting opportunities for these.

7.7.4 The report that assessed the retail portion of the site identified a number of habitat types containing common and widespread plant species albeit none of the findings would preclude the potential for development of the site. The trees and hedgerows could be used by nesting birds and hedgehogs and as such there would be implications for scheduling of site clearance and care would need to be taken to carefully relocate hedgehogs if found. There is moderate potential for bats to day roost in one of the trees adjacent to Mill Dam but it is unlikely to provide sufficient shelter for a maternity roost or hibernation. This tree falls outside the area for development and as such no works are proposed to the tree. The assessment indicated that hedgehogs could be present in the base of hedgerows and as such the clearance of such areas would need to be undertaken with care and any hedgehogs carefully relocated.

7.7.5 The report that assessed the residential portion of the site confirmed that there were no habitats or features of nature conservation value albeit that there may be hedgehogs under the sheds/hedge and as such site clearance should be undertaken with care and any hedgehogs found should be carefully relocated. The report concludes that although the impact of the proposals on the existing habitat is noted as being 'major', the habitat itself is of negligible value and therefore proposed landscaping scheme will suitably mitigate the impact.

7.7.6 The assessments recommend retention of existing trees and hedgerows where possible; clearance workings being undertaken from October to February to avoid the main bird nesting season (with a review by a suitably qualified ecologist 48 hours prior to clearance to ensure no active nests are present), and the installation of a 'hawk kite' before the end of February of the year development

commences to deter ground nesting species; and careful checks for, and relocation of, any hedgehogs.

- 7.7.7 The reports recommend consideration of providing ecological enhancement, suggesting measures such as bat roosts, nesting boxes and soft landscaping. The development includes landscaping works and tree/hedgerow replacement which are considered suitable enhancement pursuant to the objectives of NPPF and which are proposed to be conditioned accordingly.

7.8 **Public Realm**

- 7.8.1 The site is in close proximity to Bolton-le-Sands Cricket Club and as such has been assessed in terms of impact on the functionality of the existing facility. A Boundary Risk Assessment has been undertaken, the findings of which were incorporated into the scheme layout to ensure suitable distance is retained between the crease and the car park/servicing area. The Assessment recommends the erection of a suitable fence at the northern boundary of the site, the location and principle of which has been supported by the Council's Public Realm Officer and Sport England. The specific details of the fence need to be proposed by the applicant and agreed by the Local Planning Authority in conjunction with Bolton-le-Sands Cricket Club. Given the height and design of the fence is currently unknown, it might be that the fence needs planning permission and therefore will need to be included in the description of development. If this is the case, then the description will need agreeing with the applicant, the application will need to be re-consulted upon, and the recommendation will need to reflect that the application needs to be delegated back to the Planning Manager for the re-consultation period to expire.

7.9 **Tree Protection**

- 7.9.1 The proposed development would result in the loss of one existing tree, a length of existing on-site hedgerow and partial removal of another hedgerow, all within the eastern portion of the site. The Council's Tree Officer has been consulted on the proposals and has made recommendations that have been taken on board by the applicant. As mitigation for the loss, the proposals include for planting of new trees, shrubs and hedgerow, details of which are required to be controlled by condition along with general on site tree works/protection measures.
- 7.9.2 As originally submitted the proposals would have impacted on the protection zone for other tree roots. However, amendments were made to the site layout to address this impact, to the satisfaction of the Council's Tree Officer.

8.0 Planning Obligations

- 8.1 There are no planning obligations associated with this development.

9.0 Planning Balance and Conclusions

- 9.1 The thrust of planning policy is about achieving sustainable development, recognising that in doing so there is a balance to be achieved between environmental, economic and social dimensions. Pursuing sustainable development is about place making and ensuring new development can integrate with the existing built, social, natural and historic environment.
- 9.2 Central to our consideration of this application is the presumption in favour of sustainable development and the need to ensure the proposals would not have a detrimental impact on any of the above factors.
- 9.3 There are adopted policies relevant to the consideration of this application that accord with the thrust of the National Planning Policy Framework and it is important that the decision is made having due regard to these.
- 9.4 In this instance, the principle considerations have been the appropriateness of the development, with specific regard to the location within which it has been proposed and surrounding uses, and associated factors of impact on residential amenity; potential for impact on the existing drainage and flood risk; impact on ecology; impact on the safety of the existing highway network; and impact on heritage assets within the proximity of the site.

- 9.5 The applicant has demonstrated, through empirical analysis and technical assessments, that the proposed development accords with adopted planning policies and would not have a detrimental impact on the above. The applicant has amended the appearance of the scheme from that originally submitted in order to address material planning concerns raised by statutory and non-statutory consultees, and local residents. There remain no aspects of the proposals that conflict with adopted planning policy.

Recommendation

Depending on the details of the fencing, that Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Approved plans
3. Materials
4. Refuse storage
5. Landscaping (including tree planting and ecology mitigation) and maintenance plan
6. In accordance with Arboricultural Impact Assessment
7. External lighting
8. Construction Method Statement
9. Access road details
10. Visibility splays
11. Car parking areas and cycle parking
12. Off-site highway works, including public right of way enhancements to the sections within the application site and works required to Bye Pass Road to accommodate the new access
13. In accordance with Flood Risk Assessment
14. Surface water system and maintenance plan
15. Foul water systems (on different system to surface water)
16. Removal of residential Permitted Development rights
17. Convenience retailing only
18. Delivery hours
19. Construction hours
20. Hours of operation (retail)
21. Noise mitigation from plant

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 A6	Committee Date 4 March 2019	Application Number 18/01183/FUL
Application Site Land North East Of Ex Servicemen's Club Scotland Road Carnforth Lancashire	Proposal Erection of a care home building comprising of 118 bedrooms and communal, staff and services areas with associated internal road layout, car parking and landscaping, creation of a new access and construction of a new retaining wall	
Name of Applicant Mr Simon Tomlinson	Name of Agent Melissa Magee	
Decision Target Date 17 December 2018	Reason For Delay Awaiting further information	
Case Officer	Mrs Petra Williams	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The proposal relates to a greenfield site which occupies a north-west facing slope on the eastern edge of Carnforth. The site is a little over 1 hectare in area and is currently in agricultural/grazing use with a gated access off North Road. Oliver Place which is a cul-de-sac abuts part of the south-western site boundary. The site is surrounded by housing to the west and south and fronts Scotland Road to the north-west and has open pastoral land to the east. Beyond the site to the north is the Aldi retail store and Norjac car workshop. The Carnforth s Working Men's Club abuts the western corner of the site.
- 1.2 The ground levels vary significantly across the site with the ground rising very steeply from its boundary with Scotland Road then climbing more gradually further up to the site boundary with the rear gardens of North Road. Current ground levels are approximately 17m above Ordnance Datum (AoD) at the Scotland Road frontage rising to 32m AoD at a point 50m from the site frontage, then climbing more gradually to a maximum level of approximately 40m AoD, 110m into the site. The current gradient of the land at its steepest section close to Scotland Road is a gradient less than 1 in 4 and terminates on the Scotland Road boundary with a short retaining wall some 0.8m high.
- 1.3 The majority of the surrounding residential properties are two storey houses with rear gardens abutting the site. The depth of the gardens vary in length. North Road Conservation Area abuts part of the boundary in its south-west quadrant following the curtilage boundaries of 95-109 North Road and includes the Grade II listed building, Carnforth House Farm (109 North Road).
- 1.4 Carnforth town centre is located around 200m from the site and provides a range of local services and facilities, including a medical centre, supermarkets, post office, some comparison retail, offices, restaurant/cafes/public houses, and employment land. The railway station is located around 500 metres from the site. Scotland Road also provides regular bus services along its length. The closest bus stop on the A6 is around less than 100 metres south west of the site.
- 1.5 The south-eastern boundary of the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) is located 670 metres to the north of the site and 1.3km to the north-west. Carnforth

Ironworks Biological Heritage Site lies 325 metres to the north and the Lancaster Canal Biological Heritage Site is located 150 metres to the south east.

2.0 The Proposal

- 2.1 The application proposes the erection of a care home building over three floors providing 118 bedrooms. The ground floor would accommodate the main access within the south-west elevation and this would be for staff, residents and their visitors as well as day care and temporary residents and their visitors. Service access would also be provided on this entry level. Two lifts would also be provided within this side of the building and this would give direct access to upper floors for staff, visitors and residents. The service entrance would be located to the rear of the site with the service bay comprising staff facilities, kitchen, laundry and plant room in addition to a further lift.
- 2.2 The scheme involves the creation of a junction within the 30mph limitation off Lancaster Road and a road within the site to service the development. The internal access road would include sweeping hairpin bends up to the proposed care home in order to overcome the gradient challenges that the site offers. 30 car parking spaces would be provided in addition to dedicated ambulance and minibus bays. A stepped pedestrian access would also be provided off Scotland Road.
- 2.3 There will be 40 staff present on site at any one time during the day and 12 overnight, working 2 split shifts during the day and with an overnight shift.

3.0 Site History

- 3.1 There is a limited planning history associated with the site.

Application Number	Proposal	Decision
18/00506/PRE3	Erection of 120 bed care home including services with associated landscaping, parking and roadways	Advice provided prior to engagement forum
17/01143/PRETWO	Erection of a nursing home in two phases	Advised of concerns regarding landscape impact and that the support of relevant commissioning bodies was required.
13/01297/OUT	Outline application for the erection of 18 dwelling houses including associated access and services	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. Satisfied with level of parking proposed and suggests a number of conditions including a requirement for off-site highway works.
Housing Strategy Officer	Objections. Comments made following liaison with Lancashire County Council and the Morecambe Bay Clinical Commissioning Group. Taking account the requirements of Policy DM45, the information provided by the commissioning teams casts doubt on whether there is a clearly evidenced need for this type of facility in this location on the scale proposed. The Housing Strategy Officer's recommendation is that specialist schemes of this type should be commissioner led.
Conservation Officer	No objections subject to conditions regarding materials. The proposal would still lead to a level of harm on the setting of the Listed buildings and Conservation Areas, the level of harm is considered to be less than substantial. Some of this visual harm will be mitigated by the proposed landscaping and could be further mitigated through the appropriate palette of materials.
Environmental Health	No comments received at the time of compiling this report. Any comments received will be reported verbally at Committee.

Air Quality Officer	No objections raised subject to conditions for mitigation set out within the submitted Air Quality Assessment.
Arnsdale and Silverdale AONB Office	Neither objects nor supports but highlights Policies E3 and DM28, which require development within the setting of the AONB to be appropriate to the landscape character type and designation. The Council needs to be confident that the design and landscaping of this proposal are sufficient to mitigate the harm to the setting of and views from the AONB. The cumulative impacts of development, from this proposal and the proposed large scale housing development on another greenfield site to the north east (18/00365/OUT), must also be taken into account.
Tree Officer	No objections. Comments based on amended plans, which allow for the retention of a frontage tree (T8). T7 will require removal. Considers this proposal is acceptable and improves the frontage to the site.
Natural England	No objections. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.
Canal and River Trust	No comment to make on the proposal.
Lancaster Canal Trust	No comment to make on the proposal.
Historic England	No comment to make on the proposal.
Carnforth Town Council	Objection – Raise a number of concerns relate to the following matters: <ul style="list-style-type: none"> • Impacts on AONB • Traffic and air quality impacts • Access and highway impacts • Scale and nature of proposal • Drainage • Heritage impacts
United Utilities	No objections raised. Following a review of the submitted Drainage Strategy, United Utilities confirm the proposals are acceptable in principle. Suggests a condition to ensure that the development is carried out in accordance with the submitted Foul and Surface Water Drainage Strategy.
Lead Local Flood Authority	Comments awaited – verbal update to be provided at Committee
Lancashire Fire and Rescue Service	Provides advice, which would be included on an approval.

5.0 Neighbour Representations

5.1 There have been 15 items of public comment raise objections to this application. Objections raise the following points:

- Impacts on parking on North Road
- The greenfield site should not be developed
- Impacts on sewage system
- Impacts on the operation of Border Aggregates through surface water drainage provision.
- Concerns regarding the possible use of Oliver Place for access
- Heritage impacts
- Question regarding the need for another care home
- Loss of views and privacy
- This is the highest point in Carnforth and not an appropriate for a 118 bedroom nursing home and associated facilities
- This huge building would be highly visible from the properties on North Road and also from the AONB
- Concern regarding the service access off North Road
- The ground under the field is loosely consolidated sand and gravel
- Loss of amenity due to the inevitable light pollution
- Lack of accessibility for occupants - the site is at the top of a 1 in 3 slope and given the likely health of the residents, this will surely leave them isolated and unable to easily access the various local services
- Inappropriate for this location as there are already two nursing homes on North Road less than a hundred metres away and more within a 6 mile radius
- Ecological impacts

- Location of bin store in proximity to existing residential dwelling on North Road
- Adverse visual impacts on this gateway location
- Impact on local health care services
- Impacts on traffic and air quality
- Concerns regarding access and highway safety
- Concerns regarding drainage

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7 to 10 – Achieving sustainable development
 Paragraph 11 to 14 – Presumption in favour of sustainable development
 Paragraphs 47 to 50 – Determining applications
 Paragraphs 59, 60, 61 – Delivering a sufficient supply of homes
 Paragraph 68 – Identifying land for homes
 Paragraph 74 – Maintaining supply and delivery
 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 170, 172, 175 – Conserving the natural environment/habitats and biodiversity
 Paragraphs 178 to 180, 182 – Ground Conditions and Pollution
 Paragraphs 189 to 194, 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 Lancaster District Local Plan Saved Policies

E3 – Development affecting AONBs
 E4 – Development within the Countryside

6.4 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC2 – Urban Concentration
SC4 – Meeting the District's Housing Requirements
SC5 – Achieving Quality in Design

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
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM32 – The Setting of Designated Heritage Assets
DM33 – Development Affecting Non-designated Heritage Assets
DM35 – Key Design Principles
DM37 – Air Quality Management and Pollution
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings
DM45 – Accommodation for Vulnerable Communities
DM48 – Community Infrastructure
DM49 – Local Services

6.6 Emerging Local Plan Policies

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

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
EC5 – Regeneration Priority Areas
EN7 – Local Landscape Designations (Urban Setting Landscapes)
EN5 – The Open Countryside

A Local Plan for Lancaster District 2011-2013 Part Two: Review of the Development Management
DPD (Publication Version, February 2018):

DM1 – New residential development and Meeting Housing Needs

Arnsdale and Silverdale AONB DPD (Submission version):

AS01 – Development Strategy
AS02 – Landscape

7.0 Comment and Analysis

The main planning issues to be addressed are as follows:

- Principle of development
- Need for elderly care provision
- Design and heritage impacts
- Landscape impacts
- Access and highways
- Natural environment
- Amenity
- Air quality
- Drainage

7.1 Principle of Development

- 7.1.1 The Core Strategy (Policies SC1 and SC2) seeks to direct most housing and employment growth to the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. This is to ensure the growth of 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 natural resources and safeguard our environmental capital.
- 7.1.2 Specifically, policy SC1 requires development proposals to be convenient to walk, cycle and travel by public transport between homes, workplaces, schools 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.
- 7.1.3 Whilst partially superseded by policies within the Development Management Development Plan Document (DM DPD), policy SC2 promotes an urban-concentration approach to development in the District and recognises proportionate growth would be required in Carnforth to reflect its role as a key service centre. It is not anticipated that this approach will change as part of the emerging Local Plan, which continues to have an urban-focused approach to the spatial distribution of development and continues to recognise Carnforth as a key service centre. Carnforth is considered an important centre not only to support its own needs but to support surrounding constrained settlements and the countryside where development opportunities are limited, such as settlements within the nearby AONB.
- 7.1.4 Development on the edge of Carnforth alongside existing residential development is considered to be sustainable in principle and would provide an important contribution towards housing supply within the District. Planning permission was granted in 2015 for 18 dwellings and associated access on the site (now expired). 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. 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 need to significantly boost housing and housing policies are considered out of date, it is considered that the presumption in favour of development should apply. Nevertheless, this site is not an allocated site for housing and is within an area designated as "Urban Setting Landscape" within the emerging local plan under policy EN7; a policy that currently has limited weight.

7.2 Need for Elderly Care Provision

- 7.2.1 It is clear from both local and national evidence that there is a need to increase the range of housing options available to an ageing population to promote health, wellbeing and independence. The current scheme proposes to provide a 118-bed space residential care facility for the elderly. Policy DM45 sets out a number of requirements in relation to new schemes proposed for vulnerable groups, whereby it would be necessary to consult the relevant commissioning managers to assess the need and appropriateness of the accommodation being proposed. Furthermore, proposals for accommodation for older people will be supported subject to the proposal meeting the following criteria:

7. 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).*

- 7.2.2 In order to establish overarching compliance with DM45 the Housing Strategy Officer consulted two commissioning managers at Lancashire County Council to ascertain if there is a local need for the facility proposed. A number of points and concerns have been raised within this dialogue. At the present time, Lancashire County Council's most pressing need is to deliver purpose built extra care housing for older people across the county. Extra care housing comprises fully self-contained residential units in a communal setting with an on-site care team providing an element of background support but can tailor care provision to the needs of individuals. Typically extra care schemes are occupied with residents who have low, medium and high needs. The intention is that over time, older people can remain in an independent setting for as long as possible. In time this should reduce

the existing reliance on traditional forms of residential and nursing care provision. Lancashire County Council's ambition to support the delivery of new extra care schemes is set out in the Extra Care Strategy 2014 and this has been reaffirmed in their evolving housing with Care and Support Strategy.

- 7.2.3 Lancashire County Council's evidence of the local need for residential care/nursing care/dementia provision confirms that a new tracking system has been set up to measure need and demand, and through a recent postcode search, there were 141 vacant beds in a 7 mile radius of the site. There are currently three care homes within a 1 mile radius of the proposal providing 64 beds for nursing care and two care homes providing residential care 30 beds, with a further 3 establishments within a 3-4 mile radius providing 48 nursing home beds and 28 residential care beds respectively.
- 7.2.4 The scheme proposed relies on a different funding model to traditional residential care charges. The applicant appears to be seeking dual registration with the Care Quality Commission (the independent regulator of all health and social care services in England) to provide residential care and supported living. However, having carefully scrutinised the proposed facility, all parties are clear that this facility is not an extra care scheme. At this point, the actual cost model and proposed charges are not yet known. Because the cost model is the first of its type in the county, Lancashire County Council cannot provide a definite position on whether they support this model.
- 7.2.5 There are also concerns regarding the proposed number of units within the scheme as the Lancashire County Council shared data from the Care Quality Commission North West suggests that smaller care homes generally achieve a better rating with homes rated as either good or outstanding outlined as follows:-
- 91.1% for small (10 or less bed) homes
 - 81.7% (11-49 bed) homes
 - 67.2% for larger (50+bed) homes
- This data suggests that care homes provided on a significantly smaller scale than that proposed in this case are more likely to achieve higher levels of quality and a safer environment for residents.
- 7.2.6 The applicant was advised during the pre-application process of the importance of early engagement with the relevant commissioning team at Lancashire County Council so that the need can be evidenced and to gauge whether the commissioners support the principle of this proposal. It is understood that the applicant had limited engagement at high level with County Council but this did not involve detailed discussions. It is considered that the submission has been unable to evidence the need for this type of accommodation and in this location. Although the applicant has very recently had dialogue with a representative of Morecambe Bay Clinical Commissioning Group (CCG) it is understood that engagement with the relevant commissioning managers has not been carried out prior to submission as advised during the pre-application process. The meeting with the CCG raised concerns regarding the impacts which of a development of this scale would have on local health services such as local GP surgeries as it is anticipated that a large proportion of occupants are not likely to be existing patients and would be moving from elsewhere in the District and from other Districts, including Cumbria. The CCG also flagged up potential workforce challenges in terms of care and nursing staff, which may have an effect on other businesses. The proposed funding model is also a concern to the CCG and there are serious doubts about whether the scheme can actually be delivered.
- 7.2.7 In terms of other criteria within policy DM45 although the site is in close proximity to public transport routes and local services the issues of accessibility is a point of concern for residents and visitors. Although the building itself would be accessible internally, it is considered that any residents who wished to venture out or be taken out by visitors would be faced with challenging gradients and stepped access to the site and therefore the practicability of wheelchair access between the highway and the care home is questioned.
- 7.2.8 In summary, taking account the requirements of overarching requirements of DM45 which highlights the importance of the support of the relevant commissioning teams, the information provided by the Lancashire County Council and the Morecambe Bay Clinical Commissioning Group casts doubt on whether there is a clearly evidenced need for this type of facility in this location on the scale proposed and highlights other concerns regarding the funding model and knock on effects the scheme would have on related health care services. The Housing Strategy Officer's recommendation is that specialist schemes of this type should be commissioner led whereby the relevant commissioning

team establishes the need and type of provision required, and establishes a framework/mechanism to meet that need, which providers of new services can engage with. This reduces any risk that speculative schemes outside of the published commissioning plans receive the full support and a clear steer from commissioners at the outset, and that funding commitments are in place. As it stands without the support of the relevant commissioning bodies and evidence of need it is considered that the submission fails to address critical elements of policy DM45.

7.3 Design and Heritage Impacts

7.3.1 The proposed building will comprise a mix of 2-3 storeys and the supporting Design and Access Statement sets out that it would be fragmented in order to reduce the massing. Nevertheless it is considered that the scale of the development situated within steep topography will result in a dominant feature within surrounding townscape.

7.3.2 The proposal will be situated immediately adjacent to Carnforth Conservation Area and in the vicinity of 109 North Road, which is Grade II listed building. The land is very elevated and situated in prominent location to surrounding heritage assets. As such the development would impact the setting of Carnforth Conservation Area, Listed buildings along North Road and the Congregational Church (Non-Designated Heritage Asset) along Hawk Street. Due to the topography and elevated position, there are also views of Warton Crag (Scheduled Monument) to the north west of the site. The applicants were advised that consideration should be given to a more appropriate design and that development of a reduced height and scale would break up the massing and reduce the impact on the heritage assets.

7.3.3 Although additional CGIs provided by the agent show the views within the Conservation Area would be restricted by the fine grain of buildings within the vicinity, it is still considered that the proposal would have an impact on the setting and significance of the surrounding designated heritage assets, including the Listed buildings along North Road due to its sheer scale and massing. Although some visual mitigation will be provided by tree planting to the rear of the development, this will take some time to develop. Although the Conservation Officer initially raised objections following consideration of the additional CGIs it is now considered that the visual harm in respect of the setting of heritage assets mitigated by the proposed landscaping and could be mitigated through the appropriate palette of materials. Nevertheless, there would be harm, albeit less than substantial, and this harm would need to be justified and outweighed by the benefits of the scheme.

7.4 Landscape Impacts

7.4.1 A critical point of consideration is that of the landscape impact of any development, particularly in this case where the development involves substantial engineering works on a site in an elevated position within the Countryside Area and can be viewed from open land to the north and north-east of the site and from within the Arnside and Silverdale AONB. The site in question has been assessed as part of the emerging Local Plan and has been allocated under policy EN7 following a Key Urban Landscapes Review which was carried out on behalf of the Council by Arcadis in May 2018. While this policy currently has limit weight it is indicative of the value placed on this site in landscape terms. The area is located within the Morecambe Coast and Lune Estuary National Character Area. At county level, the local landscape character is identified as the Carnforth – Galgate – Cockerham Low Coastal Drumlins. The AONB Seascape Character Assessment draws the landscape character types down further, which identifies the site within the low coastal drumlin character type.

7.4.2 The site occupies steeply rising land but one which is closely associated with neighbouring residential development to the south and west. In this regard the character of the built form is comprised fine grain predominantly 2-storey properties. The north-west of the site sits at a significantly lower level, comprising primarily of larger commercial buildings and urban infrastructure. Although consent was previously granted for 18 dwellings on this site, the scale and nature of the built form of the current scheme differs greatly and includes a 3 metre high retaining wall around parts of the site. The previous approved application would have provided 2-storey dwellings which would have reflected the scale of the surrounding built form and allowed a degree of permeability through the site. It was also approved prior to the drafting of the emerging policy EN7 and before the landscape evidence by Arcadis.

7.4.3 Due to its scale and elevated location the application has been supported by a Landscape and Visual Appraisal which acknowledges that there would be some adverse effects on the landscape character

of the site and its setting as well as views from the neighbouring AONB as the proposed development does introduce built form where it previously did not exist. Although the development would to some degree be set into the hillside in order to minimise the landscape impacts and would in time be softened by landscaping, it is considered that the scale and massing of the proposed building would present a stark contrast to the surrounding built form and would be at odds with the adjacent townscape notwithstanding the use of natural materials and sedum roof treatment. The bulk and massing of the proposal is clearly evidenced within the site sections.

- 7.4.4 Given the scale and nature of the surrounding built form, it is considered that the development would appear incongruous to its surroundings particularly against the vernacular and traditional scale and appearance of buildings along North Road. This issue of scale and massing is further exacerbated by the elevated topography and position of the development within the site. It is concluded that the scheme would have significant impacts on the landscape character of the area which would not be outweighed by the benefits of the scheme.

7.5 Access and Highways

- 7.5.1 In locational terms, the site is close to the highway network and public transport modes. However, pedestrian accessibility for the proposed user group is a point of concern due to the steep gradient of the site. There would be staggered stepped access which would clearly be impractical for wheelchair users. In order to overcome this the applicant proposes to provide a mini-bus bay on the site access road close to the A6 to allow those persons with impaired mobility to contact reception and request a minibus service. However, it is considered that this would not be an ideal solution and would not overcome the concerns raised within paragraph 7.2.7 above.
- 7.5.2 The maximum parking standards as set out within Appendix B of the DPD require 30 spaces for the proposed development and the submission accords with this. Provision would also be made for disabled and ambulance parking as well as minibus parking at the top and bottom of the site.
- 7.5.3 The new site access from Scotland Road is proposed at 6m wide with 1.5m wide footway on the southern side and a 1m verge on the northern side. The first 10m from A6 is proposed at a gradient no steeper than 1:20 and the remaining length is 1:12 which is considered the maximum gradient to allow use by all types of vehicle. A ghost right turn lane is proposed within the submitted Traffic Assessment and the details of the off-site highways works in respect of the new junction would be conditioned. County Highways has raised no objections to the proposed access and considers that appropriate visibility splays have been demonstrated. They have also requested that the footway on the eastern side of Scotland Road is widened and that the nearest bus stop is upgraded as part of off-site highway improvements. At the time of writing this report the applicant's Transport Consultant is disputing this request as it was not required in relation to the previous consent for 18 dwellings. However, it is considered that the current proposal represents an intensification from the previously approved residential development and that it is reasonable to expect the footway and bus stops to be upgraded to provide quality routes and a safe and suitable access for pedestrians and to promote sustainability in accordance with the NPPF.
- 7.5.4 Plans indicate that the existing access from North Road would be used in relation to servicing and allows parking for one vehicle. The submission also makes reference to this access being a route for pedestrians coming from North Road and this has given rise to concerns from nearby residents as it may result in increased on street parking in the vicinity. However, County Highways is satisfied with the level proposed parking provision within the site to serve the type of development proposed.
- 7.5.5 Notwithstanding the concerns raised within public comments regarding highway safety, access and parking, it is concluded that there would be no grounds for refusal on these grounds.

7.6 Natural environment

- 7.6.1 There is limited tree coverage on the site with the majority of these being established around the site boundaries. The application is supported by an Arboricultural Implications Assessment, which identifies a total of 13 individual trees and 6 groups of trees in addition to a single hedge in relation to the proposed development. Following receipt of amended plans, which allows for the retention of an important frontage tree (T8) the Tree Officer is satisfied subject to conditions that will include a requirement for replacement tree planting at a ratio of 3:1 on site. The scheme will involve the removal of two trees (T7 and T10) and the partial removal of two tree groups. Overall the proposed

tree losses are not considered to have a significant adverse impact upon the locality or that of the wider Conservation Area.

7.6.2 The scheme also puts forward a landscaping scheme, which includes native broadleaf trees and ornamental varieties as well as native scrub and structural boundary planting in order to soften the impacts of the extensive engineering works, which will be required to create the access. The scheme also includes sedum roof treatment in part. Subject to conditions to ensure appropriate landscaping enhancements, the scheme is considered acceptable in relation to impacts on the natural environment.

7.6.3 The application is accompanied by an ecological appraisal which concludes that site is dominated by habitats of limited wildlife value and that no notable species were found on site. Overall, the site is not considered to have ecological connections to a designated site. Comment has been made by neighbours that the site is frequently used by bats. As highlighted above the scheme will seek to retain nearly all of the trees on the boundaries. Overall, the scheme is not considered to impact upon designated sites and that compensatory planting could provide an enhancement to the ecological value of the site.

7.7 Amenity

7.7.1 Concerns have been raised from nearby occupants regarding the impacts of the proposal on their residential amenity. The nearest neighbouring property to the proposed building would be 105A North Road which would be approximately 14 metres away. Policy DM35 sets out guidelines for separation distances and advises a distance of 12 metres where a habitable room faces onto a blank wall. Given the distance involved and the boundary planting within the garden of 105A it is considered that the proposal would not result in loss of privacy to this property. Although there may well be impacts on views from a number of properties, there is no right to a view in planning terms and the separation distances are considered acceptable. The issue of light pollution has also been raised as a point of adverse residential impact. It is considered that a lighting scheme could be conditioned as part of a consented scheme in order to ensure lighting is directed away from nearby residential dwellings.

7.7.2 Public comments have also raised the issue of the increased use of the access from North Road. It is understood that the applicant has a right of access from North Road which is used in association with the current agricultural use of the land. However, it is acknowledged that this would be relatively low use compared to that proposed. While the proposal is likely to result in increased activity along this track, the main entrance for pedestrians and vehicles is to be from Scotland Road, and therefore most movement of traffic will be from the west of the site, not the east. As set out in section 7.5, County Highways raises no objection in this regard.

7.7.3 Overall, despite objections raised in respect of residential amenity impacts it is considered that the scheme would not result in overlooking and that separation distances are acceptable.

7.8 Air quality

7.8.1 The site is located outside of the Carnforth Air Quality Management Area though it is expected that vehicles associated with the development would naturally pass through it. The application is accompanied by an Air Quality Assessment which includes a commitment to provide electric vehicle (EV) charging points with additional infrastructure to allow for future increase in the use of electric vehicles. The Air Quality Officer has raised no objections to the scheme subject to the provision of EV charging points and a detailed Travel Plan.

7.9 Drainage

7.9.1 Given the nature of the sloping site, drainage is a key point of consideration as surface water flooding occurs on the highway further east along Lancaster Road under the railway bridge. The road raises the most concerns but as it is largely the same design as approved under the scheme for 18 dwellings it is considered that an acceptable drainage solution can be achieved. The submitted Drainage Strategy suggests that surface water runoff from the access road could be directed to the existing highway drain located within the A6 Scotland Road at a restricted rate of 2 litres per second, subject to agreement with the Highway Authority. If this is not a feasible option the Drainage Strategy suggests that a surface water sewer could be laid down the A6 to connect into the combined sewer.

- 7.9.2 The need for run-off to be attenuated to existing run-off rates has been recognised by the Drainage Strategy which suggests that disposal of surface water from the site via infiltration methods is not viable and highlights a range of measures to limit runoff volumes and rates from the site including green roofs, permeable paving, below ground cellular storage and rainwater harvesting. Whilst the retention of surface water on site may be a potentially expensive solution, it is technically achievable but would need to be the subject of a planning condition to agree the form, design and run-off rate. The Drainage Strategy suggests that foul and surface water runoff from the proposed development should be directed from the site via a gravity system to existing sewers located within Oliver Place. The Drainage Strategy acknowledges that as Oliver Place is a private road and that the developer may need to apply for a sewer requisition through United Utilities to enable appropriate connections to the public sewer. At the time of compiling this report the views of the Lead Local Flood Authority are being chased. Their comments will be reported verbally to Committee.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 The proposal would lead to significant landscape impacts and would result in less than substantial harm to nearby heritage assets and therefore presents conflict with the requirements of DM28 and DM32. Despite advice having been provided to the applicant prior to submission that they will need to engage with the relevant commissioning bodies, this advice was not heeded, and as a result the application fails to adequately demonstrate the need for the type of accommodation proposed. In the absence of support for the scheme from the relevant bodies the submission fails to accord with the overarching requirements of policy DM45. The lack of evidence of need for the proposal means that there are no significant benefits of the scheme which could potentially weigh against the landscape and heritage impacts which would result from the development.

Recommendation

That the application should be delegated back to the Planning Manager to consider the comments of the LLFA and that Planning Permission **BE REFUSED** for the following reason:

1. The proposal would result in substantial engineering works to facilitate a development of significant scale and massing. Consequently the scheme would result in significant landscape harm and less than substantial harm to nearby heritage assets. In the absence of sufficient evidence of need for the type of accommodation proposed there is no justification for this harm. As such it has not been satisfactorily demonstrated that the scheme would provide any significant benefits which may be used to weigh positively against this harm. As such it is considered that the scheme fails to accord with the provisions of DM28, DM32 and DM45, and paragraphs 59, 61, 170, 190, 192, 193, 194 and 196 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 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. 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

Minutes of the Member Engagement Forum for 18/00506/PRE3

**MEMBER ENGAGEMENT
FORUM PRE-PLANNING
APPLICATION**

2.30 P.M.

9TH JULY 2018

PRESENT:- Councillors June Ashworth, Carla Brayshaw, Helen Helme, Tim Hamilton-Cox
(Substitute for Dave Brookes)
Ward Councillors Peter Yates and Mel Guilding

Apologies for Absence

Councillors Dave Brookes and John Reynolds

Officers in attendance:-

Mark Cassidy	Planning Manager
Petra Williams	Planning Officer
Hannah Dodgson	Work Experience Student
Tessa Mott	Democratic Support Officer

Also in attendance:-

Jim Grisenthwaite	Carnforth Town Council Representative
Simon Tomlinson	Errigal Advisory Limited
Coralie Tomlinson	Errigal Advisory Limited
Melissa Magee	Carless and Adams Partnership
Mike Bunyan	Carless and Adams Partnership

7 DECLARATIONS OF INTEREST

There were no declarations of interest.

8 APPLICANT PRESENTATION

The developers gave a presentation regarding the pre-application submission '18/00506/PRE3 Land North of Ex Servicemen's Club, Scotland Road, Carnforth.'

Initially, the developers outlined their proposal and explained that after conducting preliminary research with appropriate organisations, they had identified a local need for the proposed development in the area. Other suitable locations had been explored in depth and at the current time the proposal put forward is considered the most practical and appropriate.

The applicants further explained the philosophy behind the proposed development being patient led care with a 'home for life' ethos rather than a transient traditional care home. The applicants also outlined their passion to deliver 'care with choice' by using a bespoke model. The proposed development involves a suite living accommodation for residents including various elements such as: a kitchenette, living space and dining space. It was explained that the suite is designed to encourage more of a social environment in a resident's room, by providing them and their guests, more flexibility and independence.

There was a detailed analysis of the development which included: aerial photos of the site and its location in relation to existing buildings; view points from various perspectives; vehicular site access points and the different areas in the schedule of accommodation. It was explained that the design of the development had been created as a series of buildings, so that the development would integrate into the existing surroundings with minimal negative impact, whilst also displaying the contemporary design features of the building in a respectful manner. The topography of the proposed site was considered slightly challenging and therefore a practical and sympathetic style of architecture had been utilised.

9 OPEN DISCUSSION OF THE PROPOSAL WITH MEMBERS

Members of the meeting asked several questions of the developers and applicants present.

The discussion included topics such as:

- Potential planning permission for housing on the site/surrounding sites;
- Potential for Oliver Place to be an alternative access route;
- Parking concerns, particularly regarding the impact on local residents;
- Amount of bedroom suites in this development in comparison to other developments of the same nature;
- Clarification on the location of the buildings;
- Access to garden areas for residents;
- Clarification on funding arrangements for residents and the various funding stream models;
- Height/levels of the site;
- Sustainability and potential future proofing of the buildings;
- Surface water flooding/drainage arrangements;
- Vehicular traffic movement

The developers explained that they had gone to extreme lengths to ensure that alternative site locations were considered and that a full transport assessment and travel plan would be under taken alongside any planning application submission. The developers also confirmed that they would like to provide adequate parking on the development to minimise any impact to local residents.

There was a detailed discussion regarding three potential funding streams for residents and also clarification that any involvement from the NHS is considered positive but not dependent on the future of the site.

The developers also clarified that a drainage consultant had been appointed and any information gathered would be submitted as part of any planning application submission. There was further discussion about the potential for solar panels on the site and whether this would be a viable addition to the development.

The Planning Manager summarised the discussion and clarified that the quality of the model of care was impressive and that the principle of development at the site (in terms of land use and landscape-led scheme design) was accepted. It was highlighted that the material palette appeared broadly correct, and that the scale of development should not be higher than the existing surrounding buildings. Aside from the documents set out in the written pre-application advice, the Development Team were advised that their supporting

literature should also include matters regarding: energy efficiency; highways matters (with particular reference to the potential use of Oliver Place) and clarity of site access for all modes of transport.

(The meeting ended at 3.54 p.m.)

**Any queries regarding these Minutes, please contact
Tessa Mott, Democratic Services: telephone (01524) 582074 or email
tmott@lancaster.gov.uk**

Background Paper

Agenda Item A7	Committee Date 4 March 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 Referred to Planning Committee and then deferred for a Site Visit	
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. The application was reported to Planning Committee on 4 February 2019 but was deferred for a site visit that took place on 25 February 2019.

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, with the addition of a hedgerow to the northern boundary. 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 Six 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
- The proposed development would result in ribbon development along Littledale Road. Especially with proposed development at Hill Farm.
- The development would set a dangerous precedent for the development of land in an AONB.
- Sustainable development cannot be justified where there is an irretrievable loss incurred and in the destruction of the AONB.
- The land forms an integral part of the protected rural views of the area.

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 boundary to the north is to remain in situ with the addition of a proposed hedgerow and the post and wire boundary to the west is to remain in situ. 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	Committee Date	Application Number
A8	4 March 2019	17/01502/FUL
Application Site Heaton Hall Morecambe Road Lancaster Lancashire	Proposal Change of use and conversion of the tavern into five dwellinghouses (C3) including the demolition of the existing conservatory and associated motel building and the erection of nine dwellinghouses (C3) with associated landscaping and vehicular parking	
Name of Applicant Tom Hill	Name of Agent Mr Scott Bracken	
Decision Target Date 2 May 2018	Reason For Delay Applicant unwilling to enter into Legal Agreement	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Note

The application was presented to Planning Committee on 9 May 2018, where Members resolved to approve the development subject to the applicant entering into a Section 106 legal agreement to secure an affordable housing contribution (together with the long term maintenance of non-adopted highways, drainage and landscaping). The applicant has still to sign the agreement (or even provide an undertaking for the Council's cost of producing the agreement), and therefore the scheme is being presented back to Planning Committee for consideration.

1.0 The Site and its Surroundings

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

2.0 The Proposal

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

1. *It is considered that the development would not make a positive contribution to the area given inadequate separation distances between dwellings, coupled with a lack of appropriate garden spaces. It is therefore considered that the scheme has not demonstrated good design and the scheme as proposed would compromise the amenity of future and existing residents due to the over-developed nature of the site, and therefore the scheme would fail to conform to Policy DM35 of the Development Management DPD, Policy SC5 of the Core Strategy, and Section 7 of the National Planning Policy Framework.*
2. *The scheme would potentially adversely impact on a large mature preserved copper beach tree that is established close to the existing conservatory, and given the development has the potential to impact on the root protection area of this impressive, protected specimen, the relationship between the development and the tree is unacceptable. In addition the works to the large mature horse chestnut tree, in terms of the extent of pruning required is considered excessive and as such the development is contrary to Policy DM29 of the Development Management DPD.*
3. *There are concerns for the setting of the Tavern which results from the siting of Units 6 and 7 in front of the listed building. It is considered that the harm to the setting of this building has not been demonstrated to the satisfaction of the local planning authority, as there is a lack of clear and convincing justification, and therefore the scheme fails to comply with Policies DM30 and DM32 of the Development Management DPD and Paragraphs 132 and 134 of the National Planning Policy Framework.*
4. *The applicant is not proposing any affordable housing as part of the scheme. Whilst a viability appraisal has been submitted in support of the scheme to demonstrate that it is not viable to support any affordable housing contribution, in the opinion of the Local Planning Authority the applicant needs to reconsider costs put forward as part of the development appraisal as at present there is a lack of confidence in the applicant's assessment and therefore the scheme is considered contrary to Policy DM41 of the Development Management DPD.*
5. *The Tavern is a former public house, and would have previously provided the community of Scale Hall with a valuable local service. However it is considered that the applicant has failed to provide the necessary compelling and detailed evidence which is required under Policy DM49 of the Development Management DPD to enable the local planning authority to consider its loss is justified and appropriate.*

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

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

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

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

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

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

3.0 Site History

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

Application Number	Proposal	Decision
17/01503/LB	Listed building application for internal and external works, comprising the insertion of partition walls and demolition of internal walls, provision of new windows, construction of a single storey extension to the north and east facing elevations and demolition of the existing motel units	Pending Consideration (linked with 17/01502/FUL)
17/00136/FUL	Change of use and conversion of the tavern into five dwellinghouses (C3) including demolition of conservatory and motel building and erection of 11 dwellinghouses (C3) with associated landscaping and parking	Refused
17/00137/LB	Listed building application to facilitate the conversion of the tavern into five dwellinghouses (C3) including demolition of conservatory and motel building and erection of 9 dwellinghouses (C3)	Split decision
16/00422/LB	Listed building application to facilitate the conversion of the tavern into twelve dwellinghouses (C3) including demolition of conservatory and erection of two storey extension, and demolition of motel building and erection of five 2-storey town dwellinghouses (C3)	Withdrawn
16/00421/FUL	Change of use of the tavern into twelve dwellinghouses (C3) including demolition of conservatory and erection of two storey extension, demolition of motel building and erection of five 2-storey town dwellinghouses (C3)	Withdrawn
15/01079/PRETWO	Conversion of existing tavern and motel accommodation with associated alterations and extensions to provide 17 residential units	Advice Provided

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection subject to details of the car park surfacing/paving
Conservation Officer	No objection in principle although there will be some harm associated with internal and alterations and development within the immediate setting.
Tree Officer	No objection providing the Arboricultural Method Statement is updated to include the final treatment for all new surfaces within root protection and canopy areas and provision of a detailed landscaping scheme with an associated maintenance regime.
Strategic Housing Officer	Raises concerns with the contents of the viability statement.
Environmental Health Department	No objection on the provision that electric charging facilities are provided for together with a contaminated land assessment.
Lead Local Flood Authority	No observations received within the statutory timescales. However, previously no objection was raised.
United Utilities	No objection subject to a condition requiring a surface water drainage scheme to be submitted and foul and surface water drainage to be drained on separation systems.

Greater Manchester Ecology Unit	Initially recommended that the scheme was not determined until such time an updated bat assessment was provided and if necessary emergence surveys carried out. An updated assessment was provided and no objection raised on the provision that the mitigation as detailed within the applicant's bat survey is carried out.
Planning Policy	No Objection though the scale of development, the loss of community facilities, its relationship with the surrounding historic environment and resolving any highway concerns will be key considerations in this assessment.
Lancashire Constabulary	No observations received within the statutory timescales
Lancaster Civic Society	No observations received within the statutory timescales
County Education	No Objection. A financial contribution towards education provision is not required.
Lancashire Archaeology	No Objection on the basis that a written scheme of archaeological recording and analysis is provided.

5.0 Neighbour Representations

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

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF 2018)

Part 2 Achieving Sustainable Development
Part 4 Decision Making
Part 5 Delivering a sufficient supply of homes
Part 8 Promoting healthy and safe communities
Part 11 Making effective use of land
Part 12 Achieving well designed places
Part 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

SC1 – Sustainable Development

6.4 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages

DM21 – Walking and Cycling

DM22 – Vehicle Parking Provision

DM26 – Open Space, Sports and Recreational Facilities

DM27 – Protection and Enhancement of Biodiversity

DM29 – Protection of Trees, Hedgerows and Woodland

DM30 – Development affecting Listed Buildings

DM32 – The Setting of Designated Heritage Assets

DM34 – Archaeology

DM35 – Key Design Principles

DM38 – Development and Flood Risk

DM39 – Surface Water Run-off and Sustainable Drainage

DM41 – New Residential dwellings

DM48 – Community Infrastructure

DM49 – Local Services

Appendix B – Car Parking Standards

Appendix E – Flat Conversions

6.5 Other Material Considerations

National Planning Policy Guidance;

Meeting Housing Needs Supplementary Planning Document;

Open Space in New Residential Development Planning Advisory Note (PAN) (October 2015)

Lancashire County Council Infrastructure and Planning Annex 2 Education (November 2017)

7.0 Comment and Analysis

The main considerations with the application relate to the following:

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

7.1 Principal of the Development

- 7.1.1 The site is located within the Scale Hall area of Lancaster and therefore a sustainable location for a development of this nature. Whilst the City Council can demonstrate a deliverable 5 year housing land supply (which was not the case when the application was presented to Members for determination in May 2018), the relevant policies within the Local Plan in relation to housing are 'out of date' and therefore the tilted balance is engaged. Decision makers have to weigh the consequences of an undersupply of housing against other policies in the development plan that may have the effect of restricting that supply. The Tavern and associated motel rooms have been neglected for a number of years, and unfortunately they have fallen into a state of neglect, and vandalism has started to occur despite the applicant having erected fencing around the perimeter of the site. The site was a former public house and therefore it needs to be demonstrated that the public house no longer has a viable community use (as required by Policy DM49 of the DM DPD in terms of marketing the property for a period of 12 months at a realistic price). The advice shared with the applicant in terms of the refused application was that they should seek to demonstrate that the public house no longer has a viable community use. This does not necessarily have to be a public house (A4) use. The applicant in the refused scheme provided no evidence to suggest that the property was marketed but in the case of this planning application they have provided somewhat

more justification than they did previously namely in the form of marketing details when the property was put up for auction. Whilst they have said that the site has been marketed since the applicant purchased the site, no information has been submitted to demonstrate that this is the case. These concerns have been relayed to the applicant's agent but no additional information has been supplied other than demonstrating that there are a number of public houses within the immediate area.

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

7.2 Heritage Concerns

- 7.2.1 The NPPF states that when considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the asset's conservation. Similarly, the local planning authority in exercising its planning function should have regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

The NPPF seeks to express the statutory presumption set out in s66 (1) of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give special weight to the desirability to preserve the heritage asset.

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

7.3 Amenity/Design and Layout

- 7.3.1 The development seeks to utilise the existing footprint of the Tavern and associated motel rooms with the exception of unit 6 that would be sited to the east of the former farmhouse (in a similar location to the lightweight conservatory that is proposed to be removed), and unit 14 on the far

eastern edge of the site. The layout is essentially of a courtyard and the principle of this could work well in this urban setting. Officers raised significant concerns previously as garden sizes (only 18 sq.m) were significantly below the required 50 sq.m as endorsed by Policy DM35 of the DM DPD. The applicant has pushed units 8 to 13 further south, which now means that the garden sizes are a minimum of 41 sq.m. This is for a two-bedroom property and therefore a smaller type unit. Unit 8, which is a 4 bedroom property, would benefit from over 100m² of usable garden space. Unit 7, which is a 2 bedroom single storey dwelling, provides minimal landscaping along its frontage, which is more akin to communal landscaping as opposed to private garden space. However, it is considered that this could work well assuming appropriate boundary treatments and landscaping are implemented. The conversion element of the Tavern provides for communal landscaping with a new oval lawn enclosed by a gravel path, which is deemed to be acceptable.

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

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

7.4 Trees

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

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

7.5 Ecology

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

7.6 Drainage and Highway Considerations

7.6.1 The site lies within Flood Zone 1 and therefore is at the lowest risk of flooding, and somewhere where the local planning authority would seek to support development proposals. The Lead Local Flood Authority has provided no observations on this application but raised no objection to previous,

similar applications subject to conditions being applied to any permission including draining the site sustainably in-line with the SuDS hierarchy and maintaining the drainage scheme.

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

7.7. Affordable Housing Provision

- 7.7.1 The applicant initially submitted a financial viability report in support of the scheme that suggested the scheme could not support any affordable housing. Officers on the previous two planning applications had concerns regarding the content of the applicant's viability statements given the applicant suggested developing the site would result in a £400,000 loss. In line with National Planning Practice Guidance, a 'vacant building credit' should be applied where a vacant building is either converted or demolished and the credit will be equivalent to the gross internal area of the building to be demolished or brought back into use. Taking into account vacant building credit Officers considered that it would be more appropriate to seek a financial contribution towards affordable housing provision, and this remains the case today. Officers have concluded that the scheme can generate a reasonable profit (18%, or circa £400,000) and make a financial contribution to affordable housing. The applicant's agent agreed to providing an affordable housing contribution of £18,831 and the scheme was recommended for support on this basis.

- 7.7.2 Since the scheme was presented to Planning Committee in May 2018 no progress has been made on the legal agreement by the applicant. Despite best endeavours by the Case Officer and the Council's appointed legal representatives, there has been no progress despite assurances from the applicant's planning agents. It has been over 9 months since the scheme was presented to Planning Committee and therefore Officers consider that they have acted reasonably, pragmatically and in good faith throughout to secure an affordable housing contribution they deem necessary to make the development acceptable in planning terms.

- 7.7.3 Planning obligations should only be sought where they meet all of the following tests:

- A) Necessary to make the development acceptable in planning terms;
- B) Directly related to the development applied for;
- C) Fairly and reasonable related in scale and kind to the development.

- 7.7.4 Officers consider that the provision of an affordable housing contribution does pass the tests above (which echoes those set out in Regulation 122 (2) of the CIL Regulations 2010) and conforms to the requirements of DM41 of the Development Management DPD. Given there seems no appetite from the applicant to progress the agreement, Officers cannot support the scheme as it stands.

7.8 Other Material Considerations

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

8.0 Planning Obligations

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

- The provision of an affordable housing contribution of £18,831;
- Long term maintenance of landscaping, open space and non-adopted drainage and highways and associated street lighting.

These requirements are considered to meet the tests set out in Paragraph 56 of the NPPF (2018). Given the scheme, there is a need for a number of highway related works that would be undertaken under Section 278 of the Highways Act. These works can be conditioned.

9.0 Planning Balance

- 9.1 Officers are keen to support the sensitive restoration of the former Farmhouse Tavern and the associated motel, which have been empty for over 5 years. The proposed scheme would enable the sensitive restoration of the Tavern, and whilst there would be some harm, the internal works would allow the restoration of the building back to its original use (albeit sub-divided). There is some harm to the setting of the building by virtue of the location of Unit 6 but this is considered to be less than substantial harm and the benefits associated with the scheme by bringing the Listed building back into use and the provision of new homes weighs strongly in the proposal's favour. It is worthy of note that none of the historic environment consultees raise an objection to the scheme.
- 9.2 The Tavern and motel rooms once served a valuable community asset and to date no compelling evidence has been provided by the applicant to suggest that since the property was purchased in February 2015 that any further marketing has been carried out in accordance with Policy DM49. This element weighs against the proposal, though Officers are mindful of the benefits associated with bringing this building back into a sustainable long term use, coupled with the urban location, which has bus stops, a cycleway, a supermarket and a restaurant within very close proximity of the site. From a nature conservation perspective it is considered that both the impacts on trees and protected species can be overcome by conditions and issues associated with drainage and highways can also be handled by means of planning condition. Electric vehicle charging points together with the provision for cycle storage will ensure that future occupiers have the opportunity to travel by sustainable modes of transportation.
- 9.3 The Local Planning Authority can demonstrate a five year housing land supply, but the tilted balance is engaged, given housing policies are considered out of date. Local Planning Authorities should look to support schemes unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. There is some limited harm caused to the setting of the Listed building, and the applicant has failed to supply the evidence to demonstrate that the building could not have an alternative use, but taking into consideration the sustainable nature of the site, it is considered that in the balancing exercise bringing the building back into a viable use weighs heavily in support of this proposal. Whilst there was a commitment by the applicant to provide an affordable housing commuted sum in advance of the May 2018 Planning Committee, no progress has been made by the applicant apart from appointing a solicitor. Given the time that has elapsed since the Planning Committee in May 2018 Officers have to determine applications in a timely manner and therefore given the lack of progress from the applicant the scheme is recommended for refusal.

Recommendation

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

- 1) Whilst there was a commitment by the applicant to provide an affordable housing contribution, the applicant has sought not to progress the legal agreement process to allow this to be secured by the Local Planning Authority. The Local Planning Authority considers that the provision of an affordable housing contribution of £18,831 is required to make the development acceptable in planning terms. Given the reluctance of the applicant to commence the legal agreement process to allow this contribution to be secured, the scheme is considered contrary to Policy DM41 of the Development Management DPD, and Section 4 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. 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 reason for refusal.

Background Papers

None

Agenda Item	Committee Date	Application Number
A9	4 March 2019	17/01503/LB
Application Site Farmhouse Tavern And Motel Morecambe Road Lancaster Lancashire	Proposal Listed building application for internal and external works, comprising the insertion of partition walls and demolition of internal walls, provision of new windows, construction of a single storey extension to the north and east facing elevations and demolition of the existing motel units	
Name of Applicant Tom Hill	Name of Agent Mr Scott Bracken	
Decision Target Date 6 March 2018	Reason For Delay Applicant delay on Legal Agreement associated with 17/01502/FUL	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Split Decision	

(i) Procedural Note

The application was presented to Planning Committee on 9 May 2018, where Members resolved to approve the development subject to the applicant entering into a Section 106 Legal Agreement to secure an affordable housing contribution (together with the long term maintenance of non-adopted highways, drainage and landscaping) on the full planning application 17/01502/FUL. The applicant has still to sign the agreement (or even provide an undertaking for the Council's cost of producing the agreement), and therefore the scheme is being presented back to Planning Committee for consideration.

1.0 The Site and its Surroundings

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

2.0 The Proposal

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

3.0 Site History

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

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

4.0 Consultation Responses

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

Consultee	Response
Lancashire Archaeological Advisory Service	No objection. Recommends a level 3 building survey should permission be granted.
Historic England	No observations to make on the proposals.
Conservation Officer	No objection in principle although there will be some harm associated with internal and alterations and development within the immediate setting.
Lancaster Civic Society	No observations received within the statutory timescales
Ancient Monuments Society	No observations received within the statutory timescales

The Council for British Archaeology	No observations received within the statutory timescales
Georgian Group	No observations received within the statutory timescales
The Society for the Protection of Ancient Buildings	No observations received within the statutory timescales
The Victorian Society	No observations received within the statutory timescales
Twentieth Century Society	No observations received within the statutory timescales

5.0 Neighbour Representations

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

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Section 4 - Decision Taking

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

SC1 – Sustainable Development

SC4 – Meeting the District's Housing Requirements

SC5 – Achieving Quality in Design

6.4 Development Management DPD

DM30 – Development affecting Listed Buildings

DM32 – The Setting of Designated Heritage Assets

DM34 – Archaeology

7.0 Comment and Analysis

- 7.1 The NPPF states that when considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the asset's conservation. Similarly, the local planning authority in exercising its planning function should have regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which *states "In considering whether to grant planning permission for development which affects a Listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. The NPPF seeks to express the statutory presumption set out in S66(1) of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give special weight to the desirability to preserve the heritage asset.
- 7.2 The Farmhouse Tavern (formerly known as Scale Hall), is an impressive Grade II Listed building. The building was formerly a small manor house dating from c1700 then later used as a country club and pub. It is constructed in sandstone rubble with ashlar dressings and a slate roof. There has been a modern alteration and addition to a stable block to the rear which was converted into a motel. It is worthy of note that historically the use of the building was as a residential dwelling and therefore the principle of converting the building back to a residential use could be found acceptable in principle.
- 7.3 It is commendable of the applicant to pursue a development proposal that could secure a potential long-term use for the Tavern, particularly given its historical significance. The previous application failed to fully assess the impacts of the proposal on the significance of the designated heritage asset, but this application has resolved the concerns by amending the site layout.
- 7.4 The removal of the modern conservatory is an improvement, and would better reveal the significance of the building. However, it is unfortunate that Unit 6 would be sited in a similar position, and although it is set back it is considered this may cause a degree of harm when viewing the building. The Tavern is readily visible from Morecambe Road, and the erection of unit 6 would obstruct this viewpoint and the main experience and view of the asset for the public. The harm would be less than substantial so should be weighed against the public benefits of the scheme, in terms of bringing the main building back into use.
- 7.5 The application is supported by a Heritage Statement and Impact Assessment, which considers that on balance all elements of the proposed scheme have a neutral or positive impact, with any isolated negative matters being readily mitigated by positive changes of a more significant magnitude and therefore considers that their significance would either be sustained or enhanced. The conversion of the building into residential units does inevitably have some impact though no objection has been received from the Conservation Officer regarding the internal works and the external fabric of the main building would have most of the external additions removed from it. The new elements are positioned more remotely, which goes some way to reduce the impact.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 Securing a long-term sustainable end use for the Tavern is a matter to be determined via the planning application 17/01502/FUL. Members will note, that the item is recommended for refusal on the reluctance of the applicant to progress the Section 106 legal agreement to secure an affordable housing contribution. This is considered necessary to make the development acceptable in planning terms. Officers remain of the opinion that the principle of conversion of the building can be found acceptable, on the understanding an affordable housing contribution is provided for. The statutory test set out in the 1990 Act seeks to avoid harm. This presumption against harm carries significant weight in the decision making process. Officers therefore contend that the internal elements proposed in advance of an approved use, would have an adverse impact on the special architectural and historic character of the Tavern and would be considered contrary to Policy DM30 of the Development Management DPD and Paragraphs 193 and 196 of the NPPF.

- 9.2 Members are advised to support Listed Building Consent for some of the external works, which could be undertaken independent of any approved development. However, Officers also recommend refusing Listed Building Consent for the internal works and remaining external works (which in essence would facilitate the development of a residential conversion which has not been found acceptable via 17/01502/FUL given the applicant is not progressing the necessary legal agreement).

Recommendation

That a **split decision** is reached. In the first instance:

That Listed Building Consent for internal and external works comprising the insertion of internal partition walls and demolition of internal walls, construction of the extension to the north facing elevation and the demolition of the existing motel units **BE REFUSED** for the following reason:

- 1) It would be premature to support the internal and external alterations to the building to facilitate a residential use, when the development has not been found acceptable associated with the full planning application 17/01502/FUL. Without support of the full application, the Local Planning Authority cannot conclude that the harm identified would be outweighed by the public benefits of the proposal (in this instance a lack of affordable housing contribution), and is therefore considered that the scheme is contrary to DM30 of the Development Management DPD and Paragraphs 193 and 196 of the NPPF.

In the second instance:

That Listed Building Consent for external works comprising the removal of the existing conservatory, the removal of the outbuildings, the removal of the fire escape stair, air conditioning units, alarm boxes and service installations, replacement rainwater goods, replacement windows including roof-lights, stone gate posts repaired, steps, paving and balustrades repaired and re-instated and stone boundary walls repairs, can be **GRANTED** subject to the following conditions:

- 1) Listed building consent time limit
- 2) Insofar as it relates to the approved works listed above, the development be carried out in accordance with approved drawings
- 3) Precise details to be submitted and agreed with the Local Planning Authority
 - Precise window and door construction details/sample including colour and finish
 - Details of stone and stone cill/head samples to reinstated openings
 - Precise details repair methods to stonework and roof (including mortar and pointing samples and any new roof covering materials)
 - New roof lights to main roof and motel units.
 - Details of the repairs to stone gate posts, stone walls, steps, paving and balustrades
 - Hardstanding areas to be made good following the removal of the conservatory.
 - Details of rainwater goods
- 4) Archaeology Recording

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 March 2019	18/01543/VCN
Application Site Luneside East St Georges Quay Lancaster Lancashire		Proposal Demolition of existing mill building, erection of 3 buildings comprising ground floor ancillary uses (Classes A1-A4, B1a, D1 and D2) and student accommodation above and 1 building of student accommodation, conversion of existing pump house to a mixed use communal facility (Classes A2, B1a and D1), and associated access, parking, servicing and landscaping / public realm works (pursuant to the variation of conditions 2 and 17 on planning permission 16/00574/FUL to reconfigure the layout of the student accommodation to provide additional student bedrooms in Blocks B and C, smaller cluster flats to Blocks A and D and associated changes to the elevations including the insertion of perforated metal sheets to windows openings, and to revise the trigger for completing the remediation and validation process)	
Name of Applicant Luneside East Limited		Name of Agent Mrs Rachael Oldroyd	
Decision Target Date 7 March 2019		Reason For Delay n/a	
Case Officer		Mrs Jennifer Rehman	
Departure		No	
Summary of Recommendation		Approval	

1.0 The Site and its Surroundings

- 1.1 The proposal description reflects that used for the extant planning permission (16/00574/FUL) to which this application relates.
- 1.2 The 1.47 hectare application site relates to the remaining parcel of land on the Luneside East Development area located off St George's Quay, Lancaster. This was a 6.6ha triangular site with a long history of industrial use, including the town's gasworks and other contaminative uses. As such, the land has been recognised as one of the Council's Regeneration Priority Areas for some considerable time.
- 1.3 The land is bound by the West Coast Main Line to the east, the River Lune to the north and Persimmon Homes' residential development to the south and west. Beyond this land lies the wooded embankment of the former Lancaster to Glasson railway line. Carlisle Bridge represents a key gateway feature of the city especially from the railway line but also from western areas of Lancaster along the Quayside. It also forms the boundary with the Lancaster Conservation Area. The Conservation Area extends eastwards covering St George's Quay (from Carlisle Bridge) and southwards covering most the city centre. To the south of Quay Meadow, Vicarage Fields enjoys

Schedule Ancient Monument status and beyond this, the Castle and Priory are Grade I Listed. The majority of the historic buildings along St Georges Quay to the east of the site are also listed.

- 1.4 The application site is intersected by St George's Quay. Land on the north side of this road previously occupied poor quality modern buildings and temporary structures associated with earlier business uses. This land is now vacant and fenced off and has recently been used as a compound/car park during the remediation of the wider Luneside East site. Land to the south of St George's Quay comprises predominately cleared land with the Pump House remaining in situ. Access to the application site would have been via the archway of the St George's Works Mill Building and the main gated entrance further west (outside the application site).
- 1.5 Directly north of the site lies the River Lune. This body of water enjoys County Biological Heritage Site status. As it opens up into the Lune Estuary approximately 2km to the south west, it enjoys protection nationally (as a Site of Special Scientific Interest) and by European nature conservation legislation, being designated as Morecambe Bay Special Protection Area (SPA), RAMSAR Site and Special Area of Conservation (SAC). There is a Tree Preservation Order - Number 531(2014) - that is relevant, and it covers the large groups of trees along the southern and eastern boundaries of the wider site. These are located outside the application site. This is protected open space within the Local Plan. The site also lies within flood zones 2 and 3.
- 1.6 The site is located within walking distance of the city centre, the bus station and the railway station. There are two principal access routes to the site; one via St George's Quay and the other via Lune Road/West Road/Meeting House Lane. Bus services run past the site providing a regular service between the site and Lancaster Bus Station. Other bus routes serve the nearby Marsh residential area. There is a direct cycle link to Lancaster Station from Long Marsh Lane and St George's Quay, and New Quay Road (an extension of St George's Quay to the west) forms part of the District's Strategic Cycle Network.
- 1.7 The site is designated as a Housing Opportunity Site in the saved Local Plan. A Development Brief for the wider Luneside East site was adopted in 2000 and revised in late-2004. This set out in detail the Council's vision for this site at that particular time.

2.0 The Proposal

- 2.1 The application proposes the variation of conditions 2 and 17 on extant planning permission 16/00574/FUL. The extant permission relates to the redevelopment of the last remaining parcel of the Luneside East development area for the demolition of the existing mill and the redevelopment of the site for student accommodation (419 beds) with associated ancillary and commercial uses, public realm improvements, car parking and access (including the retention and conversion of the Pump House). The proposed variations would enable a change to the internal configuration of the approved scheme along with associated alterations to the approved elevations (controlled by Condition 2), and to allow for work to proceed on the remainder of site whilst remediation is carried out in the area underneath the former mill footprint (Condition 17). There will be no changes to the building envelope, siting, scale or massing of the approved scheme and, although reference is made to the number of approved bed spaces in this paragraph, this is for purposes of clarity only and was not restricted by condition or within the description of development.
- 2.2 For ease of reference, Condition 2 required:

'The development hereby permitted shall be carried out in accordance with the following submitted approved plans:

Proposed Site Plan (AND RED/BLUE EDGE)	Dwg No: S-AL1.01 Rev M dated 09.09.2016
Block A Elevations Sheet 1	Dwg No: A-AV1.01 Rev G dated 14.07.2016
Block A Elevations Sheet 2	Dwg No: A-AV1.02 Rev G dated 14.07.2016
Block A Levels 00-04	Dwg No: A-AL1.01 Rev I dated 29.09.2016
Block B Elevations Sheet 1	Dwg No: B-AV1.01 Rev D dated 17.03.2016
Block B Elevations Sheet 2	Dwg No: B-AV1.02 Rev D dated 17.03.2016
Block B Levels 00-03	Dwg No: B-AL1.01-Rev E dated 17.03.2016
Block B Levels 04 & 05	Dwg No: B-AL1.02 Rev E dated 17.03.2016
Block C Elevations	Dwg No: C-AV1.01 Rev C dated 25.01.2016
Block C Levels 00-02	Dwg No: C-AL1.01 Rev D dated 25.01.2016

Block D Elevations Sheet 1	Dwg No: D-AV1.01 Rev F dated 24.03.2016
Block D Elevations Sheet 2	Dwg No: D-AV1.02 Rev F dated 24.03.2016
Block D Levels 00-04	Dwg No: D-AL1.01 Rev F dated 24.03.2016
Block D Levels 05-Roof	Dwg No: D-AL1.02 Rev D dated 24.03.2016
Proposed Pump House	Dwg No: P-AL1.01 dated 20.01.2016
Site Sections	Dwg No: S-AX1.D1 Rev F dated 24.03.2016
Cycle Store Elevations	Dwg No: AD01 dated 14.07.2016
Demolition Plan	Dwg No: AS1.01 dated 29.04.2016
St Georges Quay: Traffic Calming / Limits of Adoption: Sweco Figure 5 Rev B dated 15.07.2016	

or any amended plans subsequently approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.'

2.3 Condition 17 required:

'Following the demolition of the Mill Building permitted by this permission, no further development shall occur until the following measures have been implemented:

(a) The footprint of the Mill Building has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the local planning authority (LPA). In addition, for the remainder of the application site, a Preliminary Risk Assessment (Desk Study) utilising existing data and updated as appropriate for the proposed development, shall be submitted to and agreed by this authority. Utilising existing data a Site Investigation/Risk Assessment report and Remediation/Verification report must be submitted to and approved by this authority. This should be updated, as necessary, to compare the compiled data to current standards and best practice.

(b) In relation to the footprint of the Mill Building, detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) have been submitted to and approved in writing by the LPA.

(c) In relation to the footprint of the Mill Building, the works specified in the Remediation Method Statement have been completed in accordance with the approved scheme.

(d) If during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then remediation proposals for this material shall be agreed in writing with the LPA.

(e) A Validation Report and Certificate, confirming achievement of the Remediation Method Statement's objectives has been submitted to and approved in writing by the LPA, including confirmation of any unforeseen contamination encountered during remediation.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction.'

2.4 The changes proposed to the drawings have been brought about pursuant to fine tuning the scheme at the detailed design stage following the original grant of permission.

2.5 For Block B, 9 additional studio rooms are proposed. Detailed design of the Block included fire engineering works that have removed the requirement for 2 internal staircases. The space gained from this has facilitated a revision to the internal layout, resulting in the introduction of the additional rooms. The overall result will be a block of 131 studio apartments.

2.6 Within Block C, 3 additional cluster bedrooms are proposed. Detailed design of this Block has reduced the size of some previously approved cluster flats (not individual bedroom sizes), including a reduction in the size of their respective kitchen areas. There remain 9 cluster apartments, albeit there is an overall uplift to 45 bedrooms (from 42 bedrooms).

2.7 Within Blocks A and D, the approved cluster flat arrangements have been revised to create smaller clusters of 4, 5 and 6 rooms, along with the addition of 20 studio rooms. There would be no overall uplift in room numbers within these blocks.

2.8 The above changes would require associated elevational alterations, with windows required to be in slightly different locations. In addition, due to modern building insulation requirements, and

experience of schemes elsewhere, the applicant has indicated the need for some windows to be fully opening. This would have safety implications, particularly at upper levels, and as such it is proposed to install perforated metal panels across the opening part of the window apertures. Details have been provided with the application as to the general appearance of the proposals, however, any works would be subject to prior approval of the specific materials.

- 2.9 No substantive changes are proposed to the ground floor communal/administrative/commercial areas, albeit some doorways and window locations have changed as a result of the removal of the internal staircases.
- 2.10 All other conditions imposed on the original permission (16/00574/FUL) would be applicable to this application. They would be repeated on the decision notice as originally worded unless otherwise agreed. As the applicant is currently in the process of discharging the original conditions, so if the original conditions have been satisfactorily addressed prior to the issuing of this decision (if Members approve the application) this would be reflected in the wording of conditions on the decision notice for this application and any approved details referenced accordingly.

3.0 Site History

- 3.1 The most recent and relevant applications are:

Application Number	Proposal	Decision
19/00008/DIS	Discharge of conditions application for conditions 16 and 26 on planning permission 16/00574/FUL	Pending
18/00192/DIS	Discharge of conditions application for conditions 6, 7, 17 and 21 on planning permission 16/00574/FUL	Pending
18/00178/DIS	Discharge of conditions application for conditions 12, 13 and 14 on planning permission 16/00574/FUL	Pending
16/00574/FUL	Demolition of existing mill building, erection of 3 buildings comprising ground floor ancillary uses (Classes A1-A4, B1a, D1 and D2) and student accommodation above and 1 building of student accommodation, conversion of existing pump house to a mixed use communal facility (Classes A2, B1a and D1), and associated access, parking, servicing and landscaping / public realm works	Approved

4.0 Consultation Responses

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

Consultee	Response
Environmental Health Service (Waste Management)	Recommendations for bin store requirements
County Highways	No objection
Lancaster Civic Society	Objection for the same reasons given in their response to application 16/00574/FUL - inappropriate site for student accommodation, poor relationship with adjacent developments, lack of public open space, overwhelming massing, totally out of character, uninspiring design, the proposal is not appropriate or of sufficient merit, and the proposal has an adverse impact on heritage assets
Fire Safety Officer	The scheme should be designed to meet Part B5 of the Building Regulations.
Lancashire Constabulary	No response received
LCC Conservation Officer	No response received

Lancashire Archaeological Advisory Service	No objection
Historic England	No comments to make
Environment Agency	No Objection to the proposed variations

5.0 Neighbour Representations

5.1 No neighbour representations have been received in respect of this application.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework:

Paragraphs 7-14 – Achieving Sustainable Development
Paragraphs 117-123 – Making Effective Use of Land
Paragraphs 124-132 – Achieving Well Designed Places
Paragraphs 178-183 – Ground Conditions and Pollution
Paragraphs 184-202 – 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 (2008)

SC1 Sustainable Development
SC5 Achieving Quality in Design
ER1 Higher and Further Education
ER2 Regeneration Priority Areas

6.4 Saved Lancaster District Local Plan

H3 Housing Opportunity Site

6.5 Development Management Plan DPD (2014)

DM32 The setting of Designated Heritage assets
DM35 Key Design Principles
DM46 Accommodation for Students

6.6 Other Considerations

Draft Preferred Options Land Allocations DPD

Whilst Supplementary Planning Guidance and Documents (SPGs and SPDs) do not form part of the Development Plan, they are a material consideration. The following are relevant:

- Supplementary Planning Guidance 4 (Luneside East Development Brief – September 2004)

7.0 Comment and Analysis

- 7.1 The changes proposed pursuant to Condition 2 do not alter the principle of the approved development. The scale, mass and siting of the approved buildings will not change, neither will the use.
- 7.2 The proposals would result in an overall uplift of 12 student bed spaces. There is no condition on the number of bed spaces that are to be provided within the development. The uplift would not conflict with any policy considerations and would not compromise the quality or size of the individual student bedrooms (either part of cluster flats or studio rooms).
- 7.3 The changes to the internal configuration of Block B, principally the removal of 2 staircases, would not result in an unsatisfactory form of development. The internal fire safety arrangements for the property will need to conform with Document B, Part B5 of the building regulations.
- 7.4 The changes to the elevations, in terms of location of window openings, are a result of the reconfiguration of bedroom locations. Again, these are not considered to be of a significant nature and would not dramatically change the overall appearance of the development. Similarly, there are minor modifications to the location of escape doors at ground floor level and the arrangement of the ancillary, administrative and commercial areas.
- 7.5 The application includes for the introduction of fully opening windows to the bedrooms. This change is proposed to ensure sufficient non-mechanical ventilation to each of the rooms. The developer's experience on other student housing schemes has highlighted that, due to the efficiency of modern building insulation, study bedrooms could become unbearably warm with little potential for fresh air circulation. It would be possible to run a mechanically ventilated system throughout the building, but it is much more sustainable to allow for opening windows and natural ventilation.
- 7.6 There is a safety concern associated with installing fully opening windows, particularly at higher levels, and as such the applicant proposes to utilise perforated metal screening as a safety measure. This will also become a design feature on the building elevations. The proposals have been considered against Policies DM35 and are considered to be acceptable in principle subject to a condition requiring the submission and approval in writing of the detailed design of the proposed screening.
- 7.7 Changes to Condition 17 are proposed so as to enable the development to progress whilst remediation is carried out in an area underneath the mill footprint. The site is relatively large (1.47 hectares), and there are four distinct areas of works proposed. An amendment to this condition would not conflict with adopted policy or the reasons for imposing the condition in the first instance, and represents a reasonable and pragmatic approach to the phased development of the site.
- 7.8 A Phase 2 Site Investigation Report (December 2018) has already been submitted by the applicant to address the requirements of Condition 17 and the Environment Agency has confirmed in writing that they are satisfied with the approach proposed, stating that the site would not pose a risk to controlled waters. In light of this, subject to ensuring Condition 17 is reworded so as to ensure the works are undertaken as proposed, there is no reason to prevent other development on the site being undertaken while the remediation works progress.

8.0 Planning Obligations

- 8.1 The permission that would result from the proposed variations would be a planning permission in its own right and as such would need to be subject to the same S106 obligations as the extant permission. The original s106 agreement includes provisions to ensure obligations set out within it are secured against the initial planning permission and subsequent planning consents granted under section 73.

- 8.2 As the proposal is for student accommodation there are no requirements for on-site or off-site contributions towards affordable housing. A condition controlling the occupation of the residential development to students will be required otherwise such contributions would be required. The same applies to education contributions.
- 8.3 The applicant is willing to contribute towards the provision of improved pedestrian links to Quay Meadow. A contribution of £19,000 to deliver a hard surfaced pedestrian footway from River Street, through the wooded part of Quay Meadow to the main recreational fields has been secured, including associated tree works and the provision of new benches and interpretation boards within Quay Meadow.
- 8.4 In addition, as the access and internal road serving the south element of the scheme is not included within the red edge, but has planning permission under the Persimmon scheme, the applicant is accepting of an undertaking for the developer of this scheme to provide the access and road if the Persimmon scheme is not implemented in advance of this development. The undertaking requires the developer to implement the road prior to the commencement of the development of Block C or the conversion of the Pump House.

9.0 Conclusions

- 9.1 The principle of the development has been established pursuant to extant planning permission reference 16/00574/FUL. This application proposes the variation of Conditions 2 and 17 so as to allow for changes to the internal configuration of student bedrooms following the detailed design of the buildings, including associated elevational alterations; the introduction of fully opening windows and associated introduction of perforated metal screening; and, a variation to the trigger for implementing development, allowing for works to progress in advance of remediation being undertaken in the location of the former mill for which a detailed analysis and schedule of proposed works has been submitted to and agreed in writing by the Environment Agency.
- 9.2 All other conditions imposed on the extant permission would remain as originally worded and would be included in the decision notice for this application. Some changes to the wording of conditions may be required in instances where details have been submitted to, and approved in writing by, the Local Planning Authority subject to the original conditions. In such instances, reference would be made instead to the details approved, ensuring development in undertaken in accordance with the same.

Recommendation

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

1. 3 year Time Limit
2. Approved Plans List (to reflect new plans)
3. Phasing Plan
4. Standard Demolition
5. Submission of Construction Environment Management Plan (CEMP)
6. Access details
7. Notwithstanding details a submitted scheme for off-site highway works to be delivered
8. Submission of car parking management strategy
9. Travel Plan
10. Details of all external materials & detailing (brickwork including mortar and pointing; junctions between approved materials; rainwater goods; roofing detailing; window and door details; curtain glazing details)
11. Drainage on separate systems
12. Full details of foul and surface water drainage scheme to be agreed
13. Maintenance and management plan of drainage scheme
14. Finished flood levels to be agreed
15. Scheme for the protection of noise transmission between residential and commercial spaces including acoustic insulation and details of plant and rating levels.
16. Construction Noise – pile driving
17. Site Investigation (referencing details submitted to date and allowing development of the remainder of the site to commence prior to remediation in the area of the mill)
18. Importation of Soil, materials and hard-core

19. Development to be carried out in accordance with the Ecological Report – precautionary bat/bird surveys to be carried out before demolition. Scheme for mitigation to be included and agreed.
20. Tree Protection Measures
21. Sub-station details (position, appearance and enclosure details)
22. Restriction of operating hours and hours of use of external space for the commercial elements of the scheme.
23. Scheme for the management and maintenance of the public realm and landscaping areas, including the external gymnasium
24. Precise soft and hard landscaping details including schedule for re-use of stone to be submitted and agreed
25. Details of external lighting
26. Details of external refuse enclosure and refuse strategy to be agreed
27. Scheme for crime prevention measures including details of CCTV and access arrangement for the student accommodation including use of public realm under the arches.
28. Scheme for Odour Control (for any A3/A4) uses
29. Notwithstanding the details submitted, the location of the two electric charging bays to be agreed and shall be located outside the adopted highway
30. Development to be carried out in accordance with the FRA
31. Parking provision and cycle provision to be provided in accordance with approved layout drawing
32. Development to be carried out in accordance with glazing and ventilation specifications set out in Noise and Vibration Report
33. No amplified external music unless otherwise agreed with the LPA
34. Hours of Construction
35. Student Use condition
36. Commercial Uses (as applied for only) removing commercial PD
37. Commercial Space to Block A to remain ancillary to the student accommodation
38. No single operator to occupy the ground floor commercial space indicated on drawings for each Block
39. Maximum commercial unit size limited to 300sq.m
40. Removal of PD (Part 2 Minor Operations Class A) gates, fences and walls
41. Restrict use of flat roofs to prevent sitting out/garden areas
42. No use/occupation until loading bays have been provided

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 A11	Committee Date 4 March 2019	Application Number 18/01556/FUL
Application Site 29 Combermere Road Heysham Morecambe Lancashire	Proposal Change of use of vacant land to form part of domestic curtilage and erection of a 1.8 metre boundary fence	
Name of Applicant Mr Andrew Turner	Name of Agent	
Decision Target Date 28 March 2019	Reason For Delay None	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Approval, subject to the receipt of amended plans in relation to the fencing.	

(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 site relates to a small vacant piece of land located between the side wall of a two storey semi-detached dwelling and the highway that provides access to Trumacar Primary School, off Combermere Road, within the urban area of Heysham. The land is currently hard surfaced with a gravel type material, and appears to have been previously partly hard surfaced and partly overgrown. The site also includes a piece of land to the rear of no. 29 which appears to have provided access to the rear of the properties fronting Combermere Road, but is not part of the adopted highway.

2.0 The Proposal

- 2.1 Planning permission is sought for the change of use of the land to form part of the garden associated with 29 Combermere Road, and the installation of a fence along the site boundaries. The fence is proposed to be a total height of 1.8 metres, with 1.5 metre high timber fence panels above 0.3 metres high concrete panels, supported by concrete posts.

3.0 Site History

- 3.1 There is no relevant planning history in relation to the application site.

4.0 Consultation Responses

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

Consultee	Response
Parish Council	The consultation period expires on 23 February 2019.
County Highways	No objection.

5.0 Neighbour Representations

- 5.1 1 piece of correspondence has been received which raises an objection and the following concerns:
- Would restrict vehicle access to the rear of no. 27.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 124 and 127 – Achieving well-designed places

6.2 Local Planning Policy Overview – Current Position

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

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

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

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

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

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.4 Development Management Development Plan Document (adopted July 2014)

DM25 – Green Infrastructure
DM26 – Open Space, Sports and Recreational Facilities
DM35 – Key Design Principles

7.0 Comment and Analysis

- 7.1 The main issues to be considered in the determination of this application are:
- Loss of open space
 - Design and impact on the character and appearance of the area

- Highway impacts

7.2 Loss of open space

- 7.2.1 The site relates to relatively small strip of land located between the side wall of a dwelling and the highway. It is not of a sufficient size to provide any recreational opportunities and does not appear to provide a positive contribution in terms of its appearance. It appears to have been recently surfaced, however images from 2012 show the land as a partly surfaced and partly overgrown and generally appears quite untidy. Therefore, given this, it is considered that the change of use of the land to form part of the adjacent residential property would not result in the loss of important open space, either for its recreational or amenity value.

7.3 Design and impact on the character and appearance of the area

- 7.3.1 As set out above, it is considered that the incorporation of the land into the domestic curtilage would not have a detrimental impact on the amenity of the area. The proposal also includes the erection of a fence around the extended garden to the property. The submitted plans show this to be a total height of 1.8 metres, with 1.5 metre high timber fence panels above 0.3 metre high concrete panel, supported by concrete posts. The fence would abut the rear of the pavement and, as such, there are some concerns regarding its height, but also its appearance as it would be quite prominent within the street scene. The applicant has advised that the height of the fence can be reduced to 1.5 metres and stained in a dark brown colour, but would want to utilise concrete rather than timber posts. Timber posts were requested as it would match the fence opposite. Subject to the proposed changes in height, which are only really required adjacent to the highway, confirmation of colour, and ideally the removal of the lower concrete panels, it is considered that the fencing would not have a detrimental impact on the character and appearance of the area.

7.4 Highway Impacts

- 7.4.1 The Highway Authority has raised no objections to the proposal, but has advised that it may require the repositioning of street furniture, comprising a lighting column, and associated infrastructure. To the rear of this and the adjacent properties, there appears to be an unadopted road which provides access to the rear of the dwellings. The section of this to the rear of no. 29 is proposed to be included within the property's garden and enclosed with a fence. The occupier of the adjacent dwelling has raised concerns that this would restrict access to their rear yard. The applicant has advised that there is nothing contained within the deeds of their property which requires access to be retained, and other properties have extended the gardens to the back of Trumacar School. However, the grant of planning permission would not override any private or legal obligations that may exist.

8.0 Planning Obligations

- 8.1 There are no planning obligations to be considered by this application.

9.0 Conclusions

- 9.1 The proposed change of use of land and erection of a boundary fence is considered to be acceptable, subject to receipt of the proposed amendments, and would not result in an adverse impact to the character or appearance of the area or highway safety.

Recommendation

That Planning Permission **BE GRANTED** subject to the receipt of amended plans in relation to the fencing and following conditions:

1. Standard 3 year timescale
2. Development in accordance with the approved plans
3. Colour and finish to fence

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

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

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

Background Papers

None

Agenda Item A12	Committee Date 4 March 2019	Application Number 18/01623/LB
Application Site Grand Theatre St Leonards Gate Lancaster Lancashire	Proposal Listed building application for the installation of one CCTV camera	
Name of Applicant Lancaster Footlights	Name of Agent	
Decision Target Date 21 March 2019	Reason For Delay None	
Case Officer	Mr Andrew Clement	
Departure	None	
Summary of Recommendation	Approval (Following the expiry of the consultation period)	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, an elected Member of the City Council is a Member of the Board of Management of the applicant group, Lancaster Floodlights.

1.0 The Site and its Surroundings

- 1.1 The Lancaster Grand is an established theatre and Grade II Listed Building, which is located within the Lancaster Conservation Area (Character Area 5 for Canal Corridor North). The site lies adjacent to St Leonards House, which is also Grade II Listed, with the attached Music Co-op on Lodge Street locally listed as a non-designated heritage asset. The theatre forms part of the wider Canal Corridor North site. There are a number of trees within the car parking area, which are protected due to size and location within the Conservation Area.
- 1.2 The Grand Theatre building was listed for its historic association as the first theatre established in Lancaster in 1782. The building has been altered and damaged by fire, but overall retains its historic Neo-Classical external appearance with an early-20th century interior. The building is constructed in sandstone rubble, with a rendered façade. Historically, there were terraced buildings to the northeast of the theatre, which were demolished in the 1960s to facilitate a link road that was not developed. This has eroded the historic association of the setting of the theatre, but does allow for the building to be appreciated along St Leonards Gate.

2.0 The Proposal

- 2.1 This application seeks Listed Building Consent for the installation of one closed circuit television (CCTV) camera. The camera is to be installed to the front elevation of the subservient north-eastern projection of the theatre, which is set back from the predominant theatre frontage. The proposed camera will be directed over the external car parking area of the site and side entrances to the theatre to provide additional security of this area. The proposed camera measures 75mm by 140mm.

3.0 Site History

- 3.1 The following works and extension development within the car parking area have been permitted as detailed below.

Application Number	Proposal	Decision
17/00111/LB	Listed building application for the installation of a microwave dish	Permitted
18/00832/FUL	Relevant Demolition of part of Music Co-op building, boundary walls and external stairwells and ramps, erection of a 2-storey extension to the Grand Theatre and a retaining wall, and repair to exposed facades of music Co-op building	Permitted
18/00852/LB	Listed building application for removal of external stairwells and ramps and erection of a 2-storey extension to the Grand Theatre	Permitted

4.0 Consultation Responses

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

Consultee	Response
Conservation Section	No objection subject to agreement of external colour and finish

5.0 Neighbour Representations

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

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF) 2018

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

Paragraphs 8 and 11 – Sustainable Development
 Section 12 – Achieving well-designed places
 Section 16 – Conserving and enhancing the historic environment

6.2 Development Management DPD

DM1: Town centre development
 DM4: The Creation and Protection of Cultural Assets
 DM5: The night time and evening economy.
 DM30: Development affecting listed buildings
 DM31: Development Affecting Conservation Areas
 DM32: The setting of Designated Heritage Assets
 DM33: Development affecting Non-Designated Heritage Assets or their Settings
 DM35: Key design principles
 DM49: Local Services

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

SC5 – Achieving Quality in design

6.4 Local Planning Policy Overview – Current Position

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

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

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

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

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

6.5 Other Material Considerations

Listed Building and Conservations Area Act 1990

Section 7 - Restriction on Works Affecting Listed Buildings

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

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

Paragraph 73 - Publicity for applications affecting conservation areas

Lancaster Conservation Area Appraisal – Character Area 5 Canal Corridor North

7.0 Comment and Analysis

7.1 The key considerations arising from the proposal are:

- Principle of the development;
- Scale, design and impacts upon the Listed building and Conservation Area.

7.2 Principle of the development

7.2.1 This application proposes the installation of a closed circuit television (CCTV) camera to be used for security purposes of the car park of the site and side entrance to the theatre. There are permitted development rights regarding the installation of CCTV cameras under minor operations, however with the site being a Listed building, consent is required. The use of CCTV cameras is a common method of improving the security of commercial premises and their external parking areas. The principle of the installation of a camera to overlook the theatre external parking area and entrances is considered to be acceptable.

7.3 Scale, design and impacts upon the Listed building and 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 DM30, DM31 and DM32. DM31 sets out that new buildings within Conservation Areas will only be permitted where it has been

demonstrated that:

- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,

Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

7.3.2 The proposed camera is very small in scale, and sensitively located on the frontage to the side projection to the main theatre building, set back from the predominant frontage of the theatre building. From the perspective along the adjacent public pavement and highway, the camera would be visible near the canopy of an established tree and across the existing car parking area. The camera would be seen in the visual context of proximate rainwater goods, external lighting and an external stairwell to the first floor level. There is also signage to the side northeast facing elevation of the theatre building, which draws the eye more than the proposed camera would.

7.3.3 The proposal would introduce a new modern feature to the external elevation of this listed building. The Conservation consultee concluded that this would result in less than substantial harm to the listed building and Conservation Area. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. The improvement of security and usability of this heritage asset and cultural facility is considered to be sufficient justification, subject to minimising the harm caused to heritage assets. Finished in a muted matt colour, similar to the existing finishes on the elevation to which the camera is to be attached, would reduce the level of harm. On this basis the level of harm is considered to be outweighed by the aforementioned security benefits of the proposal. A further condition requiring the removal of the camera and associated wiring if unused should be included to ensure that the elevation does not become cluttered with security and other external paraphernalia, particularly given the recent consent to extend the theatre into this area, which would block the proposed camera if developed.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 In conclusion, the installation of a CCTV camera would cause less than substantial harm to heritage assets, which can be partially mitigated through finishing in a muted matt colour and removal if the security equipment becomes redundant. Subject to these details, the improved security of the site and facilitating the continued optimal heritage use of the theatre is considered to outweigh the harm to the heritage assets caused by the physical works.

Recommendation

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

1. Standard three year timescale
2. Works in accordance with plans
3. External colour and finish as agreed
4. Remove if no longer operational

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

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

Background Papers

None

Agenda Item A13	Committee Date 4 March 2019	Application Number 18/01628/FUL
Application Site Proposed Sculpture Smithy Lane Heysham Lancashire	Proposal Installation of a sculpture with information panel	
Name of Applicant Morecambe Bay Partnership	Name of Agent Harry Tonge	
Decision Target Date 6 March 2019	Reason For Delay None	
Case Officer	Mr Andrew Clement	
Departure	None	
Summary of Recommendation	Approval	

(i) Procedural Matters

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

1.0 The Site and its Surroundings

- 1.1 The site that forms the subject of this application is the southern section of Heysham Cliffs and Headland by Half Moon Bay, opposite a café. The northern end of Heysham Cliffs open space contains St. Patrick's Chapel, which is a grade I Listed building and a scheduled monument. Along with the eight rock cut tombs and other nearby Listed buildings and scheduled monuments, the northern section of the Cliffs area forms a significant heritage asset and visitor attraction in Heysham, although the aforementioned heritage assets are separated by over 875 metres from the application site.
- 1.2 The application site is just within the southern tip of the Barrows Lane field and Heysham Cliffs and Headland designated open spaces, the latter of which is a Biological Heritage Site. The site is coastal land to Morecambe Bay, which is a Ramsar site, Special Protected Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), with Half Moon Bay cliffs also forming a regionally important geological site.

2.0 The Proposal

- 2.1 The application seeks to install a permanent sculpture and information board within the southern tip of the wider open space. The sculpture measures 2.12 metres tall by 0.6 metres wide, with an information board 0.8 metres above ground level. The sculpture is to be made from galvanised steel on a concrete base. This proposal is one of six similar sculptures located along Morecambe within the district, from near the River Keer Channel west of Millhead to near Plover Scar Lighthouse southwest of Glasson Dock, all along the Lancashire Coastal Way walking route. A further sculpture is to be located northwest of Pilling, beyond the Lancaster City Council area of jurisdiction.

3.0 Site History

- 3.1 The following advertisement and planning consents were permitted for sculptures and information panel signs within the wider public open space and further along Morecambe Bay, along with the concurrent pending applications:

Application Number	Proposal	Decision
05/00633/FUL	Siting of a sculpture	Permitted
07/00460/DPA	Erection of a Hook sculpture	Permitted
13/00093/FUL	Temporary siting of a sculpture and temporary erection of fencing for a period of 5 years	Permitted
15/01149/ADV	Advertisement application for the display of 2 non-illuminated free standing panel signs and 1 non-illuminated wall sign	Permitted
17/00833/FUL	Installation of a Time and Tide bell sculpture	Permitted
18/01346/FUL	Installation of a sculpture	Permitted
18/01625/FUL to 18/01630/FUL	Installation of a sculpture with information panel	Pending

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No observation received within the statutory consultation period
Public Rights Of Way	No observation received within the statutory consultation period
Ramblers Association	No observation received within the statutory consultation period
County Highways	No highway objection
Natural England	No objection

5.0 Neighbour Representations

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

6.0 Principal National and Development Plan Policies**6.1 National Planning Policy Framework (NPPF) 2018**

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

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

6.2 Development Management DPD

DM3 – Public Realm and Civic Space
 DM4 – The Creation and Protection of Cultural Assets
 DM12 – Leisure Facilities and Attractions
 DM21 – Walking & Cycling
 DM25 – Green Spaces & Green Corridors

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

SC5 – Achieving Quality in design

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

E5 – Coastlines

6.5 Local Planning Policy Overview – Current Position

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

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

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

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

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

7.0 Comment and Analysis

- 7.1
 - Principle of the Development;
 - Scale, Design and Landscape upon the Coastline, Public Open Space and Right Of Way;
 - Ecological Impacts; and
 - Impact upon the Highway.

7.2 Principle of the Development

- 7.2.1 Culture, leisure and the arts play an important role in the District, both for the benefits they provide to the local economy (particularly the visitor economy) and the community wellbeing of the people who live and work within the District. The application site forms part of the District’s designated open space network as a natural and semi natural green space, used for informal recreation and particularly dog walkers. The addition of a sculpture to the southern tip of this open space, which references the avian and ornithological importance of Morecambe Bay, would add another point of interest to the Heysham Headlands and Half Moon Bay. During this summer, a pilot temporary installation was commissioned as part of the Headlands to Headspace programme by Morecambe Bay Partnership, which was located slightly further north along the coastline on the Heysham Cliffs and Headland site. It is estimated that circa 16,000 people engaged with the temporary installation at Heysham. Furthermore, a permanent sculpture referencing the maritime history of the area was recently permitted just 200 metres north of this proposed new sculpture and information board.

- 7.2.2 The proposed permanent installation would form one of 7 similar sculptures along the Lancashire Coastal Way along Morecambe Bay. This would form an extension to the existing precedent for public artwork along the Morecambe coastline. The Venus and Cupid Sculpture, the Tern Project, the Eric Morecambe statue as well as the consented but not yet installed Heysham boat sculpture and the Time and Tide Bell, are all further north along the Bay coastline. The principle of the proposal is considered to be acceptable, and the installation would add a point of interest within the wider coastal Heysham and Bay site. The proposal would improve the appeal of this cultural heritage and tourist area, supported by policies DM3, DM4, DM12 and NPPF Section 8.
- 7.3 Scale, Design and Landscape upon the Coastline, Public Open Space and Right Of Way
- 7.3.1 The proposed development is reasonably modest in scale. Although publicly visible from elevated views from Smithy Lane and Barrows Lane, as well as in close proximity within the public open space, this would be viewed in the existing context of street furniture, street lighting and port infrastructure. Within this setting and the wider visual context of the existing Heysham Harbour Port and Heysham Nuclear Power Station, the proposed sculpture would appear relatively inconspicuous, despite the unique coastal landscape being very sensitive to change. However, it is considered that the sculpture and information panel would have a positive landscape impact in this location.
- 7.3.2 The proposed sculpture would add a point of interest to the public open space, to be experienced in close proximity within this space and public right of way whilst not impacting upon the existing functionality and use of this space nor the right of way. Furthermore in the context of the existing adjacent street furniture and poles, this is separated from the open field it would not dominate the space. The proposal is considered to have a positive landscape impact, supported by policies DM21, DM25, DM28, DM35 and NPPF Section 12.
- 7.4 Ecological Impacts
- 7.4.1 The site itself is adjacent to a number of designations of European/International protection as outlined in paragraph 1.2 of this report. A Biological Statement has been submitted with this application, detailing that the proposed information forms part of the Recreational Disturbance Management Strategy for Morecambe Bay, which aims to better inform visitors of the wildlife and nature conservation interests of Morecambe Bay. The information within the panels will include messages to achieve good practice and appropriate behaviours in order to safeguard the Bay's birdlife. The location of the sculpture seeks to achieve these objectives at a site where the majority of footfall enters, whilst avoiding impacts on the habitats and species for which the sites are designated. The proposed development is above the tidal high water mark and outside of flood zones 2 and 3.
- 7.4.2 Morecambe Bay is very important for many species of birds. As such, there is the potential for any development located close to the designated sites to have impacts on birds associated with the SPA and SSSI designations. The bird populations are most closely associated with the mudflats in the Bay. The birds for which SPAs are designated may also rely on areas outside of the SPA boundary. These supporting habitats may be used by populations or some individuals of the population for some or all of the time, and can play an essential role in maintaining SPA bird populations. As the competent authority determining this application in close proximity to, and potentially impacting upon, the aforementioned European Habitat Directive sites, a screening assessment as to whether an appropriate assessment under Habitat Regulations must be undertaken.
- 7.4.3 The footprint of the development and associated construction works are very modest in scale, with hardsurfaced footpath around the development, which would provide a certain degree of containment of ground disturbance and discharge into the coastal water during construction. Although the sculpture and others along the coastline may attract additional visitors to the area, given the proximity to a café and existing levels of informal recreation and particularly dog walkers, any increased recreational pressure would be nominal in terms of ecological impact. The proposed sculpture is adjacent to existing structures, with no additional lighting proposed in an area already artificially illuminated by existing street lighting. Although the construction phase may introduce a small degree of noise and air pollutants, the proposal is considered to have no significant impact upon the designated sites, and therefore an appropriate assessment is not required. This is in line with the considerations by Natural England, whom similarly considered that the development will not have significant adverse impacts on statutorily protected sites or landscapes, and returned no

objection to the proposal. The proposed installation of the sculpture with an information panel is considered to be of a scale that can be accommodated without harming the ecological characteristics of the area, and therefore the scheme accords with the provisions of Policy DM27 and NPPF Section 15.

7.5 Impact upon the Highway

- 7.5.1 The proposed development will have a nominal impact upon vehicular movements, located on a public walking route, within walking distance of bus stops and with a public car park in close proximity. County Highways have returned no highway objection to the proposal, which is considered to have no severe impact upon the public highway.

8.0 Planning Obligations

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

9.0 Conclusions

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

Recommendation

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

1. Standard three year timescale
2. Development in accordance with plans

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

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

Background Papers

None

Planning & Highways Regulatory Committee - Quarterly Reports

(a) Planning Application Determination Timescales

The table provides performance figures for the determination of Major Applications, Minor Applications and Other Applications by Planning Officers in accordance with national timescales.

(b) Number of Planning Applications and Related Cases

The table lists the number of planning applications and other planning application-related cases that are received by the Development Management Service per quarter.

(c) New Tree Preservation Orders Made

The table lists the location of new Tree Preservation Orders (TPOs) made during the last quarter.

(d) Number of Applications for Works to Trees

The table lists the number of Tree Works applications received in respect of protected trees (protected by TPO or by Conservation Area status)

(e) Planning Appeal Decisions

The table lists the planning appeal decisions issued by the Planning Inspectorate during the last quarter.

(f) Planning Enforcement Casework

The table lists the planning enforcement case turnover by Planning Enforcement Officers during the last quarter.

(g) Planning Enforcement Casework – Performance Standards

The table lists the performance against planning enforcement standards stated in the Planning Enforcement Charter.

(a) Planning Application Determination Timescales

Period	Major Applications Determined In Time *	Major Applications Determined In Under 13 Weeks	Minor Applications Determined In Time *	Minor Applications Determined In Under 8 Weeks	Other Applications Determined In Time *	Other Applications Determined Under 8 weeks
Jan - Mar 2018	100%	70%	100%	78%	97%	88%
Apr - Jun 2018	100%	30%	98%	72%	98%	87%
Jul - Sep 2018	100%	77%	100%	75%	100%	84%
Oct – Dec 2018	100%	25%	98%	73%	97%	82%
Jan - Mar 2019						
Apr - Jun 2019						
Jul - Sep 2019						
Oct – Dec 2019						

Year	Major Applications Determined In Time *	Major Applications Determined In Under 13 Weeks	Minor Applications Determined In Time *	Minor Applications Determined In Under 8 Weeks	Other Applications Determined In Time *	Other Applications Determined Under 8 weeks
2014 Average	88%	75%	59%	58%	69%	68%
2015 Average	95%	64%	46%	43%	64%	63%
2016 Average	100%	65%	86%	62%	93%	83%
2017 Average	97.5%	75%	99%	71.5%	99.5%	83%
2018 Average	100%	50.5%	99%	74.5%	98%	85%

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

Annual Average to Date Only

(b) Number of Planning Applications and Related Cases

	Jan-Mar 2017	Apr-Jun 2017	Jul-Sep 2017	Oct-Dec 2017	2017 TOTAL	Jan-Mar 2018	Apr-Jun 2018	Jul-Sep 2018	Oct-Dec 2018	2018 TOTAL
Major Applications	25	12	23	16	76	9	18	18	18	63
Minor Applications	70	78	88	53	289	83	82	85	73	323
Other Applications	183	207	188	173	751	188	195	183	186	752
Discharge of Planning Condition Applications	50	56	40	55	201	55	45	51	44	195
752Non-Material Amendment Applications	12	11	14	10	47	9	12	13	8	42
Variation of Legal Agreement/Condition Applications	3	3	4	0	10	2	1	1	0	4
Prior Approval (Commercial/ Householder PA, Flexible Use etc) or Ecclesiastical Applications	14	11	9	13	47	10	13	17	9	49
TOTAL NUMBER OF DECISION-MAKING APPLICATIONS	357	378	366	320	1421	356	366	368	337	1428
Pre-Application, Consultations and EIA Screening/Scoping Opinions										
Environmental Screening and/or Scoping Opinions	8	2	8	6	24	7	3	6	2	18
Infrastructure Planning Commission Consultations	0	0	0	0	0	0	0	0	0	0
Pre/Post-Application Advice Submissions or Charged Meetings (inc. Specialist Heritage Advice)	31	40	50	54	175	45	54	59	53	211

(c) New Tree Preservation Orders Made

Tree Preservation Order Number	Date Made	Location	Extent of Protection
664 (2018)	02.11.18	Dive Centre, Capernwray Road, Capernwray	G1-G7, W1, & W2
665 (2018)	01.11.18	Sycamore House, Wyresdale Road, Lancaster	T1
666 (2018)	10.12.18	21 Hatlex Lane, Hest Bank	A1
667 (2018)	14.12.18	2 Ash Lea, Ash Drive, Warton	T1

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

(d) Number of Applications for Works to Trees

	Applications for Works to Trees Protected by Tree Preservation Orders	Applications for Works to Trees Protected by Conservation Area Status
January-March 2017	18	19
April-June 2017	21	25
July-September 2017	18	27
October-December 2017	16	19
TOTAL APPLICATIONS 2017	73	90
January-March 2018	28	30
April-June 2018	17	19
July-September 2018	22	27
October-December 2018	22	26
TOTAL APPLICATIONS 2018	89	102

(e) Planning Appeal Decisions

Application Number	Application Site	Proposal	Appeal Decision
18/00095/FUL	Land North Of 1 Sunny Hill Westbourne Road, Lancaster	Erection of a three-storey building comprising of 6No. two-bed apartments (C3) with associated parking, landscaping and creation of a pedestrian access.	Appeal Dismissed
18/00808/FUL	Land North Of 1 Sunny Hill Westbourne Road, Lancaster	Erection of a three-storey building comprising of 6 one-bed apartments (C3) with associated parking, landscaping and creation of a pedestrian access	Appeal Dismissed
18/00103/OUT	Land Adjacent To 25 Crag Bank Crescent, Carnforth	Outline application for the erection of one dwelling and creation of a new access	Appeal Dismissed
18/00308/FUL	1 Downham Cottages, Chapel Lane, Galgate	Erection of a two storey side extension	Appeal Dismissed
18/00017/FUL	Land Adjacent To 11 Cavendish Road, Heysham	Erection of 2 storey dwelling and detached garage	Appeal Dismissed
18/00071/ADV	26-28 Church Street, Lancaster	Advertisement application for the retained display of 4 internally illuminated fascia signs and 2 internally illuminated projecting signs	Appeal Allowed
17/01412/FUL	7 West End Road, Morecambe	Retrospective application for the installation of a roller shutter	Appeal Dismissed

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

Period		Number of Current Live (Allocated) Enforcement Cases (at the time of compiling this table)							New Cases Received Within the Quarter	Closed Cases Within the Quarter
	Breach of Condition	Conflicts with Approved Plans	(Separate) Conservation Area Development	Unauthorised Adverts	Unauthorised Development	Unauthorised Use	Untidy Land (& Tipping)	Works Affecting a Listed Building		
Jan - Mar 2017	32	19	2	31	92	62	24	43	113	75
Apr - Jun 2017	38	14	3	28	85	73	25	30	107	88
Jul - Sep 2017	43	23	3	40	93	85	26	27	116	90
Oct - Dec 2017	37	23	4	36	88	80	22	28	70	87
Jan - Mar 2018	35	22	4	30	92	86	24	18	95	76
Apr - Jun 2018	48	25	4	28	107	99	27	24	96	77
Jul - Sep 2018	49	24	4	27	105	92	25	24	97	83
Oct - Dec 2018	49	26	4	33	112	98	22	25	91	73

(g) Planning Enforcement Casework – Performance Standards

Period	Breaches Remedied Within 60 Working Days	% of Cases closed within the Quarter, where the Initial Investigations were concluded within Enforcement Charter Standards	% of Cases where Notice Compliance Site Visits Occurred Within 5 Working Days	Number of New Notices Issued by Enforcement Officers
Jan – Mar 2017	36%	80%	50%	3
April-June 2017	30%	64%	100%	9
Jul – Sep 2017	40%	56%	75%	6
Oct – Dec 2017	43%	53%	50%	0
2017 AVERAGE/ TOTALS	37%	63%	69%	18 TOTAL
Jan - Mar 2018	49%	55%	0%	2
Apr - Jun 2018	61%	44%	0%	2
Jul - Sep 2018	56%	84%	50%	4
Oct - Dec 2018	60%	84%	100%	6
2018 AVERAGE/ TOTALS	56.5%	67%	37.5%	14 TOTAL

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
18/00090/DIS	TNT Garage, Hornby Road, Caton Discharge of condition 14 on approved application 14/00768/OUT for Mulbury Homes (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/00096/DIS	TNT Garage, Hornby Road, Caton Discharge of condition 3 and 4 on approved application 16/01310/REM for Mulbury Homes (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/00174/DIS	Burrowbeck Grange Nursing Home, Scotforth Road, Lancaster Discharge of condition 5 on approved application 16/01248/FUL for Active Pathways Ltd (Scotforth East Ward 2015 Ward)	Application Permitted
18/00184/DIS	Gunnerthwaite, Locka Lane, Arkholme Discharge of conditions 2, 3, 4 and 5 on approved application 17/00950/OUT for Mr And Mrs Barker (Kellet Ward 2015 Ward)	Application Permitted
18/00186/DIS	Burrowbeck Grange Nursing Home, Scotforth Road, Lancaster Discharge of condition 6 on approved application 16/01248/FUL for Active Pathways Ltd (Scotforth East Ward 2015 Ward)	Application Permitted
18/00193/DIS	Ravens Close Farm, Ravens Close Road, Wennington Discharge of conditions 2 and 6 on approved application 17/01338/PAA for Mr S Johnson And Ms J Parker (Upper Lune Valley Ward 2015 Ward)	Application Permitted
18/00196/DIS	The Thorns, Coastal Road, Hest Bank Discharge of condition 3 on approved application 18/00695/FUL for Morpress Properties (Bolton And Slyne Ward 2015 Ward)	Split Decision
18/00198/DIS	Church Hall, St Lukes Church, Shady Lane Discharge of conditions 3, 4 and 5 on approved application 17/01244/FUL for Slyne-with-Hest Church Hall (Bolton And Slyne Ward 2015 Ward)	Split Decision
18/00791/FUL	Cotestones Farm, Sand Lane, Warton Changing of land levels, erection of extension to existing agricultural building, construction of silage clamps, construction of a replacement roof to existing agricultural building and siting of a slurry tank with cover for Mr Barker (Warton Ward 2015 Ward)	Application Permitted
18/00998/FUL	Gait Barrows National Nature Reserve, Moss Lane, Silverdale Construction of a new roof, replacement walls and installation of windows and doors to existing summerhouse for Mr Glen Swainson (Silverdale Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

18/01000/FUL	Land To The West Of Sellet Hall, Biggins Lane, Whittington Change of use of agricultural land for the siting of 7 holiday lodges with associated access track and installation of a package treatment plant for Mr Alan Addison (Upper Lune Valley Ward 2015 Ward)	Application Refused
18/01050/FUL	35 Sulby Drive, Lancaster, Lancashire Erection of a part three storey and single storey rear and side extension for Mrs J Patel (Scotforth West Ward 2015 Ward)	Application Permitted
18/01250/LB	6 Packet Lane, Bolton Le Sands, Carnforth Listed building application for the retention of 7 external CCTV cameras and associated trunking for Mr John Goodman (Bolton And Slyne Ward 2015 Ward)	Application Refused
18/01322/FUL	Brookhouse Old Hall, Brookhouse Road, Brookhouse Erection of a two-storey detached dwelling (C3) for Mr Martin Horner (Lower Lune Valley Ward 2015 Ward)	Application Refused
18/01323/LB	Brookhouse Old Hall, Brookhouse Road, Brookhouse Listed building application for partial demolition and alteration to boundary wall for Mr Martin Horner (Lower Lune Valley Ward 2015 Ward)	Application Refused
18/01343/FUL	Land To The Side Of 5 Wallings Lane, Silverdale, Carnforth Erection of a dwelling (C3) with parking and associated access for Mr & Mrs Russell and Sally Richardson (Silverdale Ward 2015 Ward)	Application Permitted
18/01373/REM	Land Adjacent To Low Abbey, Bay Horse Lane, Bay Horse Reserved Matters application for the erection of 2 dwellings with associated access for Michael Stainton (Ellel Ward 2015 Ward)	Application Permitted
18/01374/VCN	Burrowbeck Grange Nursing Home, Scotforth Road, Lancaster Demolition of existing care home and outbuilding and erection of a replacement 63 bed care home with associated landscaping, car parking and alterations to the existing access (pursuant to the variation of condition 2 on planning permission 16/01248/FUL to vary the approved layout, elevations and floor plans) for Active Pathways Ltd (Scotforth East Ward 2015 Ward)	Application Permitted
18/01389/FUL	7 Lindow Square, Lancaster, Lancashire Change of use of dwelling (C3) to a 7 bed shared student accommodation (Sui Generis) and alterations to existing rear dormer and to the existing front rooflight for Mr Jason Smith (Castle Ward 2015 Ward)	Application Permitted
18/01409/PLDC	20 Winster Park, Lancaster, Lancashire Proposed Lawful Development Certificate for the erection of a single storey rear extension and single storey side extension for Mr John Manley (Skerton West Ward 2015 Ward)	Lawful Development Certificate Granted
18/01415/FUL	31A Cove Road, Silverdale, Carnforth Demolition of existing conservatory, erection of a single storey rear extension, construction of raised terrace and construction of a front porch for Julie Oconnor and Annette Nixon (Silverdale Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

18/01427/FUL	36 Silverdale Road, Yealand Redmayne, Carnforth Demolition of existing dwelling and outbuilding, erection a replacement dwelling (C3) including excavation of land and regrading of garden for Mr Holgate (Silverdale Ward 2015 Ward)	Application Refused
18/01430/CU	Brown Edge Farm, Lancaster Brow, Arkholme Change of use of agricultural land for the siting of four camping pods with associated package treatment plant, parking area, pedestrian access path, fencing and landscaping for Mr & Mrs WJ & LA Barker (Kellet Ward 2015 Ward)	Application Withdrawn
18/01433/FUL	27 Silverdale Road, Yealand Redmayne, Carnforth Relevant demolition of existing store and erection of a 4-bay garage block for Mr Richard Bradfield (Silverdale Ward 2015 Ward)	Application Withdrawn
18/01445/FUL	2 Gillison Close, Melling, Carnforth Erection of first floor front extension and two storey side extension for Mr & Mrs Murray (Upper Lune Valley Ward 2015 Ward)	Application Withdrawn
18/01450/FUL	Morrisons, Hilmore Way, Morecambe Erection of 2 canopies and siting of storage containers for Morrisons (Harbour Ward 2015 Ward)	Application Permitted
18/01464/CU	Yealand Hall, Silverdale Road, Yealand Redmayne Change of use and erection of single storey extension to the side elevation of annexe building to create holiday accommodation for Mr & Mrs Lock (Silverdale Ward 2015 Ward)	Application Permitted
18/01510/NMA	Site Of Former Broadway Hotel, Dallam Avenue, Morecambe Non material amendment to planning permission 17/00311/VCN to alter the balustrades, the car parking and the plant/storage rooms, removal of stairwell projection with changes to associated fenestration and minor alterations to rear entrance for Mr Michael Stainton (Poulton Ward 2015 Ward)	Application Permitted
18/01514/FUL	9 Draycombe Drive, Heysham, Morecambe Erection of a single storey side extension incorporating an attached garage for Jordan Travis Sophie Hudson (Heysham Central Ward 2015 Ward)	Application Permitted
18/01519/ADV	57 Market Street, Lancaster, Lancashire Advertisement application for the display of one non-illuminated fascia sign and one non-illuminated hanging sign for Salvation Army Trading Company Ltd (Castle Ward 2015 Ward)	Application Permitted
18/01521/LB	57 Market Street, Lancaster, Lancashire Listed building application for the fitting of one non-illuminated fascia sign, one non-illuminated hanging sign and painting of shop front for Salvation Army Trading Company Ltd (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

18/01522/CU	61 - 63 Penny Street, Lancaster, Lancashire Change of use of retail unit (A1) into two ground floor retail units (A1) and three 2-bed flats (C3) to the first and second floors with external alterations including two shopfronts, replacement and installation of new windows and doors to the rear elevation, installation of four rear rooflights and installation of window to north elevation for Ms Angela Metcalfe (Castle Ward 2015 Ward)	Application Permitted
18/01527/FUL	9 Tarnbrook Close, Carnforth, Lancashire Erection of a single storey side and rear extension for Mr & Mrs Thompson (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
18/01529/FUL	Nether Kellet Village Hall, Shaw Lane, Nether Kellet Erection of a detached garage for Mr Stephen Hinde (Kellet Ward 2015 Ward)	Application Permitted
18/01533/FUL	Barrow Greaves Farm, Barrow Greaves, Ellel Erection of a slurry store for Mr William Rhodes (Ellel Ward 2015 Ward)	Application Permitted
18/01536/LB	Judges Lodgings Museum, Castle Hill, Lancaster Listed building application for the construction of an internal glazed lobby for Mr David Stones (Castle Ward 2015 Ward)	Application Permitted
18/01541/CU	Rear Of 9-11 Chapel Street, Lancaster, Lancashire Change of use of existing offices (A2) to orthodontic clinic (D1) for Mr Mohit Khurana (Bulk Ward 2015 Ward)	Application Permitted
18/01542/LB	Rear Of 9 - 11 Chapel Street, Lancaster, Lancashire Listed building application for the installation of internal partition walls and internal doors for Mr Mohit Khurana (Bulk Ward 2015 Ward)	Application Permitted
18/01544/FUL	17 The Headlands, Heysham, Morecambe Part demolition of existing conservatory and erection of a single storey rear extension, replacement of existing window opening to the rear elevation with bi-folding doors and closing an existing side elevation window with wall in matching render for Mr Paul Crabtree (Heysham South Ward 2015 Ward)	Application Permitted
18/01546/FUL	5 Brantwood Drive, Lancaster, Lancashire Erection of a single storey rear and side extension, construction of a front porch and erection of a detached outbuilding for Mr C.M. Cox Dr R Stranding-Cox (Scotforth East Ward 2015 Ward)	Application Permitted
18/01549/FUL	Brookside, Whams Lane, Bay Horse Demolition of agricultural building, erection of a detached residential dwelling, a garage/workshop, installation of solar array panel, erection of two polytunnels and creation of an attenuation pond for Mr Ken Parker (Ellel Ward 2015 Ward)	Application Permitted
18/01550/PLDC	4 Pierce Close, Lancaster, Lancashire Proposed lawful development certificate for demolition of conservatory, erection of single storey rear extension and conversion of garage into habitable room for Mr & Mrs Healey (Marsh Ward 2015 Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

18/01551/FUL	61 Beech Road, Halton, Lancaster Retrospective application for the erection of an outbuilding for Mr D Scally (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
18/01553/FUL	28 Russell Drive, Morecambe, Lancashire Demolition of attached garage and chimney and erection of a single storey side and rear extension for Mr G Leatham (Torrisholme Ward 2015 Ward)	Application Permitted
18/01561/PLDC	184 Main Street, Warton, Carnforth Proposed lawful development certificate for the use of existing annex as a separate dwelling for Mr & Mrs J Collins (Warton Ward 2015 Ward)	Lawful Development Certificate Granted
18/01564/FUL	1 Mill Lane, Warton, Carnforth Erection of a two storey extension to the front elevation for Mr Oliver Taylor (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
18/01567/PLDC	38 Highfield Road, Carnforth, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension for Mr L Parker (Carnforth And Millhead Ward 2015 Ward)	Lawful Development Certificate Granted
18/01570/CU	12 Spring Garden Street, Lancaster, Lancashire Change of use of first floor office unit (A2) to dental surgery (D1) for Integrated Dental Holdings Limited (Castle Ward 2015 Ward)	Application Permitted
18/01573/FUL	220 Lancaster Road, Morecambe, Lancashire Retrospective application for the retention of a detached outbuilding for Mr William Chates (Bare Ward 2015 Ward)	Application Refused
18/01574/FUL	24 Wharfedale, Galgate, Lancaster Construction of a dormer extension to the rear elevation incorporating Juliet balcony and installation of roof lights to the front elevation for Mr & Mrs Thompson (Ellel Ward 2015 Ward)	Application Permitted
18/01576/FUL	Santander, 42 - 46 Euston Road, Morecambe Installation of a replacement shopfront, a new door, glazing, relocation of ATM and erection of a gate and fence to the rear for Miss Maria Corchuelo (Poulton Ward 2015 Ward)	Application Permitted
18/01577/ADV	Santander, 42 - 46 Euston Road, Morecambe Advertisement application for the display of 2 non-illuminated fascia signs, 2 externally illuminated hanging signs, an internally illuminated ATM panel, internally illuminated poster sign and 2 display screens for Miss Maria Corchuelo (Poulton Ward 2015 Ward)	Application Permitted
18/01578/FUL	18 Rushley Mount, Hest Bank, Lancaster Erection of a single storey front extension, single storey side and rear extension, construction of 2 dormer extensions to the south west elevation and 1 dormer extension to the north west elevation and a Juliet balcony to the front for Mr Guest (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/01581/PLDC	1 Needham Avenue, Morecambe, Lancashire Proposed lawful development certificate for the construction of a dormer extension to the rear elevation with hip to gable extension for Mrs A. Rigg (Harbour Ward 2015 Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

18/01582/FUL	71 Stanhope Avenue, Morecambe, Lancashire Erection of a single storey side and rear extension for Mr & Mrs G. Atkinson (Torrisholme Ward 2015 Ward)	Application Permitted
18/01586/CU	Indian Deli, 50 Market Street, Lancaster Change of use of ground floor retail unit (A1) to mixed use unit comprising of retail unit (A1) and hot food takeaway (A5) for AHB Property Holdings Ltd (Castle Ward 2015 Ward)	Application Permitted
18/01588/FUL	Manor House, 4 Main Street, Heysham Erection of a detached garage and log storage building for Mr & Mrs John and Adelle Ellison (Heysham Central Ward 2015 Ward)	Application Refused
18/01594/FUL	9 Orchard Avenue, Bolton Le Sands, Carnforth Erection of a single storey side/rear extension for Ms Sue Crossley (Bolton And Slyne Ward 2015 Ward)	Application Permitted
18/01601/AD	Birks Farm, Cragg Road, Wray Agricultural determination for erection of extension to existing livestock building and replacement of concrete yard for Mr Harrison (Lower Lune Valley Ward 2015 Ward)	Prior Approval Not Required
18/01604/FUL	8 - 10 Marketgate, Lancaster, Lancashire Change of use of shop (A1) to cafe (A3), and installation of vent to the rear elevation for Mrs E Saidi (Castle Ward 2015 Ward)	Application Permitted
18/01605/FUL	Land North Of 1 Sunny Hill, Westbourne Road, Lancaster Erection of a three-storey building comprised of 6 two-bed apartments (C3) with associated parking, landscaping and creation of a pedestrian access for Mr David Howard (Marsh Ward 2015 Ward)	Application Refused
18/01609/PLDC	115 Ellesmere Road, Morecambe, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension for Mr & Mrs Lee (Harbour Ward 2015 Ward)	Lawful Development Certificate Granted
18/01610/FUL	68 Buckingham Road, Morecambe, Lancashire Erection of a single storey rear extension for Mr & Mrs S. Smith (Harbour Ward 2015 Ward)	Application Permitted
18/01613/PLDC	3 Hatlex Lane, Hest Bank, Lancaster Proposed Lawful Development Certificate for the erection of a single storey side extension, conversion of garage to ancillary living accommodation, removal of garage door and installation of replacement window for Mr & Mrs A. Barker (Bolton And Slyne Ward 2015 Ward)	Lawful Development Certificate Granted
18/01614/FUL	4 Heysham Hall Grove, Heysham, Morecambe Erection of a single storey side and rear extension for Mr G. Stansfield (Heysham South Ward 2015 Ward)	Application Refused
18/01620/FUL	Land North Of Ashford House, Ashton Road, Lancaster Retrospective application for the retention of a storage building and conversion of storage building to two holiday let units for Mr N Berry (Scotforth West Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

18/01621/PLDC	9 Coniston Road, Bolton Le Sands, Carnforth Proposed lawful development certificate for the dormer extension to the rear elevation for Mr & Mrs P. Sandham (Bolton And Slyne Ward 2015 Ward)	Lawful Development Certificate Granted
18/01622/FUL	14 Penrith Avenue, Heysham, Morecambe Excavation of land to facilitate the erection of a two storey rear extension, single storey side extension and construction of a dormer extension to the front elevation for Mr & Mrs N. Lamb (Heysham Central Ward 2015 Ward)	Application Permitted
18/01631/FUL	Edward Roberts Courtyard, Lancaster University, Bigforth Drive Removal of metal staircase and construction of new ramps, steps and tiered seating for Lancaster University (University And Scotforth Rural Ward)	Application Permitted
18/01633/FUL	196 - 198 Torrisholme Road, Lancaster, Lancashire Conversion of one dwelling into two dwellings (C3), erection of single storey rear extensions to each new dwelling and construction of dormer extension to the front elevation for Mr Lee Priestley (Skerton West Ward 2015 Ward)	Application Permitted
18/01635/FUL	53 Moorside Road, Brookhouse, Lancaster Erection of a single storey side extension for Mr & Mrs Woodcock (Lower Lune Valley Ward 2015 Ward)	Application Permitted
18/01636/PLDC	6 Happy Mount Court, Morecambe, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension, insertion of a replacement window to the front elevation, and two to the side, installation of a replacement front door, partial recladding of external elevations and works to the roof of an existing extension for Mr & Mrs M. Carney (Bare Ward 2015 Ward)	Lawful Development Certificate Granted
18/01638/VCN	Former Ridge Hotel, 10 Patterdale Road, Lancaster Erection of two 2-storey buildings comprising of 16 one-bed affordable flats (C3) with associated parking and landscaping (pursuant to the variation of condition 2 on 18/00756/VCN to alter the rear garden area to a paved area, replace rooflights with sunpipes on the north elevation and replace northern boundary treatment with timber fence) for Melrose Construction Ltd (Bulk Ward 2015 Ward)	Application Permitted
18/01639/LB	Caterleisure Ltd Platform 3, Castle Station, Westbourne Road Listed building application for the fitting of 1 non illuminated hanging sign and 2 non illuminated directional signs for Mr O'Connell (Castle Ward 2015 Ward)	Application Permitted
18/01641/FUL	342 Heysham Road, Heysham, Morecambe Demolition of existing sun room, installation of a raised replacement roof with gable ends and dormer extensions to front and rear elevations, erection of a single storey rear extension, erection of bay window to the front elevation, and erection of a detached garage for Mr & Mrs Liu (Heysham Central Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

18/01646/ELDC	Hérons Wood Farm, Lancaster Road, Conder Green Existing lawful development certificate for the use of buildings as mixed business uses (B1,B2 and B8) for Mr H Wild (Ellel Ward 2015 Ward)	Application Withdrawn
18/01648/FUL	141 Lancaster Road, Carnforth, Lancashire Demolition of existing conservatory and erection of a single storey rear extension, erection of a single storey front extension and creation of a raised terrace to the rear for Mr & Mrs K Richardson (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
18/01651/FUL	Unit 1 Cowan Bridge Estate, Long Level, Cowan Bridge Installation of a roller shutter door, ground and first floor fire escape doors and external fire escape staircase for Melview Ltd (Upper Lune Valley Ward 2015 Ward)	Application Permitted
18/01652/FUL	10 Greenways, Over Kellet, Carnforth Construction of a hip to gable extension and dormer extension to the rear elevation for Mr Kenneth Karg (Kellet Ward 2015 Ward)	Application Permitted
19/00001/DIS	Carnforth Business Park, Oakwood Way, Carnforth Discharge of condition 7 on approved application 18/00269/FUL for Strong Developments Ltd (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
19/00005/FUL	34 Greenset Close, Lancaster, Lancashire Demolition of existing single storey side extension and erection of two storey side extension for Mr & Mrs Willetts (Skerton West Ward 2015 Ward)	Application Permitted
19/00009/DIS	Land Along The East Bank Of The River Lune Between The A683 Viaduct And Skerton Bridge And Land Along The West Bank Of The River Lune East Off Halton Road/Main Street, , Discharge of condition 3, 4 and 8 on approved application 18/00751/FUL for Lancaster City Council (Overton Ward 2015 Ward)	Application Permitted
19/00012/FUL	Barn South Of, Abbeystead Road, Abbeystead Change of use of agricultural barn to holiday accommodation, installation of windows and doors, creation of parking and garden areas and installation of a sewage treatment plant for Mr R Pye (Ellel Ward 2015 Ward)	Application Withdrawn
19/00025/FUL	5 Maryland Close, Silverdale, Carnforth Demolition of existing conservatory and erection of single storey extension to the south elevation for Mr & Mrs K+B Dryer (Silverdale Ward 2015 Ward)	Application Permitted
19/00027/FUL	13 Shore Road, Silverdale, Carnforth Demolition of existing greenhouse and erection of single storey rear extension for Mr & Mrs Ian Bell (Silverdale Ward 2015 Ward)	Application Permitted
19/00034/LB	Lancaster Castle, Castle Park, Lancaster Listed building application for removal of anti-climb spikes for Duchy Of Lancaster (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

19/00048/NMA	Land Opposite Greendale Drive, Mill Lane, Warton Non-material amendment to planning permission 15/00720/REM for removal of the steps between the public footpath on Mill Lane and the private drive in front of Plots 24 & 25, additional planting /screening between the public footpath and the end of the private drive adjacent to Plot 25, re-route the disabled accessible footpath and change surface finish to tarmac, erection of a 1100mm high post and wire fence to side of private drive opposite Plots 24 & 25 and disabled gate footpath next to Mill Lane for Mr Bleasedale (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
19/00063/NMA	Hollies, 25A Main Road, Bolton Le Sands Non-material amendment to proposed application 18/00608/FUL to change from timber gates to black powder coated steel gates for Mr & Mrs Cook (Bolton And Slyne Ward 2015 Ward)	Application Permitted
19/00070/CU	1 Midland Terrace, Carnforth, Lancashire Change of use of dwelling (C3) into residential care home for children (C2) for Mr Richard Witt (Carnforth And Millhead Ward 2015 Ward)	Application Permitted