



Committee: PLANNING REGULATORY COMMITTEE

Date: MONDAY, 20 JULY 2020

Time: 10.30 A.M.

PLEASE NOTE

THIS WILL BE A 'VIRTUAL MEETING', A LINK TO WHICH WILL BE AVAILABLE ON LANCASTER CITY COUNCIL'S WEBSITE AT LEAST 24HRS BEFORE THE MEETING.

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 22nd June 2020 (previously circulated).

3 Items of Urgent Business authorised by the Chair

4 Declarations of Interest

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors 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, Councillors 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, Councillors 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 19/01158/FUL	Land north of Hala Carr Farm Bowerham Road Lancaster	University and Scotforth Rural Ward	(Pages 5 - 20)
		Erection of 34 dwellings with associated access and alterations to land levels.		
6	A6 20/00367/FUL	White Lodge Sunnyside Lane Lancaster	Marsh Ward	(Pages 21 – 25)
		Creation of vehicular access from Towneley Close, construction of a driveway and installation of gates.		
7	A7 19/01457/FUL	Hérons Wood Farm Lancaster Road Conder Green	Ellel Ward	(Pages 26 - 33)
		Part retrospective application for recladding and change of use of		

agricultural buildings and land to form associated reception building and dog training buildings with associated works comprising demolition of agricultural building and erection of a kennel building, demolition of lean-to and erection of an extension to dog training building, erection of a stables building, creation of hardstanding for parking and internal access road, creation of a pond, installation of a package treatment plant and dog waste tank and erection of a 2.4m mesh fence.

- | | | | | |
|----|--|--|----------------------------------|----------------------------|
| 8 | A8 <u>20/00307/VCN</u> | Land south of Hala Carr Farm
Bowerham Road Lancaster | Scotforth
East Ward | (Pages 34 –
38) |
| | | Erection of 25 dwellings and creation of a new access and access roads (pursuant to the variation of condition 13 on planning permission 19/00456/VCN to amend the finished floor, and plot levels associated with plot number 1). | | |
| 9 | A9 <u>19/00522/FUL</u> | G B Properties (Lancaster)
Limited Lancaster Leisure Park
Wyresdale Road Lancaster | John
O'Gaunt
Ward | (Pages 39 -
44) |
| | | Alterations to existing land levels to facilitate the construction of a car park consisting of 124 spaces. | | |
| 10 | A10 <u>19/00804/FUL</u> | Lancaster Brewery Lancaster
Leisure Park Wyresdale Road
Lancaster | John
O'Gaunt
Ward | (Pages 45 –
50) |
| | | Erection of a single storey extension to the front and side. | | |
| 11 | Quarterly Reports: to 31 March 2020 (Pages 51 - 56) | | | |
| 12 | Quarterly Reports: to 30 June 2020 (Pages 57 - 62) | | | |
| 13 | Delegated List (Pages 63 - 70) | | | |

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Sandra Thornberry (Chair), Dave Brookes (Vice-Chair), Paul Anderton, Richard Austen-Baker, Mandy Bannon, Alan Biddulph, Abbott Bryning, Keith Budden, Roger Cleet, Tim Dant, Mel Guilding, Janice Hanson, Cary Matthews, Joyce Pritchard and Robert Redfern

(ii) Substitute Membership

Councillors Victoria Boyd-Power (Substitute), Kevin Frea (Substitute), Jake Goodwin (Substitute), June Greenwell (Substitute), Tim Hamilton-Cox (Substitute), Colin Hartley (Substitute) and David Whitworth (Substitute)

(iii) Queries regarding this Agenda

Please contact Democratic Services: email democracy@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

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

KIERAN KEANE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 7th July 2020.

Agenda Item	Committee Date	Application Number
A5	20 July 2020	19/01158/FUL

Application Site	Proposal
Land north of Hala Carr Farm Bowerham Road Lancaster Lancashire	Erection of 34 dwellings with associated access and alterations to land levels

Name of Applicant	Name of Agent
Oakmere Homes	Mr Daniel Hughes

Decision Target Date	Reason for Delay
20 December 2019	Negotiation on proposals and officer workload

Case Officer	Mrs Jennifer Rehman
Departure	Yes
Summary of Recommendation	Approval

1.0 The Site and its Surroundings

- 1.1 The site relates to a 1.6 hectare greenfield site located off Bowerham Road, immediately north of Hala Carr Farm, and approximately 1km from Bowerham local centre. To the north of the application site lies a residential property (Woodside) and the Fox and Goose Public House beyond this. To the east of the site lies a narrow lane in connection with Hala Carr Farm and beyond this is the M6 motorway and to the south lies Hala Carr Farm. Land beyond Hala Carr Farm is currently being developed for housing. Bowerham Road (also known as Bowerham Lane, but Road is used for consistency throughout the report) forms the western boundary to the site with detached properties directly opposite the application site.
- 1.2 The site rises significantly towards the east and reaches a maximum height of approximately 88 metres AOD (Above Ordnance Datum). The lowest point is approximately 69 metres AOD adjacent to Bowerham Road. The site comprises two fields enclosed by trees and hedgerows along the northern, eastern and southern boundaries. Along the western boundary adjacent to Bowerham Lane lies a dry stone wall. A mature hedgerow which runs west-east through the centre of the site dissects it into two smaller fields.
- 1.3 The site is allocated within the saved Local Plan as a local Key Urban Landscape and a Woodland Opportunity site. This designation extends to the north and south of the site along the eastern flank of the M6 motorway. It does not form part of any national or international landscape or nature conservation designation and is not affected by any cultural heritage designations. There are trees protected by a Tree Preservation Order associated with 242 Bowerham Road, however, these are not affected by the development proposals. The site itself is not situated within a flood risk area (as defined by the Environment Agency) or affected by surface water flooding. However, there are known areas along Bowerham Road near the site that are affected by surface water flooding.

2.0 The Proposal

- 2.1 The application is seeking full planning permission for the erection of 34 dwellings with an associated access taken off Bowerman Road. The proposal includes the re-grading of the existing land levels to create development platforms, the formation of a 2.5m high bund along the eastern boundary, the

provision of amenity space and structural and communal landscaping. The scheme has been reduced from 37 dwellings during the consideration of the application.

- 2.2 The applicant proposes 30 market dwellings and 4 affordable dwellings. These comprise a mix of detached, semi-detached, dormer bungalows and traditional bungalows properties. The housing mix (by size) is broken down as follows:

Market Homes	Affordable Homes
13 four-bedroom	2 two-bedroom
17 three-bedroom	2 three-bedroom
4 two-bedroom	

- 2.3 The proposed access comprises a simple priority controlled junction with a 5.5m wide carriageway and 6m radii, including 2m wide footways to either side of the proposed junction. The proposed visibility splays measure 2.4m by 43 metres. The existing stone wall shall be recreated behind the visibility splays.

3.0 Site History

- 3.1 The most relevant planning history associated with the application site is referenced in the table below. The table below also summarises the relevant planning history associated with the neighbouring land.

- 3.2 Taking the application site first, in exercising a titled balance in accordance with the 'Presumption in Favour of Sustainable Development' (National Planning Policy Framework), Officers recommended approval of the earlier outline planning application. The Planning Regulatory Committee overturned this recommendation and refused the proposal on the following grounds:

- Due to the elevated land levels and the prominent position of the site adjacent to Bowerham Lane, the proposed residential development will appear overly-prominent and overbearing. This will be detrimental to the visual amenity and character of the locality; the character of this area of Key Urban Landscape; and potentially the residential amenity of future occupants, as there is no guarantee that up to 30 dwellings could be satisfactorily accommodated on the site which would achieve an appropriate form and design of development, given the challenging topography. The proposal is therefore contrary to Policies DM28, DM35 and DM41 of the Development Management Development Plan Document (DPD); Saved Policy E31 of the Lancaster District Local Plan and Paragraph 58 of the National Planning Policy Framework.*

- 3.3 The applicant appealed the Council's decision. The Planning Inspectorate allowed the appeal and granted outline planning permission for 30 dwellings and an associated access. The Inspector recognised that there was moderate harm to the character and appearance of the area but that such conflict with the Development Plan would not significantly and demonstrably outweigh the social and economic benefits of boosting housing supply and the provision of affordable dwellings. This was subject to a legal agreement (under Section 106 of the Town and Country Planning Act 1990 (as amended) securing the provision of 40% affordable housing, an open space contribution and the provision, management and maintenance of open space.

- 3.4 A very similar scenario occurred on the neighbouring site to the south. Again, the application was originally recommendation for approval by Officers but was overturned by the Planning Regulatory Committee. The grounds for refusal were similar to the above, albeit with a greater emphasis on over-development of the site. The Planning Inspectorate allowed the appeal and granted planning permission. This planning permission has subsequently been varied pursuant to Section 73 of the Town and County Planning Act 1990 (as amended).

Application Number	Proposal	Decision
16/01515/OUT	Outline planning application for the erection of up to 30 dwellings and the creation of a new access	Officer recommendation of approval overturned and refused by the Planning Regulatory Committee.

17/00030/REF (LPA appeal reference)	Outline planning application for the erection of 30 dwellings and associated access.	Appeal Allowed (PINS reference: APP/A2335/W/17/3186598)
16/01551/FUL (neighbouring site)	Erection of 25 dwellings and creation of a new access and access roads	Officer recommendation of approval overturned and refused by the Planning Regulatory Committee. This planning permission has been varied (by Section 73 applications) several times, but such that are not materially relevant to the consideration of this application.
18/00008/REF (LPA appeal reference)	Erection of 25 dwellings and creation of a new access and access roads	Appeal Allowed (PINS reference: APP/A2335/W/18/3195605)

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Objection. A summary of the reasons for opposition are as follows: <ul style="list-style-type: none"> The site is not allocated or planned to be allocated for housing in the Local Plan and should not proceed; Places unplanned an additional strain on existing infrastructure; Future residents likely to be subject to traffic and noise pollution given proximity to the motorway – noted affordable homes most affected. If approved, conditions would be required to control surface water run-off, spoil and mud onto the roads.
Local Highway Authority (LHA) (Lancashire County Council, LCC)	No objection subject to conditions securing details of the site access, details of the off-site highway works, implementation of Construction Management Plan, construction of internal estate roads to base course before occupation, permeable driveways and parking areas, provision of cycle storage and EV charging points.
Highways England (HE)	No objection. Following the submission of amended plans and supporting information, HE has lifted their holding objection subject to the following being secured: <ul style="list-style-type: none"> A 2 metre high close board timber fence to be installed to the site's eastern boundary in accordance with the proposed Boundary Treatment/fencing Layout Plan Dwg No: 066/P/02 Rev K. Landscaped earth bund to be provided in accordance with the Bund Detail and Section drawings and the submitted drainage exceedance details.
Lead Local Flood Authority (LLFA)	No objection. Following the submission of amended plans and supporting information, the LLFA has removed their original objection, subject to the imposition of conditions associated with surface water drainage.
Environment Agency (EA)	No objection. Following the submission of additional supporting information and an amended drainage strategy, the EA recognises that the proposed measures are considered to reduce surface water flows from the site at a rate lower than the QBAR rate, which will result in reduced exceedance flows from the site. The EA has commented on the potential risks associated with the proposed surface water management scheme but defer consideration of this to the adopting authority/management company.
United Utilities (UU)	No objection. UU has provided two responses to the application. Their initial response raised no objections to the development and accepted a discharge rate of 9.9l/s to the public sewer. A further response has been provided (to replace the earlier letter) requesting the following details: <ul style="list-style-type: none"> The LLFA must determine the discharge rate in accordance with technical standards.

	<ul style="list-style-type: none"> Concerns over the lack of sustainable drainage measures which offer multifunctional benefits. Details to ensure proposed properties on Bowerham Road are protected from overland flows. A major water main crosses the site – the applicant is reminded of this asset and required easements. The applicant must correctly map the location and easement of the asset. There must be no change in levels over the asset and no load bearing over the asset during construction without prior agreement from UU. <p>United Utilities has not formally responded to the amended details. A verbal update will be provided.</p>
School Planning Team (Lancashire County Council, LCC)	No objection subject to an Education Contribution towards Secondary School Places at Lancaster Central High School. This equates to 4 places totalling £96,740.64.
Lancaster Civic Society	Concerns raised. The Civic Society wishes to reiterate concerns (from earlier applications) regarding the size and density of the development, noting there appear to be too many properties for the space available. The Civic Society regret the loss of green space and note traffic noise from the motorway will inevitably be an issue for future householders. The Civic Society are also concerned about the lack of amenities to support the development.
Public Realm Team	No comments received.
Environmental Health Service (EHS)	Senior Environmental Health Officer (Noise) – No comments received. A verbal update will be provided. Land Contamination Officer - No objection subject to the development being carried out in accordance with the submitted mitigation and validation of this and any unforeseen contamination to be conditioned. Air Quality Officer - Subject to securing Air Quality mitigation (EV charging points and measures within a Travel Plan), no objection to the development.
Arboricultural Officer	No objection subject to securing conditions relating to the protection of existing trees and hedgerows that have been identified for retention, implementation of amended landscaping scheme and maintenance.
Waste and Recycling Officer	No objection following submission of amended plans.
Planning Policy	Sets out the local plan policy position noting that the emerging Local Plan designates the site as part of a wider Urban Setting Landscape. Whilst recognising development has been constructed to the south, the local landscape designation should still form a key consideration. Further comments are provided in relation to other policy considerations, such as design and housing. The Policy team sets out the current housing supply position confirming the Council does not have a 5 year land supply (based on the latest 5 year land supply statement November 2019). The principle of development is accepted, however, the extent to which further loss of the landscape designation is questioned especially in the context of a limited affordable housing provision.
Strategic Housing Officer	No formal comments received.
Economic Development/CSTEP	No objection to the amended Employment Skills Plan but recommends minor changes to ensure the ESP is robust.
Greater Manchester Ecological Unit	No objection following submission of amended plans and detail. The proposal demonstrates an overall net gain in biodiversity. The long-term management and monitoring of the woodland belt must be secured by condition and/or planning obligation. Provision of bird and bat boxes to be secured by condition.
Lancashire Constabulary	No objection and recommends that the developer seeks to achieve Secured by Design Accreditation.
Lancashire Fire and Rescue Service	No objection – standard advice received in relation to building regulation compliance for fire appliances.
Electricity North West	No comments received.
Cadent Gas	Identifies a high pressure gas pipeline within the vicinity of the site but notes the proposal will not directly affect the infrastructure.

Dynamo Cycle Campaign	Objection on the grounds that there is no provision to encourage cycling to and from the development and as such it would be contrary to the development plan. Comments note that without cycle infrastructure in place, the increase in traffic will put off cycling and cumulatively small developments will also impact on air quality in Lancaster.
------------------------------	--

5.0 Neighbour Representations

5.1 At the time of compiling the report, the local planning authority has received seven letters of objection. A summary of the main reasons for opposition are set out below:

- **Flood risk** including drainage infrastructure unable to cope, concerns over the discharge rate and United Utilities position on this, discharge should be as set out in the Inspector's decision (6l/s,) concerns over the accuracy of the submitted drainage information and concerns over private management of the surface water drainage scheme.
- **Landscape and visual amenity** including unacceptable visual impacts due to the elevated nature of the site, excessive development leading to overbearing impacts, fails to protect local landscape character and adverse impacts on the appearance and openness of the area.
- **Highway safety** including increased traffic to an already congested road at peak times, risk to pedestrian/cycle safety especially given proximity to schools and impacts on air quality.
- **Residential Amenity** including loss of natural light, noise from the M6 motorway resulting in adverse amenity conditions and constant construction disruption to existing residents.

1 letter expressing concerns over the adequacy of the flood risk and drainage assessments despite having no objection to the principle of the development.

5.2 A further 4 letters of objection have been received in response to re-consultation of the amended proposals. A summary of the reasons for opposition are set out below:

- a reduction from 37 units to 34 unit will not overcome the significant visual impact the development will have on the area;
- it does not alter the traffic and highway safety concerns already raised;
- it does not alter concerns over increasing flood risk from surface water;
- fail to see how the proposal for 34 dwellings can overcome concerns raised when the scheme for 30 dwellings was refused;
- the proposal still conflicts with local plan policies DM25, DM26, DM28, DM 29, DM35 and DM41 and therefore should be refused; and
- concerned how the amendments overcome concerns raised by United Utilities.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Section 2 (paragraphs 8-12) - Achieving sustainable development
 Section 4 (paragraphs 47-48, 54-57) - Decision-making
 Section 5 (paragraphs 59, 63-65, 73-76) - Delivering a sufficient supply of homes
 Section 8 (paragraphs 91-94) - Promoting health and safe communities
 Section 9 (paragraphs 102 , 108-111) - Promoting sustainable transport
 Section 11 (paragraphs 120 and 122) - Making effective use of land
 Section 12 (paragraphs 124, 127, 130) - Achieving well-designed places
 Section 14 (paragraphs 158, 163 and 165) - Meeting the challenge of climate change flooding
 Section 15 (paragraphs 170, 175, 178, 180 and 181) -Conserving and enhancing the natural environment
 Paragraphs 213-214 - Annex 1: Implementation

6.2 Lancaster District Core Strategy (2008) Policies:

SC1 – Sustainable Development
 SC4 – Meeting the Districts Housing Requirements

6.3 Saved Policies of the Lancaster District Local Plan (2004) Polices:

E27 – Woodland Opportunity Site

E31 – Key urban Landscape

6.4 Development Management DPD (2014) Policies:

DM20 – Enhancing Accessibility and Transport Linkages

DM21 – Walking and Cycling

DM22 – Vehicle Parking Provision

DM23 – Transport Efficiency and Travel Plans

DM26 – Open Space, Sports and Recreational Facilities

DM27 – Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerows and Woodland

DM30 – Development affecting listed buildings

DM35 – Key Design Principles

DM37 – Air Quality Management and Pollution

DM38 – Development and Flood Risk

DM39 – Surface Water Run-off and Sustainable Drainage

DM41 – New Residential dwellings

DM48 – Community Infrastructure

DM49 – Local Services

6.5 Local Planning Policy Overview – Current Position

Following receipt of the Inspector's Report in June 2020, the policies in the emerging Local Plans for the Development Management DPD and the Strategic Planning and Land Allocations Document are considered to have substantial weight. The policies in this emerging Local Plan that are relevant to this application are:

Review of the Development Management DPD (Modification Version 2019) Policies:

DM1 – New Residential Development and Meeting Housing Needs

DM2 – Housing Standards

DM3 – Delivery of Affordable Housing

DM27 – Open Space, Sports and Recreational Facilities

DM28 – Employment and Skills Plans

DM29 – Key Design Principles

DM30 – Sustainable Design

DM31 – Air Quality Management and Pollution

DM32 – Contaminated Land

DM33 – Development and Flood Risk

DM34 – Surface water Run-Off and Sustainable Drainage

DM43 – Green Infrastructure

DM44 – The Protection and Enhancement of Biodiversity

DM45 – Protection of Trees, Hedgerows and Woodland

DM46 – Development and Landscape Impact

DM60 – Enhancing Accessibility and Transport Linkages

DM61 – Walking and Cycling

DM62 – Vehicle Parking Provision

DM63 – Transport Efficiency and Travel Plans

Strategic Policies and Land Allocations (Modification Version 2019)

SP2 – Lancaster District Settlement Hierarchy

SP3 – Development Strategy for the Lancaster District

SP6 – The Delivery of New Homes

EN5 – Local Landscape Designations (Urban Setting Landscape)

7.0 Comment and Analysis

7.0.1 The main considerations with the application relate to:

- Principle of development

- Landscape effects
- Highway considerations
- Noise and air quality matters
- Layout and design
- Flood risk and drainage
- Biodiversity
- Contribution to housing

7.1. Principle of development

7.1.1 The saved Local Plan and the emerging Local Plan (eLP) sets out a spatial strategy that continues to direct development to existing settlements within the district adopting the principle of urban concentration, thus promoting development in sustainable locations. In this case, the site falls within the urban area of the city. It is located approximately 1km from Bowerham's local centre and approximately 2.5km to the south of the city centre. The site is within easy walking distance of local primary schools and shops with good access to public transport. The principle of housing development in this area is acceptable and complies with spatial planning policies of the Development Plan and the eLP.

7.1.2 The land is currently allocated as Key Urban Landscape (KUL) (Policy E31) and a Woodland Opportunity Area (Policy E27) under the 'saved' Local Plan. Both designations remain relevant and important considerations in the determination of this planning application. The purpose of the KUL is to provide a suitable transition between the urban area and the countryside and in this case to provide a suitable buffer to the motorway. The Woodland Opportunity Area policy supports the principles and function of the KUL policy. Saved policy E27 recognises that tree planting along the M6 corridor would provide a more attractive edge to the built up area and would provide a barrier to road noise. The eLP maintains a local landscape designation but in the form of an Urban Setting Landscape Policy (EN7), which is effectively aimed at performing the same function of the KUL and Woodland Opportunities policies of the saved Local Plan. DM28 (Development and Landscape Impact) of the Development Management DPD (and DM46 of the eLP) state that identified areas will be conserved and important natural features safeguarded recognising that such landscapes make a positive contribution to the character and setting of the urban area. In this case, the locally designated landscape provides an important green wedge and landscape buffer between the M6 and the residential properties on the eastern fringes of the city. Within these landscapes, development proposals should conserve the character and appearance of the open nature of the designated landscape.

7.1.3 As set out in the planning history section of this report, there has been an outline planning permission granted for 30 dwellings on the site. This remains an extant consent. Whilst the details of the proposal are different and the material considerations will vary (as may the planning balance), this permission does provide a fallback position and clearly accepts the principle of residential development on the site is acceptable. Furthermore, there has been planning permission granted and the development implemented on land to the south of the site, also within the KUL designation.

7.2 Landscape and visual effects

7.2.1 The application site forms part of a wider belt of land running between the edge of the urban area and the M6 motorway. This land is designated as Key Urban Landscape (KUL) and in the eLP Urban Setting Landscape (USL). The function of the designation is to provide a district green wedge to frame the urban area and form a buffer alongside the motorway. It is recognised that these landscapes are particularly important in a local context and contribute positively to the character and appearance of the area.

7.2.2 Saved policy E31 explains that development will only be permitted which preserve the open nature of the area and the character and appearance of its surroundings. Policy EN5 of the eLP echoes this requirement and states that identified areas will be conserved and important natural features safeguarded. The eLP policy goes on to state that proposals will be expected to have due regard to all relevant policies control in the Local Plan with particular regard to the landscape policies within the DM DPD. DM28 of the DM DPD (and the corresponding policy in the eLP) specifically references the importance to preserve KUL and again referring to the need to preserve openness and the character of the area.

7.2.3 The character of the area is predominately suburban/urban fringe. The site is bound by residential development on three sides with the motorway corridor to the eastern boundary. The wedge of KUL between the motorway and Bowerham Road (once fragmented farmland likely to be associated with Hala Carr Farm) has been significantly altered with the recent development of 25 houses to the south of Hala

Carr Farm. This is a material consideration in the determination of the application. This development (also allowed on appeal) has led to development on the eastern side of Bowerham Lane where previously it was predominately open and rural in character. Nevertheless, the site itself currently remains an open parcel of farmland that distinctively slopes up towards the motorway. Its low vegetation cover with peripheral hedgerows and trees along its boundaries provides a sense of openness on the edge of the urban area. The site provides a pleasant visual outlook to nearby residential receptors with local landscape value.

- 7.2.4 Like the neighbouring development to the south, the proposed development incorporates a woodland belt along the eastern boundary, retains and bolsters planting to the northern boundary, retains trees along the southern boundary and seeks to include structural planting within the estate layout. The distinct dry stone wall will also be retained.
- 7.2.5 The application has been supported by a Landscape and Visual Assessment (LVA) that no predicated significant adverse effects on landscape character areas due to the scale and nature of the development. It recognises the effects are far more localised and concludes that development would have moderate to beneficial effects on landscape features (with mitigation in the form of the woodland bund). In terms of the effects on the KUL, the applicant contends the effects of the development would have a minor beneficial/neutral effect. The argument for beneficial effects is in relation to the increase in woodland cover and green infrastructure. In terms of visual effects, the LVA concludes major/moderate impacts but argues that effects would be no greater than what would have been expected by the approved outline planning permission.
- 7.2.6 The existing, semi-rural character and appearance of the site would change considerably by the introduction of the proposed 34 houses and associated infrastructure. Contrary to the applicant's assessment, officers consider the overall effects on the KUL and the emerging USL to be harmful. The visual effects of the development for the immediate residential receptors is also judged to be harmful. In this regard there is a degree of conflict with saved policy E31 and policies DM28 and DM35 (and the corresponding eLP policies). However, the level of harm is to a certain degree can be minimised by the proposed mitigation. This includes structural landscaping with the estate layout and the northern boundary of the site and the inclusion of a woodland bund. The woodland bund is of similar scale and aligns with the woodland bund proposed as part of the neighbouring development to the south.
- 7.2.7 KULs, but more so USLs, are intended to provide and maintain a distinction between town and country and provide a visual frame to the urban area. Some of the district's KULs and USLs perform this function better than others, such as the larger KUL besides Grab Lane and also land south of Hala Hill and towards the University. The proposed development provides significant green infrastructure between the motorway and the development and the urban area beyond. This will over time preserve the visual frame or rural backdrop to the urban area, but there is no doubt that the open character and appearance of the site will be diminished by the proposal and the adverse visual effects will be felt mostly by neighbouring residents. These landscape and visual impacts weigh heavily against the proposal.
- 7.2.8 Officers are mindful of the extant planning permission and the recently developed site to the south. Whilst the outline planning permission indicatively showed a larger woodland belt than presented in this application, the further encroachment of the KUL (towards the motorway) because of the development is not dissimilar to that of the adjoining development site. This is a material consideration in the determination of the application which will be relevant in the planning balance.

7.3 Highway considerations

- 7.3.1 The Development Plan, the eLP and the NPPF seek to direct development to sustainable locations where opportunities are available to maximise and promote more sustainable modes of transport. The site within 400m of the local primary schools, 800m of the local centre and still within 2km of the southern part of the city centre. This provides significant opportunities for future residents to access local amenities and services on foot. Cycling also offers a potential substitute of motorised vehicles, particularly for trips under 5km. Given the proximity of the site to the city centre, cycling will be an option for future residents. The closest in-road cycle route is located c700m from the site on Bowerham Road/Barton Road. Public transport is available close to the site with regular local services available on Bowerham Road, close to the Fox and Goose public house and on Kempton Road.

- 7.3.2 Bowerham Road is subject to a 30mph speed limit serving a predominately residential area. Footway provision is limited to the west side of Bowerham Road along the site frontage. North of Kempton Road there is footway provision to both sides of Bowerham Road.
- 7.3.3 The proposed access is centrally located along the site frontage and forms a simple priority controlled junction with visibility splays measuring 2.4m by 43 metres. The access geometry comprises a 5.5m wide carriageway with a 6m radii with 2m wide footways to either side of the proposed junction. The proposed access is consistent with the approved access associated with the planning permission for 30 dwellings. The Highway Authority has no objection to the proposed access.
- 7.3.4 Notwithstanding the extant planning permission, representations to the application still echo concerns over highway safety and the effects of additional traffic on the local network. Understandably, such concerns are particularly pertinent given the proximity of the site to the local primary schools. The concerns are two-fold. Firstly, that the local network experiences quite significant peaks around school drop-off and pick-up times and secondly the effects of additional traffic, especially at peak times, on pedestrian safety. The development will lead to a modest increase in traffic using the local network but such that would not result in a severe impact on the operation and capacity of the highway network. The Highway Authority has raised no objection on traffic capacity grounds.
- 7.3.5 Turning to pedestrian safety, like the approved scheme, the applicant proposes a range of off-site highway works to mitigate the effects of increased traffic and the risk to pedestrian safety. This includes a new footway along the site frontage extending towards the footway adjacent to the Fox and Goose on the eastern side of Bowerham Lane. In addition, a pedestrian refuge is proposed on Bowerham Road to aid movements across the road towards Kempton Road. Concerns over traffic speeds on Bowerham Road are recognised. The Highway Authority has noted that the creation of the refuge facility will help address speed compliance. There has been criticism over the lack of provision and/or commitment to supporting cycle infrastructure as part of this development. The Travel Plan (as part of the air quality mitigation) does include measures to help encourage future residents to cycle. However, it is accepted that the uptake in cycling can be limited if appropriate cycle infrastructure is not available. As part of much wider, strategic ambitions set out in the eLP, the Council does hope to deliver significant cycle infrastructure within the district and in particular between South Lancaster and the city centre. Given the small scale nature of this development, the fact an approval of 30 dwellings has already been granted without making any contributions to the cycle network and no cycle improvement requests have been sought by the Highway Authority, the absence of cycle improvements is considered acceptable.
- 7.3.6 The internal highway layout has been subject to several variations to ensure the development provides a safe and suitable access for future residents and service and emergency vehicles. Estate road layouts should be designed to an adoptable standard whether they are adopted or not. The majority of the modifications to the estate layout have focused on providing sufficient turning space for service vehicles, such as the refuse wagons, protecting visibility splays on internal junctions, provision footways and/or service verges and incorporating bin collection points. The amended proposal has allied concerns with the internal layout now considered acceptable to the Highways Authority. Overall, the level of parking provision complies with the Council's parking standards. Driveways to some of the plots are tight and rely on private service verges. This is generally discouraged and does not positively contribute to design. To mitigate against this, it is possible to control the type of garage door (roller-shutter opposed to up-and-over doors) to ensure parked vehicles do not overhang the carriageway. This can be controlled by planning condition. Garage dimensions vary between house types but range between 5 and 6.5 metres in length and 2.8 and 3 metres wide. The smaller garages serve the smaller units that still benefit from two parking spaces within the driveways. Given that parking standards are maximum standards and the site is in a sustainable location, some plots with 2 spaces rather than 3 spaces would not be unreasonable. Smaller garages will not be able to accommodate suitable cycle storage, therefore dwellings with garages less than 6 metres by 3 metres and those plots without garages will need to provide secure cycle storage. This is a matter that can be controlled by planning condition.
- 7.3.7 Based on the amended plans, the development would be considered safe, convenient and suitable for all users and would accord with policies DM20-23 and the corresponding eLP policies (DM60-DM63) together with Section 9 of the Framework.

7.4 Noise and Air Quality

- 7.4.1 Due to the proximity of the site to the M6 motorway, the applicant has submitted a detailed noise survey in support of the planning application. The assessment aims to determine acoustic performance

requirements of the building envelope to meet internal ambient noise levels and to ensure external amenity areas are adequately protected from unacceptable sound sources. To achieve the ambient internal sound levels (35dB) the report concludes enhanced double glazing specification and ventilation will be required. With respect to garden areas, ambient sound levels should be between 50-55dB. The sound pressure levels surveyed and monitored were consistently around 65dB therefore exceeding the upper sound level by approximately 10dB. To achieve the ambient sound levels for outdoor living space, acoustic mitigation is required. In addition to good acoustic design (building orientation), the proposed mitigation includes an acoustic barrier (2.5m high) along the eastern boundary in the form of an earth bund. Despite reservations about building so close to the strategic road network, the evidence indicates that future residents will not be adversely affected by noise provided the proposed mitigation is secured by condition. The Council's Environmental Health Officer has not commented on the proposal. However, the mitigation reflects the principles set out in the original application that was subsequently allowed on appeal (and accepted by the Council's Environmental Health Officer) and is similar the development site to the south. Provided a condition is imposed setting out the noise rating levels and the implementation of the mitigation, the development would not conflict with paragraph 180 of the Framework or Policy DM35 of the DM DPD (and the corresponding policy (E29) in the eLP) which requires a high standard of amenity in new development.

- 7.4.2 Planning has a role to play in minimising and protecting the public and the environment from unacceptable exposure to pollution. To achieve this the Framework (paragraph 181) requires planning policies and decisions to sustain and contribute towards compliance with the relevant limit values or objective levels for pollutants having regard to the presence of local Air Quality Management Areas (AQMA). The Framework clearly states that planning decisions should ensure that any new development in AQMA is consistent with the local air quality action plan. Adopted Development Management policy DM37 states new development located within or adjacent to an AQMA must ensure that users are not significantly adversely affected by the air quality in the AQMA. DM31 of the emerging Local Plan requires all new development to demonstrate that they have sought to minimise the levels of air polluting emissions generated to protect new and existing users from the effects of poor air quality.
- 7.4.3 The proposed site is not located within or adjacent to the AQMA. The main source of air pollution deriving from the development will relate to dust and traffic emissions during construction and vehicle emissions once the scheme is operational. There are residential receptors close to the north, south and west boundaries of the site. The greatest impact risks to the existing residents be will be during construction including the associated earthworks and dust pollution in particular. The effects of dust emissions are controlled by separate legislation. In this case, the applicant has provided a construction method statement including measures to minimise dust emissions as part of their standard practice. With such mitigation, the effects on nearby residential property would be low.
- 7.4.4 Whilst the site is not within the AQMA, development should not contribute to poor air quality. The Air Quality Assessment concludes that there would be a negligible increase in NO₂ and PM₁₀ with the development, but such would result in emissions levels well below the objective limit values for the pollutants. Despite the negligible increase, mitigation is proposed to minimise the impacts both at the site and to limit traffic entering the wider highway network (and AQMA). The mitigation includes the provision of electric charging facilities for each property, a Travel Plan including a ranges of measures to support and encourage the uptake of more sustainable travel and the installation of low emission NOx boilers. The Council's Environmental Health Officer has not raised an objection to the proposal, but has requested additional mitigation in the form of Travel Plan measures to encourage and incentivise public transport use. Given the negligible impacts on air quality, the level of mitigation proposed and the fallback position of the outline planning permission, which offers no mitigation (except the provision of EV charging points) to combat air quality, the proposal would not conflict with the Development Plan or the Framework to warrant a refusal of planning of planning permission. Planning conditions will be required to secure the proposed mitigation.

7.5 Amenity, Layout and Design

- 7.5.1 Paragraph 127 of the Framework, policy DM26 and DM35 of the DM DPD and the corresponding policies in the eLP, promote development that would positively contribute to the character of the area through good design, that protects and provides a high standard of amenity for all, that is accessible and safe and that provides sufficient levels of green infrastructure, including open space and landscaping. Notwithstanding the landscape impacts already identified, the amendments to the proposed development demonstrate that a high standard of amenity will be provided for future residents of the development. Critically interface distances have been adjusted (increased) to account of the proposed site levels and

the scale of house types in certain locations. In most cases the interface distances range between 23 metres and 28 metres (habitable window to habitable window). Good practice is around 21 metres. This increased separation also allows for suitable sized private gardens (even where they are stepped). Plots 12 and 13 have had their rear garden reduced slightly to allow for an access to the northern boundary for future maintenance of the landscaping along this boundary. The living conditions for future residents is considered acceptable.

- 7.5.2 The site overlooks existing detached dwellings on the other side of Bowerham Road. The proposed development maintains more than 30 metres between the proposed houses and the front elevations of existing dwellings. The development also has a good set back from the boundary with Bowerham Road to account for the water main easement. This has provided an opportunity to create a pleasant landscaped frontage to the site, which is also reflected in the development to the south of the site. By virtue of this degree of separation, the living conditions of residents on Bowerham Road will not be adversely affected.

- 7.5.3 The property Woodside sits alongside the northern boundary. This former bungalow has been developed and has habitable dormer windows and ground floor windows facing towards the application site. The amended proposal now proposes two conventional bungalows along the northern boundary with a separation distance of c20 metres. As the development rises uphill the scale of development increases away from this neighbouring property. In addition to adjustments to the scale of the development in this location a landscape buffer is proposed to bolster the existing hedgerow planting along this boundary. This is to prevent any garden fences being imposing in much closer distance to the proposed dwellings. Whilst the development will result in a markedly different outlook to the current field, the development would not be significantly detriment to the living conditions of this property.

- 7.5.4 Overall, the development would provide and maintain an acceptable standard of amenity for all and does accord with the Framework and DM35 of the DM DPD and the corresponding policy in the eLP.

- 7.5.5 In terms of visual amenity and the design of the development, the scheme is reflective of existing development in the area. The development appropriately responds to the street scene with an open landscaped frontage and dwellings fronting Bowerham Road. The existing dry stone wall along the site frontage is a characteristic feature of the site that shall be retained, albeit set back behind the access sightlines and punctured with small pedestrian openings. Internally, the main estate spine road will be softened with landscaping (this also helps reduce the visual impact of retaining features and underbuilds to some properties) up towards the landscaping bund. Structural planting is also proposed to the rear of plots 29 to 34 to improve the outlook for the properties to the rear that would otherwise overlook the rear garden fences of the properties in front of them. A similar approach is adopted to the rear of plots 14 to 16. Roads off the spine road are proposed in contrasting materials and are narrowed to help reduce vehicles speeds and to complement the design of the development. The development consists of several different house types. Not only does this support different housing needs but adds variety to the scheme. Some of the proposed split-level properties have rear elevations that look out of proportion (because they have been stretched). To improve the appearance of these properties it is possible to use a combination of materials and/or use architectural features (such as strong courses) to minimise the overbearing effects of large sections of blank wall. This can be controlled by condition. The applicant has a preference to build the development out in a constituted stone under a slate roof. This is like their other sites across the district. In this case, however, officers are of the opinion that the dwellings should be predominately brick built to reflect the surrounding build form. The applicant is amenable to using a combination of stone, brick and render under slate roofs. This is acceptable subject to agreeing the brick/stone/render specification by condition.

- 7.5.6 The provision of open space within development forms an important function both in terms of the environment and the health and well-being of future residents. For a development of this scale only amenity green space is required on site. This has been incorporated predominately along the eastern boundary (landscape bund) and the western boundary (green space along the frontage and at the site entrance). The scheme falls below the threshold to provide an equipped play area on site. Whilst this formed part of the outline application, it is not something that can be insisted on. Furthermore, Highways England had grave reservations over the provision of a play area so close to the bund and the motorway beyond, despite a 2m high fence to be provided along the eastern boundary. Instead, an off-site public open space contribution has been agreed which shall be used to make improvements (or provide new) to equipped play provision and young person's provision in the Bowerham and/or Hala areas of the

district where there are known deficiencies. Unfortunately, no comments from the Public Realm Service have been received.

7.6 Flood Risk and Drainage

- 7.6.1 The development site is located within flood zone 1 based on the Environment Agency flood maps. Consequently, the development of the site is acceptable and fully accords with the sequential approach to developing sites at least risk of flooding. There are properties within 50m south of the site on Bowerham Road that are susceptible to surface water flooding, with flood events (Storm Eleanor) recorded in November 2017. Several of the public representations to the application raise valid concerns over the implications of connecting the surface water to the public sewer given known flooding in the area.
- 7.6.2 Burrow Beck is located approximately 350m to the north west of the site. Properties with closer proximity to Burrow Beck and at a lower elevation have been susceptible to fluvial and surface water flooding. The local planning authority is also aware of the Environment Agency's concerns associated with downstream flooding of the Burrow Beck catchment.
- 7.6.3 The application has been submitted with an initial Flood Risk Assessment and Drainage Strategy that has subsequently been amended during the course of the application following consultation with the statutory flood risk and drainage bodies (Environment Agency (EA), Lead Local Flood Authority (LLFA) and United Utilities (UU)).
- 7.6.4 In accordance with the Framework, Development Plan policies DM38 and DM39 and the corresponding policies in the eLP (DM33 and DM34) development proposals should adopt sustainable drainage systems. Schemes should be drained of surface water sustainably. However, the applicant has evidenced that soakaways would not be suitable due to impermeable ground conditions making it unsuitable for infiltration and the use of soakaways. Given there is no surface water body in the vicinity of the site, the next solution in line with the SuDS hierarchy, is connecting to the existing surface water sewer on Bowerham Road. This approach and strategy to deal with surface water from the development site was accepted by the Inspector when granting outline planning permission (albeit with a lower discharge rate).
- 7.6.5 The amended drainage strategy proposes a controlled discharge rate (9l/s) into the sewer. This is below the greenfield pre-development Qbar rate of 11.08l/s. This discharge rate (not greater than 9l/s) was initially agreed with United Utilities at the pre-planning stage and has subsequently been accepted by the Lead Local Flood Authority. Attenuation for surface water will include a combination of geocellular basket attenuation for each dwelling and oversized pipes under the carriageways. The storage requirements are based on a 100-year flood event with a 30% allowance for climate change. Each storage facility will include a vortex flow control device to limit the flows to the sewer with sediment/silt traps to provide greater certainty of the efficiency and maintenance of the of the system. The principle of the proposed drainage strategy and the discharge rates are considered acceptable to the LLFA.
- 7.6.6 Exceedance flows have also been accounted for, including to the base of the earth bund to demonstrate the development would not result in exceedance flows towards the M6 motorway. This detail has satisfied earlier concerns from Highways England. Exceedance occurs when the storm event is larger than what the development has been designed to cope with. Given known problems in the area, the EA has been keen to ensure the development would not place any additional load on Burrow Beck which could cause further flooding downstream. There are also areas not far from the site on Bowerham Road that suffer from surface water flooding. Subsequently, the scheme must demonstrate that the risk of flooding elsewhere is not increased by the development. The drainage scheme has been designed to improve surface water flows from the site (a controlled flow less than Qbar rate). Exceedance flows must also demonstrate no worsening flood risk impact off-site. In the event of a storm larger than designed for, initially manholes on the site would flood and then overland flows would occur. Due to the steep topography of the site, exceedance flows would naturally flow towards the site entrance and onto Bowerham Road. This scenario is no different to the existing situation. The proposed exceedance flows are directed both north and south of the site entrance to mimic the existing situation but also to prevent flows going in one direction. Given that the drainage scheme seeks to control discharge below the Qbar level, exceedance flows are also likely to be reduced from the site. The LLFA and the EA have raised no objection to the proposed exceedance plans. The drainage design is such that it would not cause flood risk elsewhere in compliance with planning policy and guidance.

7.6.7 United Utilities (UU) has accepted the principle of connecting surface water to the sewer and the proposed discharge rate, subject to the LLFA being satisfied over the SuDS hierarchy. UU has also raised queries with officers and the developer that remain outstanding in respect of exceedance flows (a matter that the LLFA has previously has accepted). Dialogue also continues with UU in respect of the impact of the proposed development on an existing on-site water main. This includes the proximity of proposed drainage infrastructure to the water main and proposed changes in site levels on top of the water main. Confirmation of UU's position remains outstanding although meaningful dialogue is ongoing between the applicant and United Utilities. If the outstanding details cannot be addressed ahead of the Planning Regulatory Committee, such are capable of being addressed by condition.

7.6.8 Despite concerns to the contrary, the development would be safe from flooding and would not lead to an increase in flood risk elsewhere. Subject to the detailed drainage scheme being finalised and agreed with the relevant statutory consultees (by condition), the development accords with the relevant flood risk policies contained within the Development Plan, eLP and the Framework.

7.7 Biodiversity

7.7.1 The proposed site is not directly affected by any national or international nature conservation site. It will not result in any land take of a designated site nor is the site considered to be functionally linked (due to the site's suburban location, intervening built development and the distance from the designated sites (approximately 2.8km). However, the site is within 3.5km of the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAR), Site of Special Scientific Interest (SSSI) and RAMSAR, which may result in indirect impacts.

7.7.2 The proposal does have potential for indirect impacts to the designated areas from recreational disturbance and construction activities. The former would be limited given the relatively small-scale nature of the development and the site's disconnection to the designated site. The latter is unlikely to have any effect and can be ruled out given the distance between the site and the designated area. There is no direct access to the designated site (via public rights of ways or other recreational routes). Furthermore, the site is much closer to other areas of open space and recreational corridors, such as Lancaster Canal, the Forest of Bowland AONB and Williamson's Park, therefore offering reasonable alternatives for recreational activities. However, it would not be possible to conclude the development would not lead to any recreational pressure on the bay. To mitigate against any potential increase in recreational pressures caused by the development, homeowner packs can be provided to each dwelling, as identified within the HRA for the Local Plan. The homeowner packs would be expected to include details of the affected designated sites (and the wider Morecambe Bay coastline), their sensitivities to recreational pressure and promote the use of alternative areas for recreation, in particular dog walking areas. In conclusion, it is considered that proposed development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. The mitigation measures can be adequately covered by condition attached to any planning consent.

7.7.3 The site is currently an unused greenfield site but has historically been used for grazing and is considered to be of low ecological value. The applicant has submitted a Landscape and Biodiversity Report, Arboricultural Report and an Ecology Appraisal for the site. The proposal (in its amended form) adequately demonstrates that the trees and hedgerows around the site (north, east and south boundaries) can be protected and retained. The proposed landscaping scheme seeks to significantly bolster planting along the north and east boundaries and includes a landscaping bund of equivalent width to the landscaping bund permitted as part of the scheme to the south of the site. This shall be planted with native species and will deliver net gains in biodiversity and shall enhance the ecological value of the site. In addition, the estate layout has also incorporated areas of amenity green space (along the site frontage) and tree/hedgerow planting along estate roads. This internal landscaping will support biodiversity but fundamentally is about design and landscape mitigation. A scheme to incorporate bird and bat boxes within the development is also proposed and provides for biodiversity enhancements. Overall, the applicant has demonstrated that the loss of the field and central hedgerow can be mitigated and compensated for through the proposed landscaping scheme and that there will be biodiversity net gains arising from the development in the long term. It is imperative long-term maintenance and management of the landscaping will be provided. Officers are satisfied that the proposal accords with Section 15 (insofar as it is concerned with biodiversity) of the Framework, policies DM27 and DM29 of the DM DPD and the corresponding policies (DM44 and DM45) of the eLP, subject to the imposition of

conditions controlling tree protection, landscape implications and phasing, landscape maintenance and management and the provision of bird and bat boxes.

7.8 Contribution to Housing (viability)

7.8.1 Policy DM41 of the DM DPD requires proposals for new residential development is ensure land is used effectively (echoing the requirements of paragraph 122 of the Framework); be located where the environment, services and infrastructure can or could be made to accommodate the impacts of expansion and provide an appropriate mix of housing to meet local housing needs.

7.8.2 The scheme has been amended to secure a housing mix that better reflects local housing needs. This has led to a reduction in detached 4-bed homes to more 2 or 3-bed homes, including 2 dormer bungalows and 2 conventional bungalows on the site. This aligns with the Framework and Development Plan policies to ensure housing developments meet the housing needs of different groups in the community. There are no objections to the overall mix of housing on the proposed site.

7.8.3 The outline planning permission was granted with a s106 agreement securing a range of obligations including the provision of policy compliant affordable housing. Policy DM41 has an expectation of achieving 40% affordable housing on greenfield sites. This expectation has been reduced in the eLP (based on supporting evidence) to 30% in this part of the district, subject to viability.

7.8.4 The application has been submitted with viability evidence to demonstrate that the site is not capable of achieving policy compliant affordable housing due to the level of abnormal costs associated with developing the site. The proposal includes the provision of 2 2-bed dwellings and 2 3-bed dwellings for shared ownership (12% provision). Officers are satisfied that the viability case advanced by the applicant robustly evidences that the site could not provide any more affordable housing units. Changes to the housing mix has also impacted on viability, but such is deemed necessary to ensure the development meets the needs or a wider sector of the community. Whilst the level of affordable housing is below the policy expectation for the site, it is not necessarily contrary to policy, as the policy permits consideration of development viability. The degree to which the proposal deviates from full policy compliant affordable housing will need to be weighed against the benefits of the proposal. However, it is fair to say that that the development has maximised numbers on the site to the detriment of other considerations. Fewer dwelling houses would not result in any more affordable houses.

7.8.5 Overall, the development of 34 dwellings houses including 4 affordable homes will make a positive contribution to the supply of housing in the district. This carries significant weight in the determination of the application and would support the Government's objective to significantly boost the supply of homes.

7.8.6 Turning to the matter of the Council's housing supply position. The formal five year housing land supply position is set out in the November 2019 Statement which concludes that the Council can demonstrate a 4.5 year supply. The Framework (paragraphs 73 and 74) requires local planning authorities to identify a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against the Council's housing requirements. The extent of under supply has markedly improved compared to when the earlier outline planning application was granted (at that point the Council could only demonstrate a 2.2 years' supply). Nevertheless, as a result, the relevant policies for the supply of housing are considered out-of-date by virtue of paragraph 11 and the presumption in favour of sustainable development applies (the tilted balance). The council's five year housing land supply position is being kept under review, especially in light of the potential forthcoming adoption of the emerging Local Plan, but this is how things currently stand.

7.8.7 In these circumstances, the Framework states that where there are no relevant development planning policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits , when assessed against the policies in the Framework taken as a whole.

7.9 Other considerations

7.9.1 Paragraph 94 of the Framework and policy DM48 of the DM DPD requires local planning authorities and developments to take a positive and collaborative approach to ensuring future residents of new development have access to school places. In this case the County's School Planning Team has confirmed that there would be a shortfall in secondary school places and that a contribution of the full

pupil yield for this development would be required. An education contribution of £96,740.64 is recommended as part of the package of planning obligations should the application be approved.

7.9.2 In line with policy DM48 of the DM DPD, the applicant has committed to the provision and implementation of an Employment Skills Plan to provide opportunities for, and to enable access to, employment and up-skilling of local people through the construction phases of the development. This will provide economic and social benefits to the wider community.

7.9.3 Matters relating to site contamination have been addressed in the application with mitigation required across the site due to its existing greenfield/agricultural use. A planning condition is recommended to ensure the development is carried out in accordance with the submitted details, including measures for any unforeseen contamination and validation of the remediation (if required).

8.0 Planning Obligations

8.1 Should the application be positively determined, a planning obligation is required and shall include the provision of affordable housing (4 Shared ownership units), a secondary school Education Contribution to the sum of £96,740.64 to be used at Lancaster Central High School, an off-site public open space contribution to the sum of £65,380 to be used towards improvements and/or provision of equipped play provision and/or young persons provision in the area where there are recognised deficiencies, together with the setting up of an estate management company. These obligations are required to accord with planning policy and to ensure existing infrastructure (such as schools and open space) can cope with the impacts of additional development in the area. The requirements of the legal agreement would meet the tests of the Framework and Regulation 122 of the Community Infrastructure (CIL) Regulations, namely that it is necessary to make the development acceptable in planning terms; it is directly related to the development; and fairly and reasonable related in scale and kind to the development.

9.0 Planning Balance and Conclusion

9.1 The proposal will make a positive contribution towards the support of market housing (and to a lesser extent affordable housing). At this time the local authority cannot demonstrate a 5 year housing land supply. Furthermore, officers are satisfied that the application site is sustainably located with good access to public transport provision and local services and facilities. Despite the landscape and visual harm identified, the green infrastructure proposed will deliver biodiversity gain and increase the ecological value of the site. It will also offer on-site open space and amenity green space that positively contributes to the design quality of the scheme. The inclusion of an Employment Skills Plan also provides localised social and economic benefits during the construction phases of the scheme. These benefits weigh heavily in the planning balance.

9.2 The access, internal road arrangements, parking provision and off-site highway works are matters necessary to make the development acceptable. The impacts on air quality is capable of being mitigated and the design and standard of amenity of the development accords with the development plan. The site is not at risk of flooding and despite concerns to the contrary, the development can drain in a sustainable manner without leading to a risk of flooding. There are a number of conditions required to ensure the standard of development meets the aims and objectives of planning policy. Neutral weight is given to these considerations.

9.3 Weighing heavily against the proposal is the localised visual impacts resulting from the development and the harm to the KUL and USL. The level of harm was identified as moderate harm by the Inspector determining the early outline planning permission. Despite the encroachment further into this designated landscape, the level of harm is not considered any worse than that identified by the Inspector. The proposed woodland bund will form a continuation of the woodland bund on the adjoining development site which will maintain a distinct visual buffer between what will be an extended urban edge and the motorway corridor.

9.4 The balancing exercise in this case remains a 'tilted balance' which means planning permission must be granted unless the adverse impacts would significantly and demonstrably outweigh the benefit when assessed against the Framework as a whole. The recommendation is finely balanced. Officers are also mindful of the changes since the previous outline planning was allowed, including the progress of the eLP and that the shortfall of housing is not as significant when compared to the Council's early figures when the outline application was determined. Nevertheless, the extant planning permission together with the development to the south of this site and the inclusion of significant green infrastructure as part of the proposal, means the adverse impacts identified to the local landscape designation would not

significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. On this basis, planning permission can be supported.

Recommendation

That, subject to the completion of a S106 securing the provision of four affordable housing units, the education contribution of £96,740.64 to be used at Lancaster Central High School, an off-site POS contribution of £65,380 to be used locally, on-site amenity space and structural landscaping and the provision of an estate management company, Planning Permission **BE GRANTED** subject to the following conditions:

1. Time limit (2 yrs)
2. Approved plans

Pre-commencement

3. Development to be carried out in accordance with the Drainage Strategy and SW drainage scheme to be agreed.

Pre-commencement (above slab level)

4. Phasing of landscaping and infrastructure to be agreed.
5. Notwithstanding details submitted, external materials and samples to be agreed including external finishes to split-level housetypes
6. Scheme for cycle storage provision and EV charging points

Pre-occupation

7. Development in accordance with Air Quality mitigation / Travel Plan
8. Ecology Mitigation including submission of homeowner pack
9. Employment Skills Plan (verification stages to be submitted)

Control

10. AIA and tree protection measures to be implemented
11. Construction Method Statement
12. Drainage maintenance
13. Development to be carried out in accordance with the site investigation with unforeseen contamination condition
14. Provision of access and turning areas
15. Provision of off-site highway works
16. Protection of visibility splays
17. Development in accordance with Acoustic Report and implementation of mitigation
18. Landscaping implementation and maintenance
19. Boundary treatments to be implemented and maintained – existing dry stone wall to be re-built.
20. Provision and protection of car parking and turning areas
21. Removal of Permitted Development Parts 1 and 2

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	Committee Date	Application Number
A6	20 July 2020	20/00367/FUL

Application Site	Proposal
White Lodge Sunnyside Lane Lancaster Lancashire	Creation of vehicular access from Towneley Close, construction of a driveway and installation of gates

Name of Applicant	Name of Agent
Mr Timothy Whittaker	

Decision Target Date	Reason for Delay
29 June 2020	Referral to the Planning Regulatory Committee and the Committee cycle

Case Officer	Ms Rebecca Halliwell
Departure	No
Summary of Recommendation	Approval

(i) **Procedural Notes**

This application has been referred to the Committee by Cllr Dowding on the grounds of pedestrian safety, so in line with the Scheme of Delegation in the Council's Constitution, the application must be determined by the Planning Regulatory Committee.

1.0 The Site and its Surroundings

- 1.1 This application relates to a substantial two storey detached residential dwelling located on the eastern side of a private road, which is accessed via Sunnyside Lane. The immediate area is predominantly residential. The site is also situated on the northern side of Towneley Close. Towneley Close is a cul-de-sac which serves 8 detached properties.
- 1.2 The property benefits from a considerable curtilage, with garden areas to the front, south side and rear of the property. A c3 metre high hedge currently abuts the southern boundary fence panels, screening the property from Towneley Close. The property currently benefits from an access onto Sunnyside Lane, which connects to Westbourne Road about 600 metres to the north east at a point to the west of Lancaster railway station and the city centre.
- 1.3 At the eastern end of Towneley Close is a footpath between nos. 7 and 8. This connects to a public right of way (PROW) (footpath no.59), which in turn connects to another PROW (footpath no.41) that runs along the western edge of Fairfield Millennium Green.

2.0 The Proposal

- 2.1 Planning permission is sought for the creation of a vehicular access from Towneley Close, the construction of a driveway and the installation of gates.
- 2.2 The proposed access will run from the south west corner of the applicant's front garden area off Towneley Close where it would adjoin onto the existing driveway and turning circle. The vehicular access will incorporate the dropping of the kerb and the loss of a small proportion of grass verge. It will have a maximum width of 3.5m and be set back from the highway by 2.3 metres, set at an angle. The fence panels will also be angled to provide visibility splays. To accommodate the proposed access circa 8

metres of the hedge will be removed from the south-western boundary. The proposed gates will have a maximum height of 1.83 metres at the highest point and will consist of a metal frame with timber hardwood gate panels. The existing access will be blocked up by the erection of wooden fence panels.

3.0 Site History

- 3.1 Planning permission was granted for the erection of the application dwelling and garage under planning application 88/00736/HST. In 2007 an application was submitted and granted for the erection of a conservatory, 07/01656/FUL. Subsequently, no further applications have been received in relation to the application site.
- 3.2 Planning permission was granted for the erection of 8 houses and garages under planning application 86/00870/HST. This application relates to the properties sited along Towneley Close. The original permission in 1986 stipulated that no access was to be permitted from the private drive to the north.
- 3.3 In 2003 under planning application 03/00273/FUL permission was sought for the removal of conditions on previous permissions to allow access to Piggy Lane from Westbourne Road and Towneley Close. This application was refused, but the subsequent appeal was allowed (APP/A2335/A/03/1136447).

4.0 Consultation Responses

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

Consultee	Response
Highway Authority	No objection though for reasons of highway safety would request inclusion of a condition relating to surface materials.
Cadent Gas / National Grid	Comments. There are low or medium pressure gas pipes in the vicinity of the site.

5.0 Neighbour Representations

- 5.1 There have been 13 representation received regarding this application, 8 of which object to the application, 2 raise no objection and 3 which is in support of the scheme.
- 5.2 The 8 objections have raised the following concerns:
- The property already benefits from two existing access points. No justification or reasoning had been put forward to rationalise the need for the development.
 - Lack of visibility for the users of the proposed access when existing / accessing the site and for the users of the highway due to the blind corner at the end of Towneley Close.
 - Adverse impact on the pedestrian environment due to the increase in vehicular movement along Towneley Close which will introduce and unnecessary and avoidable hazard which will add to the already exacerbated issues.
 - Impact upon the pedestrian usage of the link footpath to the PROW.
 - White Lodge is run as a commercial venture, offering lodgings to International Students and contractors.
 - Detract from the peaceful open plan cul-de-sac.
- 5.3 The 3 representations of support stipulate that the proposed development will not have an adverse impact on the pedestrian environment or on the quantity of traffic moving along Towneley Close as the proposed access will serve one property only. The 2 representations raising no objection cite similar points.

6.0 Principal National and Development Plan Policies

- 6.1 National Planning Policy Framework (NPPF)
Section 2: Achieving Sustainable Development
Section 12: Achieving Well-Designed Places

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1: Sustainable Development

SC5: Quality in Design

6.3 Development Management DPD 2015

DM21: Walking & Cycling

DM29: Protection on Trees, Hedgerows and Woodland

DM35: Key Design Principles

6.4 Following receipt of the Inspector's Report, the policies in the emerging Local Plan are considered to have substantial weight. The policies in this emerging Local Plan that are relevant to this application are:

Review of the Development Management DPD 2020

DM29: Key Design Principles

DM45: The Protection of Trees, Hedgerows and Woodland

DM61: Walking and Cycling

7.0 Comment and Analysis

7.1 The main issues are:

- Principle of Development
- Design / Visual Impact
- Residential Amenity Impact
- Highways Impact

7.2 Principle of Development

7.2.1 The development is sited adjacent to residential properties along Towneley Close and Sunnyside Lane and, therefore, it is considered that the development has some form of relationship to the existing built form of the surrounding area. The development includes the blocking up of the existing access, and a condition can be imposed to ensure that the access is blocked up within 1 month of the existing access becoming operational. Taking into account that the proposed access will serve one dwellinghouse, the principle of the development is accepted, in accordance with the NPPF's presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified.

7.3 Design / Visual Impact

7.3.1 Policy DM35 of the Development Management DPD and Policy DM29 of the Emerging Review of the Development Management DPD both require a good standard of design. Any new development will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.

7.3.2 Towneley Close is characterised by open plan driveways and front gardens. The southern boundary of the application site consists of concrete panels boards, concrete posts and wooden fence panels with a 4m high hedge behind which abuts the grass verge of Towneley Close.

7.3.3 The proposed works include the dropping of the kerb and the removal of a portion of the grass verge to facilitate the creation of the vehicular access. The proposed dropped kerb will be in line with other properties along Towneley Close which all benefit from dropped kerbs to allow access to the driveways.

7.3.4 The proposed development incorporates the angling of the fence panels, to allow the access gate to be set back 3m at the closest point from the road. Taking this into consideration, it is considered that the proposed access would not be a prominent addition within the streetscene as it would not be readily visible given that it is set back from the road, limiting public view. The fence panels will reflect those of the existing boundary and will, therefore, help assimilate the proposed works.

7.3.5 To accommodate the creation of the access about 8 metres of the hedge along the southern boundary is to be removed. This is a small portion of the hedge and will have a negligible impact upon the visual appearance of the application site and vehicular access.

7.3.6 Taking into account the above, it is considered that the proposed development will not appear incongruous and will have a negligible impact upon the streetscene. The surrounding area is characterised with driveways and dropped kerbs. As such the introduction of the vehicular access and dropped kerb would not be out of context with the existing streetscene.

7.4 Residential Amenity Impact

7.4.1 There are a number of properties fronting towards the southern boundary of the application site which will be affected by the proposal. A small section of the hedge within the applicant's land which abuts the southern boundary is to be removed to accommodate the proposed access, but the remainder of the hedge along the aforementioned boundary is to be retained. The retention of the remaining hedge will prevent direct overlooking and loss of privacy from the application dwellinghouse and the properties sited on Towneley Close. In light of the above, it is considered that the proposed development will not be an adverse effect on residential amenity.

7.5 Highways Impact

7.5.1 New development should ensure the safe, efficient and convenient movement of all highway users. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.5.2 Concerns have been raised by the local residents with regards the increase of vehicular movement along Towneley Close and the impact an additional access will have on the pedestrian environment due to the lack of visibility from the access.

7.5.3 Towneley Close is a dual use highway as pedestrians are intended to use the road due to the lack of pavements. The open plan design of the houses / front gardens afford a clear view of the highway for vehicles and pedestrians. The angling of the fence panel along with the dropped kerb allows for an acceptable level of visibility when exiting / entering the proposed access. It is considered that the visibility from the proposed access would not be severely hindered. The proposed access from the site to Townley Close will also be set back from the nearside edge of the carriageway. This will enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.

7.5.4 The Highway Authority raises no highway objection though for reasons of highway safety would request inclusion of a number of conditions. Many of these conditions require works that are contrary to the submitted plans so clarification is being sought in this regard (which will be verbally reported at the Committee meeting), though one relates to surface treatments which is reasonable to include should the application be approved. This will prevent loose surface materials from being carried on to the public highway thus causing a potential source of danger to other road users.

7.5.5 There is a Public Right of Way (PROW) that links a footpath at the eastern end of the cul-de-sac but the road itself and the footpath link do not form part of the PROW network.

7.5.6 A survey was carried out by the local residents of Towneley Close on Monday 15 June 2020, on a lockdown weekday. 283 foot journeys were made to and from the public footpath which adjoins the road. The findings conclude that on a normal weekday when schools and businesses are open this would have been considerably higher.

7.5.7 Policy DM61 of the emerging Local Plan and Policy DM21 of the DM DPD both seek to protect, maintain and improve the pedestrian environment. Any new development should ensure that no adverse impacts are created for the pedestrian environment, particularly in relation to pedestrian safety.

7.5.8 Whilst it is clear that the cul-de-sac is used regularly by pedestrians because of the linkages to the PROW, surrounding area and facilities it is consider that the provision of a vehicular access serving one residential property will not result in exacerbated level of traffic movement along Towneley Close to an extent which would result in adverse highway safety issues.

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, although the proposed development will reduce the grass verge currently characterising the northern side of Towneley Close and result in the loss of a small portion of the hedge boundary, it is considered that the proposed development will not appear incongruent within the streetscene and will not have an adverse impact on highway safety.

Recommendation

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

1. Standard 3 Year Timescale
2. Approved Plans
3. Fence panel materials to match existing boundary treatment
4. Existing access to be closed within 1 month of the proposed access becoming operational
5. Surface materials

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	Committee Date	Application Number
A7	20 July 2020	19/01457/FUL

Application Site	Proposal
<p>Hérons Wood Farm Lancaster Road Conder Green Lancaster</p>	<p>Part retrospective application for recladding and change of use of agricultural buildings and land to form associated reception building and dog training buildings with associated works comprising demolition of agricultural building and erection of a kennel building, demolition of lean-to and erection of an extension to dog training building, erection of a stables building, creation of hardstanding for parking and internal access road, creation of a pond, installation of a package treatment plant and dog waste tank and erection of a 2.4m mesh fence</p>

Name of Applicant	Name of Agent
Mr T Jayousi	Mr Dan Ratcliffe

Decision Target Date	Reason For Delay
7 April 2020	Delayed site visit due to Covid 19 restrictions

Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Approval subject to receipt of plans showing acceptable visibility splays.

1.0 The Site and its Surroundings

- 1.1 The application site is located on the eastern side of Lancaster Road to the north of Conder Green. The site comprises a cluster of buildings, including a dwellinghouse with ancillary domestic outbuildings, and former agricultural buildings associated with the historic use of the site as a poultry farm. Land levels increase from west to east and the site is offered a degree of screening from the highway by a number of trees within the site. The site is approximately 2.8km from the southern fringe of Lancaster.
- 1.2 The nearest residential property is Heronswood, which is located about 230m from the southern site boundary. There is also a touring caravan site associated with this property. The nearest residential property to the north-west is Woodside, which is located about 240m from the front of the site. There are several residential properties on Tarnwater Lane and these are located in excess of 800m to the north and north-east of the site. Ashton Garden Centre and Lancaster Golf Club are located to the north of the site on the opposite side of Lancaster Road.
- 1.3 The site is bounded by agricultural grazing land to the north, east and south and the public highway Lancaster Road (A588) to the west. The site is not covered by any statutory nature conservation or landscape designations but is located within the Countryside Area, as identified on the Local Plan proposals map.

2.0 The Proposal

- 2.1 The application proposes a change of use of the former poultry buildings and land to a dog boarding kennels and canine retreat. The application is part retrospective as the recladding of the buildings has already taken place as well as one building having been demolished. The demolished building will be replaced by a 90 metre long building comprising 100 kennels. A small extension has also been erected to one of the buildings in place of a previous lean-to element. The site will comprise a reception building, group dog training building, solo dog training building and a kennel building. The submission also

involves the erection/recladding of a small stables building, creation of hardstanding for parking and internal access road, creation of a pond, installation of a package treatment plant and dog waste tank and erection of a 2.4m mesh fence adjacent to the solo dog training building in order to provide an external exercise area.

- 2.2 The submitted Planning, Design and Access Statement sets out that the facility will provide boarding kennels for short term stays (1-14) nights and residential training courses (5-21 nights) as well as for dogs being trained for sale. The kennel building, (which will replace the demolished poultry building) has been designed by a specialist kennel provider and will comprise 10 separate compartments each containing a row of 10 suites. A central corridor will allow staff and visitors to access each individual kennel compartment. The Planning, Design and Access Statement explains that this design is crucial to prevent unnecessary disturbance to the dogs. The kennel compartments will be separated by two food storage and preparation/kitchen and laundry areas.

3.0 Site History

- 3.1 There is a limited planning history which spans a number of decades. It is noted that a 1989 application gained consent for change of use of the poultry unit to light industry/storage. However, an application for a lawful development certificate was unable to demonstrate that this consent had ever been implemented.

Application Number	Proposal	Decision
18/01646/ELDC	Existing lawful development certificate for the use of buildings as mixed business uses (B1, B2 and B8)	Withdrawn
17/01429/RCN	Renewal of permission for agricultural workers caravan (pursuant to the removal of condition 2 on planning permission 2/4/6343 relating to the occupation of the caravan being limited to agricultural workers only)	Withdrawn
89/0664	Change use redundant poultry unit to light industry/storage	Permitted
2/4/1045	Cottage and turkey house	Permitted
2/4/6343	Renewal of permission for agricultural workers caravan	Permitted

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	No objections – satisfied that the sound levels associated with barking dogs have been correctly cited and therefore calculated/predicted sound levels at the boundary of the nearest receptor, taking into account buildings and distance, are correct. Also satisfied that the orientation of the buildings will assist in minimising noise impacts associated with the use. Whilst noise may occasionally be heard, it would fall within a ‘no observed effect level’ or ‘lowest observed adverse effect level’; this is based upon resultant sound levels and taking into account likely background at this location. The construction of the proposed development and its distance from the nearest dwelling and caravan park, together with the proximity of the A588 and associated road traffic noise, is likely to result in ‘no observed effect levels’ to the nearest sensitive receptor. Any concerns about noise issues from the outdoor exercise area can be controlled by a range of measures, such as by limiting the number of dogs or the hours of use. However, there is unlikely to be unreasonable noise impact from this source.
Planning Policy Officer	No objections – the applicant has sufficiently justified the requirements set out in Policy DM7 of the Development Management DPD.
Arboricultural Officer	No objections – suggests additional planting should be provided on site.
County Highways	Awaiting views on requested revised visibility splays. Comments will be reported verbally at the Committee meeting.
Lead Local Flood Authority	No comments received within the statutory consultation period.

Natural England	No objections – based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
Parish Council	Neither supports nor objects to the application but raise the following points: 1) The visibility splays are very important as the road is fast and there is a bend. 2) There is a possibility of noise, although neighbours are not close. 3) Quite a few trees have been cut down already and the Parish Council asks that the Tree Officer be asked to take a view on this. The Parish Council considers that no more trees should be cut down. 4) It appears that permission of the planning application has been anticipated as work of some kind appears to have already started.

5.0 Neighbour Representations

- 5.1 10 pieces of correspondence have been received objecting to the proposal and raise the following concerns:
- Noise - impacts of barking dogs on residential amenity and on occupants of touring caravans; the area is tranquil and a place of leisure; not clear what type of dog was used for the loudness of barking calculations; questioning whether Environmental Health has seriously considered the application
 - Odour - smell created by the large amount of dog waste
 - Highway - access from this road is dangerous; increased traffic
 - Impact on local businesses - dogs escaping from the site attacking and killing a sheep; adverse impact on tourism
 - Visual amenity - impact of proposal on the local environment
 - Safety - particularly of children, living or visiting nearby, especially if dogs are to be trained as guard dogs and by nature could possibly result in vicious attacks
 - Dog welfare - insufficient outside space within the site to exercise 100 dogs; dogs in a confined space gives rise to a number of serious environmental issues; type of business proposed has strict licencing conditions attached and as work has already commenced on site and continued during lockdown this may already demonstrate a propensity to ignore the rules/law
 - Unsuitable site - the applicant has clearly looked at a number of sites before settling on this one, but we would submit its simply just not suitable
 - Non-planning matters - adversely effect on property prices and make property less desirable to sell; facilities proposed are already provided in the area
- 5.2 One item of support has been received and makes the following points:
- The development will improve the character of the area as the site had been derelict for a number of years.
 - It will be good to see something useful on the site which will offer a service to the community.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 83 and 84 – Supporting a prosperous rural economy
Paragraph 109 and 110 – Access and Transport
Paragraphs 124 and 127 – Achieving well-designed places
Paragraphs 170,175 and 176 – Protecting and enhancing biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

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

E4 – Countryside Area

6.4 Development Management Development Plan Document (DM DPD)

DM7 – Economic Development in Rural Areas

DM8 – The Re-use and Conversion of Rural Buildings
 DM20 – Enhancing Accessibility and Transport Linkages
 DM21 – Walking and Cycling
 DM22 – Vehicle Parking Provision
 DM23 – Transport Efficiency and Travel Plans
 DM27 – Protection and Enhancement of Biodiversity
 DM28 – Development and Landscape Impact
 DM29 – Protection of Trees, Hedgerows and Woodland
 DM35 – Key Design Principles
 DM39 – Surface Water Run-Off and Sustainable Drainage

- 6.5 Following receipt of the Inspector's Report, the policies in the emerging Local Plan are considered to have substantial weight. The policies in this emerging Local Plan that are relevant to this application are:

Review of the Development Management DPD 2020

DM29 – Design
 DM34 – Surface water run-off
 DM44 – Biodiversity
 DM45 – Protection of Trees, Hedgerows and Woodland
 DM46 – Development and Landscape Impact
 DM47 – Economic Development in Rural Areas
 DM49 – The Re-use and Conversion of Rural Buildings
 DM60 – Enhancing Accessibility and Transport Linkages
 DM61 – Walking and Cycling
 DM62 – Vehicle Parking Provision
 DM63 – Transport Efficiency and Travel Plans

Strategic Policies and Land Allocations

SP4 - Priorities for Sustainable Economic Growth
 EN3 - The Open Countryside

7.0 Comment and Analysis

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

- Principle of the development
- Noise impacts and residential amenity
- Landscape and visual impact
- Trees and ecology
- Access and highway impacts
- Drainage

7.2 Principle of the development

- 7.2.1 In relation to economic development in rural areas, Policy DM7 (and the corresponding policy DM47 in the emerging Local Plan) sets out that proposals which maintain and enhance rural vitality and character will be supported where it is demonstrated that they improve the sustainability of rural communities by bringing local economic, environmental and community benefits. DM7 goes on to say that this includes economic development which is of an appropriate scale and nature and assists in the diversion of the rural economy, including the diversification of agricultural holdings. DM7 also allows for other development proposals in the rural area where they involve the alteration, replacement, extension or change of use of existing buildings, in accordance with other Local Plan policies. DM7 also acknowledges that some development proposals require a rural location due to the nature of the use.

- 7.2.2 Policy DM8 (and the corresponding policy DM49 in the emerging Local Plan) offers support to the principle of the re-use and conversion of rural buildings. The policy supports the re-use and conversion of rural buildings subject to a number of criteria that relate to the state of the existing buildings, the natural environment and the visual impact on the local landscape. Policy DM16 offers support for the conversion or redevelopment of suitable existing buildings in accordance with all other relevant policies within the Development Management DPD. The NPPF also encourages the sustainable growth and expansion of

all types of business in the rural area both through the conversion of existing buildings and well-designed new buildings.

- 7.2.3 The submission highlights a number of benefits which would arise from the proposal, including the creation of 8 jobs and the re-use of the site which has been derelict for some time. The applicant has provided details of other suitable sites in more sustainable locations in the district which have been assessed for the proposed use. The applicant's assessment criteria are set out as follows:
- Close to Lancaster where the applicant lives and where there is anticipated demand for the proposed use.
 - Semi-rural location with sufficient distance from neighbouring residential properties.
 - Existing residential property on site to ensure someone is on site on a 24-hour basis.
 - Located on a main route/into/out of the city and with public transport links.
 - Redundant previously developed site
 - A number of large existing buildings which had potential for conversion for the proposed use.
- 7.2.4 The assessment concluded that the other sites considered either failed to meet the required specifications for the proposed use or were not available. The level of information provided has been considered by the Planning Policy Officer and found to be consistent with that provided for similar applications for the same type of use elsewhere in the District. It is therefore considered that the submission has satisfactorily met the requirements set out in Policy DM7.
- 7.2.5 Policy DM8 expects proposals to re-use existing buildings which are of a substantial and permanent construction and can be converted and re-used without any major structural works. There were initial concerns that the retrospective works which have been undertaken on site involved comprehensive demolition and rebuild. These concerns were resolved following an internal inspection of the buildings as the internal framework and footprints were deemed to be original. Consequently, the submission is judged to largely accord with policy DM8.
- 7.2.6 The site is within a rural location with no footpaths along the highway adjacent to the site. There is a public transport route which runs and provides stops along Lancaster Road linking the site to the built-up area in addition to cycle routes approximately 1km from the site. It is considered that although the site has some sustainability merits, those visiting the site are likely to use private transport. It is therefore not a location that is considered to be sustainable, and a development that increases vehicle movements to and from the site would raise concerns. However, it also needs to be acknowledged that this is an existing rural business site and historically there would have been daily vehicle movements associated with the poultry farm.
- 7.2.7 Overall, it is considered that the principle of the re-use of this site is acceptable subject to other relevant policy considerations set out below.

7.3 Noise impacts and residential amenity

- 7.3.1 It is acknowledged that the application has raised a number of objections from residential occupants living in the surrounding area. One of the primary concerns raised relates to the potential of noise from 100 barking dogs (kennel at maximum capacity). Noise from barking dogs can range approximately between 80-90dB, and in the event of a number of dogs barking at any one time potentially could easily exceed 100dB, at source. However, such noise does not increase exponentially. The Environmental Health Officer has advised that the human response to sound is logarithmic, with each tenfold increase (i.e 10dB) in sound intensity being judged, on average, to double the loudness of that sound. A 3dB increase, which corresponds to a doubling of sound intensity, produces a small but perceptible subjective increase in loudness to the human ear. When more than one noise source is operating at once, it is necessary to consider how sound pressure levels combine. As dB values are logarithmic, as mentioned above, the doubling of intensity equate to a 3dB difference. So, if you have 2 sound sources at 90dB, effectively this equates to 93dB. To calculate the resultant sound at a receptor, a 6dB reduction is assumed per doubling of distance in free field conditions (this is inverse square law in relation to reduction in sound intensity). The Environmental health Officer has provided a basic illustration, that at 256 metres – 93dB will end up being 39dB.
- 7.3.2 The submitted Acoustic Assessment sets out that the new kennel block will be constructed with a composite metal steel framed building providing a minimum of 45dB sound reduction. An internal insulated ceiling will be provided to the block with the roof constructed from the insulation metal profile

sheeting, 19/1000 liner, 180mm rock mineral wool 23Kg/m³, 32/1000 outer. This will provide a minimum attenuation of 45dB attenuation. The individual kennel blocks will then be built inside this building from blockwork, providing further attenuation. The Acoustic Assessment has been considered by the Environmental Health Officer who has concluded that the proposed development and its distance from the nearest dwelling (about 230m away) and caravan park, together with the proximity of the A588 and associated road traffic noise, is likely to result in 'no observed effect levels' to the nearest sensitive receptor.

7.3.3 Other concerns raised include that of the safety of farm animals and it is understood that there has been a recent incident of sheep worrying close to the site. The Case Officer cannot confirm if the dog involved in this incident belonged to the applicant. However, if this were found to be the case this would be taken into consideration by the Council's Environmental Health Officer during any application for a dog boarding licence which would be required in respect of the kennel. In terms of site security, it also noted that it is proposed that the existing bungalow on site will be occupied by two staff members on a 24 hours basis. It should be noted that although a number of the objections refer to the proposed development being occupied by "100 Alsatians", there is no intention by the applicant to restrict the use of the site to one particular breed.

7.3.4 While the concerns of nearby residents regarding noise concerns are noted, the Environmental Health Officer has raised no objections to the scheme subject to the details contained within the Acoustic Assessment being conditioned. As such the proposal is found to be acceptable in respect of noise and residential amenity.

7.4 Landscape and visual impact

7.4.1 The site is located in the open countryside and is not covered by any specific landscape designation. Notwithstanding this, Policy DM28 (and the corresponding policy DM46 in the emerging Local Plan) requires development to be of a scale and keeping which is appropriate to its surroundings in terms of siting, design, materials, external appearance and landscaping. The site is set within a gently undulating landscape and while it is acknowledged that some scrub and tree removal has taken place there remains substantial tree screening of the site. The site has previously been developed with a poultry unit and associated buildings and the current submission seeks to re-use these buildings, demolish/rebuild one and erect a small stable structure. There will be no additional built development on site. Photographs taken prior to the commencement of work on site provide evidence of the poor external appearance of the original buildings. The training buildings and stable building have been repaired and re-clad in dark green profile cladding. The reception building has also been repaired and re-clad in dark grey profile cladding. The new kennel building will be of the same scale and footprint as the poultry building it will replace and will also utilise dark green external cladding. It is considered that in terms of its built form, appearance and use of recessive colours, the proposal would not be incongruous in this location.

7.4.2 It is considered that there is opportunity to enhance the site further with additional planting, particularly around the proposed pond area and along the southern site boundary. This has been discussed with the agent who is in agreement to the imposition of a landscaping condition. Overall, it is considered that the development would not have a significant adverse landscape and visual impact

7.5 Trees and ecology

7.5.1 Policy DM29 (and the corresponding policy DM45 in the emerging Local Plan) advises that development should positively incorporate existing trees and hedgerows within new development. The submission includes an Arboricultural Impact Assessment which states that the proposed development layout will not require the removal of any trees. While this is technically the case as no additional built development is proposed, it was evident during the site visit that some clearance of trees and vegetation had taken place. These trees had no protection by law and the agent has explained that this was for the purposes of tidying the site and to improve visibility at the site access. The Arboricultural Officer has reviewed the submission and considers that there is opportunity for new planting within the site through under planting the more wooded areas and buffering them with planting, and planting the more open boundaries with a hedge and/or standard trees. As highlighted in paragraph 7.4.2, the agent is agreeable to a landscaping condition.

7.5.2 The submission includes an Ecological Appraisal which states that although the wooded areas within the site have potential for use by roosting bats, the buildings themselves offered very low potential. The

Appraisal suggests that a landscaping scheme should utilise plants which are native and wildlife friendly e.g. night flowering species would be beneficial to bats. It also suggests that wildflower seed could be used to plant verges to enhance the ecological value of the site and provide continuity between the site and the wider area. Hedgerows around the site should be retained or improved where possible and it is proposed that some roosting provision for bats will be incorporated into the converted buildings on site.

- 7.5.3 The Ecological Appraisal concludes that there was no evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by site development subject to proposed mitigation which will be conditioned.

7.6 Access and highway impacts

- 7.6.1 The proposal will utilise the existing highway access for the site which is 5m wide with gates set back approximately 8.5m from the highway. This access has previously accommodated daily trip movements, including a number of large, slow-moving vehicles with trailers associated with historic poultry farming. There is a 60mph speed limit in the vicinity of the site and the highway consultee considers Lancaster Road in the vicinity of the site to be "lightly trafficked". Nevertheless, this road does carry a significant level of HGVs and farm traffic.
- 7.6.2 The existing hedge lines and boundary walling are set to an overall height of 1.2 metres within the visibility splays. However, most of the land within the northern splay indicated on the submitted plan is not within the ownership of the applicant. The agent has been advised to provide plans showing the visibility splays that are achievable in each direction (i.e. within the ownership of the applicant and Highway Authority). Updated views from the highway consultee on this point are awaited and will be reported verbally at the Committee meeting. Whilst the access has previously been used in connection with the former poultry farm with daily movements of tractors and trailers into and out of the site, the application form states that this facility will have 8 full time employees and the plans show 100 kennels, so vehicular movements to and from the site will increase when comparing the existing use with the proposal.
- 7.6.3 The submitted Transport Statement sets out that drop-offs and pick-ups will be coordinated during specified windows, outside of peak times. Whilst visitor movements will already be managed through a booking system, the submission suggests there is a further option for the business to coordinate pick-up and drop-off activities using a small van. The application form sets out that there will be 10 standard parking spaces and one parking space for those with impaired mobility, but the submitted site plan shows 20 standard parking spaces, so amendments have been sought to rectify this. The provision of secured cycle storage on site would be conditioned.
- 7.6.4 Although it is expected that there will be increased vehicle movements resulting from the development, the proposal could be acceptable from an access and highways perspective subject to the acceptability of the revised visibility splays.

7.7 Drainage

- 7.7.1 Surface water drainage will be dealt with via permeable paving, gravel and swales within the site. A new package treatment plant is proposed to be located in the western part of the site to serve the existing dwelling as well as toilet facilities within the buildings on site. Foul waste from the kennels building will be treated anaerobically and a specially designed tank is proposed to be installed between the reception building and the kennels building. Precise drainage details will be conditioned.
- 7.7.2 Overall it is considered that surface and foul water resulting from the development can be adequately dealt with.

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 will involve the re-use of an existing site while improving its overall appearance as a result of the elevational alterations. The scheme does not propose built development over and above the existing layout and it is considered that there would not be a significant adverse impact on landscape or visual amenity. The issue of noise arising from the scheme has been fully considered by the Environmental Health consultee and it is judged that acceptable attenuation will be provided. Therefore,

the proposal is considered acceptable in terms of residential amenity. Subject to the receipt of details of appropriate visibility splays, the scheme can be viewed favourably.

Recommendation

Subject to receipt of plans showing acceptable visibility splays, that Planning Permission **BE GRANTED** subject to the following conditions:

1. Plans
2. No further works until contaminated land investigation
3. Details of colour and finish to walls and roof of the kennel building, extraction vents; all external surfacing materials including highway access; secured cycle storage; details of any boundary treatments, including gates.
4. Landscaping scheme
5. Foul and surface water drainage including details of dog waste tank.
6. Provision and protection of visibility splays
7. Implemented in accordance with the details set out within the acoustic assessment
8. Ecology mitigation
9. Operated in accordance with management plan to be submitted and agreed to include maximum number of dogs on site; maximum number of dogs to be exercised outside, hours of operations
10. Provision of parking prior to operation
11. Use as boarding kennels and dog training only

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

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

Background Papers

None

Agenda Item	Committee Date	Application Number
A8	20 July 2020	20/00307/VCN

Application Site	Proposal
Land south of Hala Carr Farm Bowerham Road Lancaster Lancashire	Erection of 25 dwellings and creation of a new access and access roads (pursuant to the variation of condition 13 on planning permission 19/00456/VCN to amend the finished floor, and plot levels associated with plot number 1)

Name of Applicant	Name of Agent
Mr Chris Middlebrook	MCK Associates

Decision Target Date	Reason For Delay
15 June 2020	Officer workload

Case Officer	Mr Mark Potts
Departure	Yes
Summary of Recommendation	Approval

i) Procedural Matters

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

1.0 The Site and its Surroundings

- 1.1 The site is a greenfield wedge bounded by Hala Carr Farm to the north, the M6 motorway to the east and Bowerham Road (also known as Bowerham Lane, but Road is used for consistency throughout the report) to the west. The site area is 1.76 hectares. The site slopes from the east (the M6 boundary is at 84 metres Above Ordnance Datum (AOD) to the west (Bowerham Lane is at 71 metres AOD) and is more pronounced towards the north. The northern boundary comprises a section of stone wall and hawthorn hedgerow on the boundary with Hala Carr Farm and the eastern boundary comprises a post and wire fence on the open boundary of the M6. The southern boundary is bounded by a small but mature mixed woodland copse and the western boundary with Bowerham Road comprises an overgrown predominately hawthorn hedgerow. The site has now been stripped to facilitate development, with some units already constructed, but previously consisted of coarse grassland which had been colonised around the edges by blackthorn, gorse, bramble and bracken. There is an existing belt of trees punctuated by an access gate on the boundary to Bowerham Road. These trees screen the site from existing 2 storey residential properties fronting the western side of Bowerham Road.
- 1.2 The site does not benefit from any statutory nature conservation or landscape designation, with the Forest of Bowland Area of Outstanding Natural Beauty (AONB) being located 1.5km to the west and Morecambe Bay Ramsar Site, Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) being located 2.5km to the west of the application site. An existing water trunk main enters the site from under the M6 (at a point opposite the junction of Bowerham Lane and Sandown Road) and exits the site to the south of Hala Carr Farm. The site is allocated as Key Urban Landscape and as a Woodland Opportunity Site in the adopted Local Plan.

2.0 The Proposal

- 2.1 The applicant proposes to amend the finished floor levels of Plot number 1 (the bungalow at the foot of the site) from the approved 73.2 metres Above Ordnance Datum (AOD) to 73.6 m AOD, due to the need to construct a retaining wall to the rear of the property. The applicant seeks to raise the plot level to ensure the 2.4 metre retaining wall can be constructed safely.

3.0 Site History

- 3.1 The relevant site history is noted below.

Application Number	Proposal	Decision
19/00456/VCN	Erection of 25 dwellings and creation of a new access and access roads (pursuant to the variation of conditions 2, 4, 5, 10, 11, 12 and 17 on planning permission 18/01413/VCN to amend the list of approved plans, remove the southern footpath, and provide details of boundary treatments, landscaping scheme, surface water drainage, foul water drainage and materials)	Approved
18/01413/VCN	Erection of 25 dwellings and creation of a new access and access roads (pursuant to the modification to condition 6 (ii) on planning permission 16/01551/FUL to remove the requirement for street lighting at the junction of Bowerham Lane and Kempton Road, and 6 (iii) to remove the requirement for a pedestrian refuge, together with the submission of details to satisfy conditions 3, 4, 5 and 6 (highways requirements), 7 (foul water drainage), 8 (finished floor levels), 9 (surface water drainage arrangements), 10 (noise mitigation), 11 (earth bund details), 12, 13 and 14 (materials)	Approved
16/01551/FUL	Erection of 25 dwellings and creation of a new access and access roads	Allowed at Appeal

4.0 Consultation Responses

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

Consultee	Response
United Utilities	No objection to the condition being varied

5.0 Neighbour Representations

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

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

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

Section 4 – Decision making;
 Section 5 – Delivering a sufficient supply of homes;
 Section 8 – Promoting healthy and safe communities;
 Section 9 – Promoting sustainable transport;
 Section 12 – Achieving well designed places;
 Section 15 – Conserving and enhancing the natural environment;

- 6.2 Following receipt of the Inspector's Report in June 2020, the policies in the emerging Local Plans for the Development Management DPD and the Strategic Planning and Land Allocations Document are considered to have substantial weight. The policies in this emerging Local Plan that are relevant to this application are:

Review of the Development Management DPD

DM29 - Key Design Principles

DM34 - Surface Water Run-Off and Sustainable Drainage

Strategic Policies and Land Allocations

SP3 – Development Strategy for the Lancaster District

SP6 – The delivery of new homes

H1 – Housing Development in Urban Areas

6.3 Lancaster District Local Plan (saved policies)

E27 – Woodland Opportunity Areas

E31 – Key Urban Landscape

6.4 Lancaster District Core Strategy

SC1 – Sustainable Development

SC2 – Urban Concentration

SC4 – Meeting the District's Housing Requirements

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages

DM21 – Walking and Cycling

DM22 – Vehicle Parking Provision

DM23 – Transport Efficiency and Travel Plans

DM26 – Open Space, Sports and Recreational Facilities

DM27 – Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerows and Woodland

DM35 – Key Design Principles

DM36 – Sustainable Design

DM37 – Air Quality Management and Pollution

DM38 – Development and Flood Risk

DM39 – Surface Water Run-off and Sustainable Drainage

DM41 – New Residential Dwellings

7.0 Comment and Analysis

- 7.01. There are three main issues to consider as part of this planning application:

- Design considerations;
- Impact upon buried infrastructure; and
- Other considerations.

7.1 Design Considerations

- 7.1.1 Planning consent was awarded on appeal in 2018 for the erection of 25 new homes off Bowerham Road. Development commenced in early 2019, with the main spine road now being in place, and around 20% of the build already completed.

- 7.1.2 The application proposes a minor change associated with the finished floor levels of plot one, which is the first property on the development that overlooks Bowerham Road. The area is currently home to the site's compound. The approved plans show the finished floor level at 73.2 metres above ordnance datum

(AOD), the amended scheme provides for the levels to 0.4 metres higher at 73.6 metres AOD. Plot 1 is a bungalow with three windows on the rear elevation, two of which relate to bathroom areas and one relates to the kitchen. Hala Carr Farm is located to the east, approximately 10 metres away. Even with the increase in level changes, it is not anticipated that approval of this 0.4 metres rise would result in the development being overbearing or creating privacy issues. This is due to the orientation of the plot with Hala Carr Farm and the retaining wall that is proposed to be incorporated to the east of the main dwelling.

7.2 **Impact upon buried infrastructure**

- 7.2.1 There is a high-pressure water main that runs to the west of Plot 1. United Utilities were consulted to ensure the changes requested by the applicant could be accommodated. United Utilities raises no objection to the applicant's proposals, and with this it is assumed they are satisfied that the local infrastructure will be sufficiently protected throughout the construction and operational phase of the development. In any event conditions imposed on the previous consent provide for protection measures which shall continue to take effect with any approval of this scheme.

7.3 **Other Considerations**

- 7.3.1 Given this is a Section 73 application, which seeks to modify conditions to the existing planning consent, there is a need to re-impose conditions on the new planning permission (should Committee approve the development). All conditions that were imposed on 19/00456/VCN are still relevant, apart from that relating to vegetation clearance during bird breeding season. The reason being is that the development has commenced and to reimpose the condition would not be deemed necessary or reasonable.

8.0 **Planning Obligations**

- 8.1 The extant Section 106 agreement applies and consequently there is no need for a deed of variation against the original consent.

9.0 **Conclusions**

- 9.1 The changes proposed by this application merely involve an increase in height of 0.4 metres associated with the land levels of plot number 1. Plot 1 supports a 3-bedroom single storey bungalow. Whilst it would be sited higher than the adjacent Bowerham Road given its a single-story construction it would not result in any amenity concerns for surrounding residential properties or from a street-scene perspective. Therefore, the application is recommended for approval subject to relevant planning conditions.

Recommendation

That Planning Permission to vary condition 13 of planning permission 19/00456/VCN **BE GRANTED**, subject to the following conditions (with the removal of condition 6 of 19/00456/VCN relating to development outside of bird breeding season given development has commenced):

1. Development in accordance with approved plans
2. Development in accordance with approved access detail
3. Offsite highway works in accordance with the approved plans
4. Boundary treatments
5. Development in accordance with the approved measures within the noise mitigation document
6. Landscaped bund in accordance with approved documents
7. Development in accordance with the submitted Arboricultural Implications Assessment
8. Development in accordance with the approved landscaping scheme
9. Surface water drainage scheme implementation
10. Foul water drainage scheme
11. Garages and parking to be provided in full
12. Finished floor levels
13. Approved visibility splays
14. Removal of Permitted Development rights
15. Approved building materials
16. Protection of the water main protection

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

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

Background Papers

None.

Agenda Item	Committee Date	Application Number
A9	20 July 2020	19/00522/FUL

Application Site	Proposal
G B Properties (Lancaster) Limited Lancaster Leisure Park Wyresdale Road Lancaster	Alterations to existing land levels to facilitate the construction of a car park consisting of 124 spaces

Name of Applicant	Name of Agent
Mr Blackburn	Mr Anthony Gilmour

Decision Target Date	Reason For Delay
23 July 2019	Awaiting additional information

Case Officer	Andrew Drummond
Departure	Yes
Summary of Recommendation	Refusal

(i) **Procedural Notes**

Lancaster City Council is the freeholder of the application site, so in line with the Scheme of Delegation in the Council's Constitution, the application must be determined by the Planning Regulatory Committee.

1.0 The Site and its Surroundings

- 1.1 The application site is to the west of Lancaster Leisure Park between Coulston Road and the rear of a dance studio and indoor children's play area within the Leisure Park. The site is heavily sloped falling 13m from Coulston Road to the east of the site, and then a further 4m to the Leisure Park's internal service road. It is also characterised by mature trees that form a horseshoe shape around the south, west and north sides of the site. These trees are protected (Tree Preservation Order no.477(2010)). In the existing Local Plan, the site is allocated as "Urban Greenspace", and in the emerging Local Plan as "Open Space, Recreation and Leisure".

2.0 The Proposal

- 2.1 The application seeks planning permission to excavate the land to create a car park comprising 124 parking spaces along with a footpath to the service road that runs between the rear of the antique centre and 4 smaller units (a gym, vehicle hire, dance studio and indoor children's play area). The additional parking is to serve the existing uses on Lancaster Leisure Park.

3.0 Site History

- 3.1 The site has a long and varied history but the most relevant applications to this proposal are Miller Homes' application for residential development in 2012 and then subsequent consents at the Leisure Park:

Application Number	Proposal	Decision
12/01109/FUL	Erection of 71 dwellings including associated parking and landscaping	Permitted (3 October 2014)
15/00093/FUL	Erection of a single storey extension (to the food shop)	Permitted

16/01587/FUL	Erection of a part single storey and part two storey building for the use as a gymnasium (use class D2)	Permitted
--------------	---	-----------

4.0 **Consultation Responses**

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

Consultee	Response
Lancashire County Archaeological Service	No Objection – recommend conditioning any approval for development of the site with the requirements for an archaeological watching brief.
Lancashire County Highways	Concerned about the ratio of parking/floorspace on site. There is insufficient information submitted to determine how the need for an additional car parking spaces has arisen.
Tree Officer	No Objection. Although generally satisfied with the proposal as originally submitted, the Tree Officer had some concerns regarding the impact on a root protection area, which was subsequently satisfied by an iteration to the scheme.
Electricity North West	No Objection – Cadent Gas has identified a low or medium pressure pipe in the vicinity of the site and has recommended an informative to ensure the applicant is aware of this and their pre-development requirements.
Dynamo Cycle Campaign	Objection – proposals conflict with Policy DM20 and would result in more traffic on local roads impacting on cyclists who cycle on them. No improvements to cycle infrastructure or other forms of sustainable transport.

5.0 **Neighbour Representations**

5.1 There are no neighbour representations in respect of the application.

6.0 **Principal National and Development Plan Policies**

6.1 **National Planning Policy Framework**

Paragraph 91 (safety)
Paragraph 97 (open space)
Paragraphs 102, 103, 108 to 111 (transport)
Paragraphs 124 and 127 (design)
Paragraph 150 (climate change and carbon emissions)
Paragraph 163 (drainage)
Paragraph 205 (minerals)

6.2 **Lancaster District Core Strategy 2008** Policy SC1 – Sustainable Development

6.3 **Development Management DPD 2015** Policy DM20 – Enhancing Accessibility and Transport Linkages Policy DM21 – Walking and Cycling Policy DM22 – Vehicle Parking Provision Policy DM23 – Transport Efficiency and Travel Plans Policy DM25 – Green Corridors Policy DM26 – Open Space Policy DM27 – Biodiversity Policy DM35 – Design Policy DM39 – Surface water run-off

6.4 **Lancaster District Local Plan 2004 (saved policies)** Policy E29 - Urban Greenspace

6.5 Following receipt of the Inspector's Report, the policies in the emerging Local Plan are considered to have substantial weight. The policies in this emerging Local Plan that are relevant to this application are:

Review of the Development Management DPD 2020
Policy DM29 – Design

Policy DM34 – Surface water run-off
 Policy DM43 – Green Infrastructure
 Policy DM44 – Biodiversity
 Policy DM60 – Enhancing Accessibility and Transport Linkages
 Policy DM61 – Walking and Cycling
 Policy DM62 – Vehicle Parking Provision
 Policy DM63 – Transport Efficiency and Travel Plans

Strategic Policies and Land Allocations

Policy SC3 – Open Space, Recreation and Leisure
 Policy SC4 – Green Space Networks

- 6.6 Joint Lancashire Minerals and Waste Local Plan – Site Allocations and Development Control Policies
 Policy M2 – Safeguarding Minerals

7.0 Comment and Analysis

- 7.1 There are 4 key material considerations arising from the proposal, namely:

- The loss of Urban Greenspace;
- The need for additional vehicle parking;
- Design and drainage; and
- Impact on trees and ecology

7.2 The Loss of Urban Greenspace

- 7.2.1 The adopted Local Plan identifies the site as Urban Greenspace, which is covered by saved policy E29. This policy protects such sites from being developed unless where the site is being enhanced, or in exceptional circumstances essential education or community related development or limited expansions of existing uses will be permitted. Similar wording is used in Development Management DPD policies DM25 and DM26 insofar as the re-use or redevelopment of open space will only be allowed in exceptional circumstances where it is allowed for as part of the development plan process and on balance achieves wider policy aims and objectives, and high quality re-provision will be required which provides equal or better provision than currently exists. As the proposal is considered to be more than a limited expansion of an existing use, and it would fall outside all the other categories, then the application is a departure from the Development Plan, and has been advertised as such. In the emerging Local Plan it is also allocated as open space, and like other allocated open space sites has been identified for its recreation, environmental and/or amenity value for the purposes of being protected from inappropriate development in accordance with relevant national and local planning policy. The benefit of the greenspace is limited as it is not publicly accessible and its gradient. In fact the site was put forward as a potential Local Green Space, but was discounted for similar reasons. Its key feature, the trees that create a natural screen between Coulston Road and the Leisure Park and abattoir, will be retained as part of the proposal. However, it does also form part of a network of green spaces along the Burrow Beck valley, so its partial loss is likely to lead to inappropriate harm and damage to its value and integrity, contrary to emerging policies DM43 and SC4. In summary, the loss of the grassed area is unacceptable in principle, unless its loss can be justified, limited and mitigated.

7.3 The Need for Additional Car Parking

- 7.3.1 The application proposes the creation of 124 additional car parking spaces at Lancaster Leisure Park. To consider the acceptability or otherwise of the application in terms of parking numbers it is appropriate to return to the Miller Homes' application for residential development on part of the car parking area associated with the Leisure Park. Planning permission was granted for 71 dwellings on the Leisure Park in 2014 subject to a legal agreement that was signed by the developer and the applicant (the same applicant as this application for the additional car parking). The legal agreement required the provision of 264 car parking spaces, which was agreed between the developer, the applicant, the Highway Authority and the City Council. Subsequently there has been permission for a new gym (525 sq.m) on the Leisure Park and a very small extension to provide a staff room for the café/restaurant (18 sq.m). However, cumulatively these would only require a maximum of an additional 24 car parking spaces.
- 7.3.2 An alternative approach to considering the number of parking spaces required is to review the floor areas, use classes and maximum parking standards for each consented use within the Leisure Park. This is set out below:

Operator	Use class	Floor area	Maximum standard	Number of spaces
Antique centre	A1 (retail warehouse)	5,000 sq.m	1 space per 40 sq.m	125
Farm shop	A1 (food retail)	523 sq.m	1 space per 14 sq.m	37
Café/restaurant	A3	261 sq.m	1 space per 5 sq.m	52
Factory gift shop	A1 (retail warehouse)	1,080 sq.m	1 space per 40 sq.m	27
Brewery with marquee	Various	1,295 sq.m	Various	101
Children's indoor play area	D2	531 sq.m	1 space per 22 sq.m	24
Dance Studio	D2	220 sq.m	1 space per 22 sq.m	10
Van hire	Sui generis	214 sq.m	1 space per 20 sq.m	11
Gym	D2	525 sq.m	1 space per 22 sq.m	24
Photography studio	B1(a)	80 sq.m	1 space per 30 sq.m	3
Lancaster Leisure Park Office	B1(a)	90 sq.m	1 space per 30 sq.m	3
			TOTAL	417

- 7.3.3 However, both local and national planning policy requires developments to reduce reliance on private cars and encourage more sustainable forms of travel. Therefore Officers has advised the agent that not even maximum standards, let alone an application proposing in excess of maximum standards, could not be supported, and would not justify the loss of the open space. Any proposal for additional parking should firstly be seeking to provide significantly less than maximum standards and secondly be accompanied by measures to encourage other forms of travel, such as, but not exclusively, electric vehicle charging points, provision of foot and cycle path links to nearby built-up areas to reduce travel times, a financial contribution towards the local bus service, provision of secure and covered cycle parking and a robust Travel Plan. Furthermore, it was noted on several occasions when visiting the site that non-parking areas were being utilised for the parking of cars, including landscaped and service areas. If an acceptable scheme was agreed then a car parking management condition would be recommended to ensure only the parking areas were utilised, with suitable enforcement measures in place for dealing with vehicles parked in unauthorised locations. It is also the view of Planning and Highway Officers that the Leisure Park will result in linked trips, which would result in discounting the number of spaces required further. This is an industry standard approach for retail/leisure parks. Lastly, the agent has also been made aware of the council declaring a climate change emergency, which ties into paragraph 150 of the National Planning Policy Framework to reduce carbon emissions.
- 7.3.4 The no.18 bus that serves Wyresdale Road from the city centre has been enhanced recently through financial contributions from 3 nearby residential developments (though when the contributions have been spent the service will reduce unless it has become self-funded during the period of the enhancement). Furthermore, Wyresdale Road itself has recently undergone improvements, including reduced speed limits, cycle improvements, street lighting and bus stop enhancements. The area is becoming more user-friendly for non-car travel and any proposals to increase car parking provision at the Leisure Park must not undermine this, but seek to maximise opportunities to develop these local highway improvements further. A Travel Plan has been submitted but it relies on travel to work data for Lancaster that is about 10 years old and is not specific to a site on the urban edge of Lancaster. For example, it suggests that about a quarter of staff would walk to work yet it is a c1km uphill walk from the southern part of the Lancaster Leisure Park as the site currently has only one point of access. The Travel Plan also only highlights existing facilities, and does not propose any measures (other than publicity) to encourage more sustainable forms of travel. It also mentions 21 bike spaces, though their location is not defined on the submitted plans, and up to 56 spaces are recommended by the Local Plan's standards.
- 7.3.5 The proposed car park is located to the west of the Lancaster Leisure Park, behind some of the existing buildings. Through discussions with the agent there is now proposed to be an identified crossing point from the car park entrance across the service road behind the antique centre so an existing footpath can be accessed. However, this existing footpath does not connect to any existing pedestrian facilities, but rather terminates at points north and south of the antique centre where it would conflict with moving vehicles. Despite raising this point on a number of occasions, amended plans have not been submitted. The solution proposed would require the removal of 34 existing car parking spaces.

7.3.6 The negotiations to date have arrived at a figure of 104 additional spaces. This has been calculated by reducing the maximum parking standard of 417 by 20% for the purposes of linked trips and encouraging more sustainable transport measures. This gives a figure of 334. There are 264 existing spaces, but 34 would be lost by the required pedestrian links, giving a figure of 230. The difference between 334 and 230 is 104, which is 20 less spaces than that being applied for.

7.3.7 In summary, if the proposal sought to provide an additional 104 parking spaces, deliver the pedestrian linkages (with the loss of 34 parking spaces) and was accompanied by a set of substantial sustainable transport measures, then the proposal could be deemed acceptable on transport and safety grounds. However, the required changes to the plans and the Travel Plan have not been forthcoming, and therefore the application as it stands cannot be supported as it is contrary to local and national planning policy.

7.4 Design and Drainage

7.4.1 The design of the proposal is functional, seeking to provide primarily a large area of hardstanding for the parking and manoeuvring of vehicles. It leaves little space for planting within the proposed car park, though this area in question is fairly visually contained and there are opportunities for planting on the retained open space.

7.4.2 The car park and retained banks will be covered with a reinforced grid of 100mm that will be filled with soil and seeded with grass (predominantly to the slopes and pedestrian walkways) or with angular aggregate to the parking areas. The grid will sit on a geotextile filter of a depth of 100 to 390mm, though no explanation is provided as to what actual depth is required. The access road to the proposed parking area is shown on the plans to have a permeable asphalt surface. Whilst these areas are shown as being permeable, no percolation test results have been submitted, so it is not clear what the risk of surface water flooding would be to the site or its surroundings. Furthermore, the proposal involves a significant amount of earthworks, reducing the amount of permeable topsoil and constructing the car park predominantly on more dense sub-soil and compacted fill, which will become more compacted when the car parking become operational due to the weight of the vehicles. Given the sensitivities of flood risk in the Burrow Beck basin, it is imperative that the application fully addresses the potential drainage impacts. In the absence of sufficient information, the application cannot be supported.

7.5 Impacts on Trees and Ecology

7.5.1 The application has been accompanied by an Arboricultural Implications Assessment (AIA). The Tree Officer was generally accepting of the proposal, with the exception of encroachment into the root protection areas (RPAs) of 2 particular trees and the removal of a further tree. There is no scope to alter the existing ground levels within the RPAs of these retained trees, so the scheme has been amended accordingly.

7.5.2 A cellular confinement system has been proposed in relation to creation of the new access, and this is acceptable in principle, subject to a requirement to carry out the work in line with an approved Arboricultural Method Statement (contained within AIA). However, the applicant may wish to consider an alteration in the design to remove the proposed encroachment into the RPAs and consequently remove the requirement to install a cellular confinement system, subject to formal agreement in writing with the Council.

7.5.3 An Ecology Report has been submitted with the application, which concludes that the trees on the site should be retained, and protected during construction. Furthermore, the grass covered slope that is to be lost to the development should be compensated for by additional planting to the retained tree-lined boundaries. This could be conditioned to ensure that the development leads to a biodiversity net gain.

7.6 Other Matters

7.6.1 The site is part of a wider mineral safeguarding area. However, due to the close proximity to residential properties and the established businesses, it is considered that extraction of any mineral resource in this location is infeasible due to the amenity concerns arising from such an operation.

7.6.2 Lancashire County Council has advised in their response that they are not objecting to the proposal, but would require a condition to be imposed for an archaeological watching brief if the application were to be approved.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The application seeks planning permission to support the existing uses at Lancaster Leisure Park, which is an economic benefit of the proposal that weighs in favour of the development. However, in the planning balance this is outweighed by the 4 environmental impacts that weigh against the proposal. Firstly, it seeks to create a car park on open space without demonstrating the need for the quantum of development proposed or how the loss of open space would be mitigated. Secondly, by providing parking over and above maximum parking standards, thereby encouraging visitors to the Leisure Park to use their private motorised vehicles and not visit using a more sustainable form of transport, the proposal would be considered to be contrary to local and national planning policies. Thirdly, whilst the design is generally acceptable, respecting both trees and biodiversity, there are concerns about conflicts between pedestrians and vehicles. Lastly, due to the lack of information submitted in relation to permeability of the site it cannot be demonstrated that the site can be adequately drained or that the proposal would not lead to a greater flood risk elsewhere. For these reasons the application is recommended for refusal.

Recommendation

That planning permission **BE REFUSED** for the following reasons:

1. The proposal would result in a partial loss of allocated open space without sufficient justification for the quantum of development required or adequate measures to mitigate or compensate for the loss. Therefore it is considered to be contrary to National Planning Policy Framework paragraph 97, saved Local Plan policy E29, Development Management DPD policies DM25 and DM26, emerging Strategic Policies and Land Allocations DPD Policies SC3 and SC4, and emerging Review of Development Management DPD Policy DM43.
2. The proposal seeks to provide an additional 124 car parking spaces without adequate justification for this level of provision. Furthermore, it has not been supported by any adequate measures to encourage more sustainable forms of travel. As such the proposal is considered to be contrary to National Planning Policy Framework paragraphs 102, 103, 108 to 111, Development Management DPD policies DM20 to DM23, and emerging Review of Development Management DPD Policies DM60 to DM63.
3. The proposed layout would lead to a conflict between pedestrians and vehicles to the detriment of pedestrian safety. Therefore the proposal is considered to be contrary to National Planning Policy Framework paragraphs 97, 102, 108, 110 and 127, Development Management DPD policies DM21 and DM35, and emerging Review of Development Management DPD Policies DM29, DM60 and DM61.
4. The application has been submitted without any details of percolation testing, so it is not possible to assess the impacts of the proposal on surface water run-off or to assess the risk of flooding within the site or elsewhere. Therefore the proposal is considered to be contrary to National Planning Policy Framework paragraph 163, Development Management DPD policy DM39, and emerging Review of Development Management DPD Policies DM34.

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

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

Background Papers

None

Agenda Item	Committee Date	Application Number
A10	20 July 2020	19/00804/FUL

Application Site	Proposal
Lancaster Brewery Lancaster Leisure Park Wyresdale Road Lancaster	Erection of a single storey extension to the front and side

Name of Applicant	Name of Agent
Mr Allan Blackburn	Mr Anthony Gilmour

Decision Target Date	Reason For Delay
Extension of time until 31 st August 2020	Awaiting additional information

Case Officer	Mr Andrew Clement
Departure	None
Summary of Recommendation	Refusal

(i) **Procedural Notes**

Lancaster City Council is the freeholder of the application site, so in line with the Scheme of Delegation in the Council's Constitution, the application must be determined by the Planning Regulatory Committee.

1.0 The Site and its Surroundings

- 1.1 The site that is the subject of this application relates to the Lancaster Brewery, located to the south of the Antiques Centre on the Lancaster Leisure Park complex. The site comprises a large single portal framed building, operating as a mixed-use brewery, visitor centre and bar/function room. Externally there is a marquee and an open area incorporating a beer garden to the southeast, and a service yard and external storage area to the rear (south west) of the building enclosed with high fencing. A limited car parking area lies to the north. The Leisure Park itself is on the eastern edge of Lancaster, accessed off Wyresdale Road, approximately 350 metres south of the junction with Coulston Road within the Bowerham area of Lancaster. To the north of the Leisure Park is the cattle market and abattoir. Burrow Beck runs along the eastern boundary of the application site with the residential area of Pottery Gardens and fields separating the site from the motorway. To the south, the site is separated from the residential area of Bowerham by allotments, and to the west lies open wooded parkland rising steeply to Coulston Road.
- 1.2 The rear (south west) of the brewery site is adjacent to Urban Greenspace with the surrounding land retained by stone gabion walls. Between the application site and the existing allotments and Burrow Beck there is relatively dense screen planting. Residential properties at Colchester Avenue and Chelmsford Close lie to the south east of the site. The nearest houses are approximately 90 metres north east of the proposed development within the relatively recent residential development of Pottery Gardens.
- 1.3 The majority of the Leisure Park is unallocated in the Local Plan but the part of the site that the application relates is allocated in the Lancaster District Local Plan as Urban Greenspace.

2.0 The Proposal

- 2.1 The application seeks planning permission to erect a single storey extension to the front (north east) facing elevation of the existing building, with modest projections either side of the existing property. The proposed extension measures 5.6 metres tall to the ridge with a 3.9 metre eaves height, projecting a maximum of 22.45 metres to the front elevation, across a total width of 24.2 metres, including two setback side projections 2.65 metres wider than the existing building on both sides. The development is proposed to be finished in anthracite grey colour composite sheets and composite timber cladding, with anthracite grey aluminium framed glazed windows and doors under a goosewing grey composite sheet roof. The extended internal area is to be predominantly used as addition function/bar space, and ancillary space of bathrooms, kitchens, porches, storage, sales and display areas.

3.0 Site History

- 3.1 Lancaster Leisure Park has an extensive planning history. The table below contains the most relevant applications.

Application Number	Proposal	Decision
10/00569/CU	Change of use of former Redwood Garden Centre to Brewery and visitor centre	Approved
11/00445/VCN	Variation of condition 2 on planning permission 10/00569/CU	Approved
13/00650/FUL	Retention of marquee	Approved
16/00704/PRETWO	Creation of temporary park and ride car park	Advice provided
19/00522/FUL	Alterations to existing land levels to facilitate the construction of a car park consisting of 124 spaces	Concurrent, yet to be determined

4.0 Consultation Responses

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

Consultee	Response
County Highways	Concerned regarding anticipated customer numbers arriving in vehicles, and whether sufficient car parking provision exists at the site to accommodate the proposed development. There is insufficient information submitted to determine how increased floor area of the development would be mitigated in terms of increased trips to the site.
Environmental Health	No Objection , though recommends a condition regarding mitigation measures within the submitted Noise Assessment
Environment Agency	No Objection
Fire Safety	No comments received within the statutory consultation period.
Lancashire Constabulary	No Objection , though provided advice regarding security measures

5.0 Neighbour Representations

- 5.1 There are no neighbour representations in respect of the application.

6.0 Principal National and Development Plan Policies

- 6.1 National Planning Policy Framework (NPPF)
 Paragraphs 80 and 82 (economy)
 Paragraph 91 (safety)
 Paragraph 97 (open space)
 Paragraphs 102, 103, 108 to 111 (transport)
 Paragraphs 124 and 127 (design)
 Paragraph 150 (climate change and carbon emissions)

Paragraph 163 (drainage)

6.2 Lancaster District Core Strategy 2008
Policy SC1 – Sustainable Development

6.3 Development Management DPD 2015
Policy DM5 – The Evening & Night-time Economy
Policy DM15 – Proposals Involving Employment Land & Premises
Policy DM20 – Enhancing Accessibility and Transport Linkages
Policy DM21 – Walking and Cycling
Policy DM22 – Vehicle Parking Provision
Policy DM23 – Transport Efficiency and Travel Plans
Policy DM25 – Green Corridors
Policy DM26 – Open Space
Policy DM27 – Biodiversity
Policy DM28 – Development & Landscape Impact
Policy DM35 – Design
Policy DM39 – Surface water run-off

6.4 Lancaster District Local Plan 2004 (saved policies)
Policy E29 – Urban Greenspace

6.5 Following receipt of the Inspector's Report, the policies in the emerging Local Plan are considered to have substantial weight. The policies in this emerging Local Plan that are relevant to this application are:

Review of the Development Management DPD 2020
Policy DM14 – Proposals Involving Employment Land and Premises
Policy DM25 – The Evening and Night-Time Economy
Policy DM29 – Design
Policy DM34 – Surface water run-off
Policy DM43 – Green Infrastructure
Policy DM44 – Biodiversity
Policy DM45 – Development and Landscape Impact
Policy DM60 – Enhancing Accessibility and Transport Linkages
Policy DM61 – Walking and Cycling
Policy DM62 – Vehicle Parking Provision
Policy DM63 – Transport Efficiency and Travel Plans

Strategic Policies and Land Allocations
Policy SC3 – Open Space, Recreation and Leisure
Policy SC4 – Green Space Networks

7.0 Comment and Analysis

7.1 There are 5 key material considerations arising from the proposal, namely:

- Principle of the development
- Design, scale and landscape impact upon the Urban Greenspace;
- Highways, transport and parking;
- Residential amenity and noise; and
- Drainage;

7.2 Principle of the development

7.2.1 The site forms an established brewery with an associated functions area, which has expanded upon the public and private functions delivered at the site since the original consent at the site, expanding into an adjacent permitted marquee area. This proposal seeks to extend the existing building on site, retaining the existing level of floorspace used for brewing and storage, but expanding the floorspace of the building by circa 480sq.m, as additional space to be used directly or indirectly in association with the function space of the site, which currently totals approximately 365sq.m excluding the marquee (108sq.m). The proposal is a significant increase in scale of this existing use of the site.

7.2.2 The proposal contributes positively to local and national policies relating to economic sustainability and development, and the sustainable growth and expansion of businesses is encouraged. Given the established mixed-use and function space in this location for over a decade, combined with the wider uses within the Leisure Park, the current use is considered to be the optimal viable use of this site. Its retention and sustainable expansion should be encouraged and weighs in favour of the proposal. The proposal is considered to be compatible with local and national policies relating to the economy and expanding businesses within their existing premises.

7.3 Design, scale, and landscape impact upon the Urban Greenspace

7.3.1 The proposed development is a relatively large extension to the existing building. However, with a subservient height to existing, this is considered to be proportionate in scale to the existing building. The existing property has a functional vernacular appearance, similar to some of the surrounding built form within the Leisure Park. This industrial appearance is compounded by the large silo storage vessels as existing to the frontage. The proposed extension creates a more welcoming entrance to the function space of the site, with a projecting front entrance feature, substantially more glazing and a mix of external wall materials creating a more defined and inviting frontage. The proposal is considered to accord with design policies in terms of scale, external materials and congruent design.

7.3.2 The site previously formed a garden centre, and was included within the Urban Greenspace designation covering the allotments to the southwest and woodland open space to the north and west. The proposed development is to occupy an existing hardsurfaced area, and whilst this is predominantly open as existing, the surfacing and use of the area is akin to the wider Leisure Park use, as opposed to the surround landscape designation. Combined with the proposed removal of the two tall silo storage vessels from the frontage of the property, the proposed extension is considered to cause no harm to this Urban Greenspace designation. The limited expansion of an existing uses is one of the exemptions to a general presumption against development within the Urban Greenspace designations, and the proposal is considered to be compatible with this. Whilst there are green and open space designations around the site within the emerging land allocations and strategic policies, the site is excluded from these areas and considered to cause no harm to these surrounding emerging allocations.

7.4 Highways, transport, and parking

7.4.1 Given the site is predominantly visited as a function space, as opposed to a public house or brewery, combined with the sought proposal and floorplans, this has been considered a function space in terms of anticipated parking and vehicle movements. The proposed floor plan indicates 101 customers could be accommodated in this extended area, with a similar amount within the existing retained functions area, assuming this was a seated event. Therefore, at peak times or during popular events or large private functions, the site may accommodate over 200 customers at a time. The site benefits from the shared use of an existing carpark area containing 264 space, which is also used by the other 10 commercial premises on site, containing mainly retail, restaurant, leisure and office uses. Considering the nature of the use, shared facilities and detachment from the main commercial centre of Lancaster, a robust Travel Plan was sought to evidence the impact of the proposal on the shared parking provision, and how additional movements would be mitigated and encourage more sustainable transport methods in accordance with planning policy. This matter of sustainable transport has become even more pertinent since the council declared a climate change emergency, which ties into paragraph 150 of the National Planning Policy Framework to reduce carbon emissions.

7.4.2 Both local and national planning policy requires developments to reduce reliance on private cars and encourage more sustainable forms of travel. Developments resulting in increased vehicular movements should be accompanied by measures to encourage other forms of travel, such as, but not exclusively, electric vehicle charging points, provision of foot and cycle path links to nearby built-up areas to reduce travel times, support of local public/shared transport, provision of secure and covered cycle parking and a robust Travel Plan.

7.4.3 The no.18 bus that serves Wyresdale Road from the city centre has been enhanced recently through financial contributions from 3 nearby residential developments (though when the contributions have been spent the service will reduce unless it has become self-funded during the period of the enhancement). At present, there is a bus service from the site to/from Lancaster city centre between the hours 7:18am and 6:43pm, with a bus approximately every 30 minutes, although there is no bus service on Sundays. Wyresdale Road itself has recently undergone improvements, including reduced speed limits, cycle improvements, street lighting and bus stop enhancements. The area is becoming more user-friendly for non-car travel and any proposals at the Leisure Park must not undermine this,

but seek to maximise opportunities to develop these local highway improvements further. A Travel Plan has been submitted but it relies on travel to work data for Lancaster that is about 10 years old and is not specific to a site on the urban edge of Lancaster. This Travel Plan only highlights existing facilities, failing to assess the impacts of the proposed development, and does not propose any measures (other than publicity) to encourage more sustainable forms of travel.

7.4.4 Whilst the proposed site plan indicates an area of cycle storage for 12 bicycle spaces, this is to the north west side of the building, set away from the customer frontage to the site and is only accessible via an access used by delivery vehicles accessing the brewery storage facilities for distribution. This provision would be unsafe and unsecure, and would do little to encourage customers or employees to cycle to the site without a safe access and secure storage. The site plan also indicates 8 parking spaces within the rear external storage and deliveries area, resulting in similar safety issues, with no turning spaces indicated for delivery vehicles in this area nor any formal management of turning area evidenced for the indicated drop-off area to the front of the proposed extension. A formal Travel Plan has been sought on multiple occasions during the extended determination period, with encouragement for improved provision for foot and cycle provision, and potential broader and formalised use of shared transport service for events over a certain size, similar to the shuttle bus used for events at the site as existing. However, suitable information has not been forthcoming, and therefore the application must be determined on the basis of the information received to date.

7.4.5 The County Highway request for additional information and appropriate mitigation to any calculated anticipated additional trips has not been provided. Given the substantial increase in floorspace of the function space use of the site, during peak times this would likely result in additional private motor vehicle trips, to the detriment of the shared parking provision as part of the wider site and the other uses reliant upon this provision. As events at the proposed development would include wedding receptions on Saturdays, potentially attracting over 200 guests, this would put pressure on the existing car park during its peak demand. If guests then utilise the Leisure Park car park, this could have a detrimental impact on the other commercial uses at the Leisure Park as their customers may turn away if there is insufficient parking. As stated earlier, the brewery should offer at least a shuttle bus service to the city centre, railway station and/or other suitable locations for larger events to prevent this occurring. Despite many requests to the agent for a commitment to this form of travel plan, nothing to date has been submitted in this regard. The indicated cycle parking provision is considered to be unsafe and unsuitable. A sufficient Travel Plan and suitable sustainable mitigation to the additional vehicle movements associated with the increase in function space has not been forthcoming, and therefore the application as it stands cannot be supported as it is contrary to local and national planning policy.

7.5 Residential amenity and noise

7.5.1 The proposed development is within the Leisure Park setting. However, there are residential properties within 100 metres of the site, and the expanded use sought is a potential source of noise if this is unmitigated. The application was supported by the submission of a noise assessment containing several mitigation measures, namely the sound insulation qualities of the sought materials and openings to the development, air conditioning, and use of a noise limiting device. Given the existing use of the site and the addition measures included within the submitted assessment, subject to the implementation of these measures prior to first use, the proposal would not exacerbate any noise generation from the site, despite the significantly increased floor area of the function use of the site. The Environmental Health consultee returned no objection to the proposal on the basis of the Noise Assessment submitted.

7.6 Drainage

7.6.1 The proposed site plan indicates a sustainable drainage (SuDS) tank measuring 75sq.m footprint with a flow control chamber to the open space to the south east of the proposed extension, which currently contains the marquee and open areas of the site. There is no further information provided regarding drainage, though the Environment Agency returned no objection to the proposal in relation to impacts upon the nearby Burrow Beck. Whilst this development falls below the scale of development for consulting the Lead Local Flood Authority, informal discussions regarding the proposal suggest that this could be suitable mitigation for the proposed development over an existing hardsurfaced area. This is subject to the precise details of the SuDS system, which could be controlled through planning condition. Subject to such a planning condition, the proposal could ensure no increase in on-site or off-site surface water run off rates upon completion, as required by relevant policy.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The application seeks planning permission to support the expansion of an established business and use at Lancaster Leisure Park, which is an economic benefit of the proposal that weighs in favour of the development. However, in the planning balance this is outweighed by the insufficient information regarding suitable transport measures to accommodate events of potentially over 200 attendees. The site plan indicates some motor vehicle and cycle parking in the external storage area of the site and its access point, which may conflict and raise safety concerns with delivery vehicles to the site. The submission lacks a suitable Travel Plan to evidence the likely vehicle movements associated with the proposal, nor does this offer satisfactory sustainable transport mitigation measures to offset the likely addition trips associated with the substantial increase in function space and capacity at the site. Without such mitigation, visitors are likely to use the shared car parking area, to the detriment of surrounding businesses within the Leisure Park. Encouraging additional visitors to the Leisure Park via private motorised vehicles as opposed to more sustainable forms of transport is contrary to local and national planning policies. For this reason, the application is recommended for refusal.

Recommendation

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

1. The proposal seeks to substantially increase the function room floorspace and use of the site without adequately evidencing the additional trips or proposing suitable mitigation measures to accommodate the additional capacity of the site and associated increase in travel requirements. Furthermore, the application has not been supported by any adequate measures to encourage more sustainable forms of travel. As such the proposal is considered to be contrary to National Planning Policy Framework paragraphs 102, 103, 108 to 111, Development Management DPD policies DM20 to DM23, and emerging Review of Development Management DPD Policies DM60 to DM63.
2. The proposed external layout and location of cycle storage provision and vehicle parking spaces would lead to a conflict between pedestrians and delivery vehicles accessing the external storage area, to the detriment of pedestrian safety. Therefore, the proposal is considered to be contrary to National Planning Policy Framework paragraphs 102, 108, 110 and 127, Development Management DPD policies DM21 and DM35, and emerging Review of Development Management DPD Policies DM29, DM60 and DM61.

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

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

Background Papers

None

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.

(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	100%	40%	98%	59%	99%	83%
Apr - Jun 2019	100%	69%	100%	73%	99%	84%
Jul - Sep 2019	90%	30%	97%	69%	99%	89%
Oct - Dec 2019	100%	73%	98%	74%	98%	86%
Jan - Mar 2020	100%	22.2%	84%	57%	88%	69%

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
2017 Average	97.5%	75%	99%	71.5%	99.5%	83%
2018 Average	100%	50.5%	99%	74.5%	98%	85%
2019 Average	98%	52.5%	98%	69%	99%	85.5%
2020 Average#	100%	22%	84%	57%	88%	69%

* 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

	2017 TOTAL	2018 TOTAL	Jan-Mar 2019	Apr-Jun 2019	Jul-Sep 2019	Oct-Dec 2019	2019 TOTAL	Jan-Mar 2020	Apr-Jun 2020	Jul-Sep 2020	Oct-Dec 2020
Major Applications	76	63	18	12	13	12	55	10			
Minor Applications	289	323	66	80	96	77	319	68			
Other Applications	751	752	180	221	179	166	746	165			
Discharge of Planning Condition Applications	201	195	41	62	48	61	212	40			
Non-Material Amendment Applications	47	42	12	13	13	10	48	10			
Variation of Legal Agreement Applications	10	4	0	0	1	2	3	3			
Prior Approval (Commercial/ Householder PA, Flexible Use etc) or Ecclesiastical Applications or Permission in Principle	47	49	8	9	18	12	47	15			
TOTAL NUMBER OF DECISION-MAKING APPLICATIONS	1421	1428	325	397	368	340	1430	311			
Environmental Screening and/or Scoping Opinions	24	18	6	4	2	4	16	2			
Infrastructure Planning Commission Consultations	0	0	0	0	0	0	0	0			
Pre/Post-Application Advice Submissions or Charged Meetings (inc. Specialist Heritage Advice)	175	211	45	53	47	46	191	40			

(c) New Tree Preservation Orders Made

Tree Preservation Order Number	Date Made	Location	Extent of Protection
677(2020)	15 Jan 2020	1 Pine Cottages, Quernmore Road, Caton	G1 – Pine; G2 – various
678(2020)	12 Mar 2020	Silver Sampling Campsite, Chapel Lane, Silverdale	T1 – Lime

** 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
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
January-March 2019	19	24
April-June 2019	17	24
July-September 2019	24	13
October-December 2019	21	20
TOTAL APPLICATIONS 2019	81	81
January-March 2020	28	15
April-June 2020		
July-September 2020		
October-December 2020		

(e) Planning Appeal Decisions

Application Number	Application Site	Proposal	Appeal Decision
19/00113/FUL	The Coach House, Crag Road, Warton	Change of use of existing garage, boat store and outbuilding to a 2 storey dwelling, erection of a first floor extension with new raised roof above, relocation of existing vehicular access point and parking area	Dismissed
19/00659/PAA	Outbarn, Ravens Close Farm, Ravens Close Road, Wennington	Conversion of an existing stone barn to form a single dwelling house with associated access and sewage treatment plant	Dismissed
19/00336/OUT	Land east of Bay Horse Lane, Bay Horse	Outline application for the erection of two dwellings and associated access	Dismissed
19/00837/ADV	Williamson Court, Greaves Road, Lancaster	Advertisement application for the display of 2 non-illuminated double sided 'V' board signs, 2 non-illuminated directional signs, 2 non-illuminated wall mounted signs and 3 non-illuminated flagpoles	Split decision – 1 of the 'V' boards was dismissed but the other adverts were allowed until 1 July 2021
19/00655/FUL	58 Wellington Road, Lancaster	Change of use and conversion of existing workshop to dwelling (C3), construction of raised roof and erection of a two storey side and front extension	Dismissed
19/00015/FUL	Ridge Lea Hospital, Quernmore Road, Lancaster	Improvements to existing access	Dismissed
19/00710/FUL	Land north of Ashford House, Ashton Road, Lancaster	Retention of a building and conversion to form two equine related holiday units	Dismissed
18/01330/FUL	Unit 2, Newgate, White Lund Industrial Estate	Retrospective application for the change of use of 2 industrial units (B8) to 2 mixed use units; 1 comprising of a warehouse (B8) with associated shop and office (A1/B2) and 1 comprising of a warehouse (B8), brewery (B2) and bar/shop (A4/A1) and erection of a smoking hut and a fence to form beer garden area	Dismissed

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.

(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	100%	40%	98%	59%	99%	83%
Apr - Jun 2019	100%	69%	100%	73%	99%	84%
Jul - Sep 2019	90%	30%	97%	69%	99%	89%
Oct - Dec 2019	100%	73%	98%	74%	98%	86%
Jan - Mar 2020	100%	22.2%	84%	57%	88%	69%
Apr - Jun 2020	100%	11.1%	53%	19%	85%	63%

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
2017 Average	97.5%	75%	99%	71.5%	99.5%	83%
2018 Average	100%	50.5%	99%	74.5%	98%	85%
2019 Average	98%	52.5%	98%	69%	99%	85.5%
2020 Average#	100%	17%	77%	40%	89%	66%

* 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

	2017 TOTAL	2018 TOTAL	Jan-Mar 2019	Apr-Jun 2019	Jul-Sep 2019	Oct-Dec 2019	2019 TOTAL	Jan-Mar 2020	Apr-Jun 2020	Jul-Sep 2020	Oct-Dec 2020
Major Applications	76	63	18	12	13	12	55	10	8		
Minor Applications	289	323	66	80	96	77	319	68	61		
Other Applications	751	752	180	221	179	166	746	165	140		
Discharge of Planning Condition Applications	201	195	41	62	48	61	212	40	35		
Non-Material Amendment Applications	47	42	12	13	13	10	48	10	7		
Variation of Legal Agreement Applications	10	4	0	0	1	2	3	3	0		
Prior Approval (Commercial/ Householder PA, Flexible Use etc) or Ecclesiastical Applications or Permission in Principle	47	49	8	9	18	12	47	15	6		
TOTAL NUMBER OF DECISION-MAKING APPLICATIONS	1421	1428	325	397	368	340	1430	311	257		
Environmental Screening and/or Scoping Opinions	24	18	6	4	2	4	16	2	3		
Infrastructure Planning Commission Consultations	0	0	0	0	0	0	0	0	0		
Pre/Post-Application Advice Submissions or Charged Meetings (inc. Specialist Heritage Advice)	175	211	45	53	47	46	191	40	17		

(c) New Tree Preservation Orders Made

Tree Preservation Order Number	Date Made	Location	Extent of Protection
679(2020)	16 Apr 2020	Morecambe View Livery Stables, Out Moss Lane, Morecambe	A1 - various
680(2020)	16 Jun 2020	Field adjacent to 7 The Nooks, Bolton-le-Sands	T1 - sycamore

** 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
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
January-March 2019	19	24
April-June 2019	17	24
July-September 2019	24	13
October-December 2019	21	20
TOTAL APPLICATIONS 2019	81	81
January-March 2020	28	15
April-June 2020	31	21
July-September 2020		
October-December 2020		

(e) Planning Appeal Decisions

Application Number	Application Site	Proposal	Appeal Decision
17/01405/ELDC	Newhouse Farm, Lancaster Road, Slyne LA2 6AW	Existing lawful development certificate for the use of a track for vehicular access	Dismissed
17/00165/UNA UTU	10 Willowfield Road, Heysham LA3 2HF	Enforcement notice for a breach of planning control – erection of a side extension to form a car port	Dismissed
17/00094/UNA UTU	Land on east side of Moss Lane, Silverdale	Enforcement notice for a breach of planning control – change of use of agricultural land to a camp site with associated kitchen, toilet and shower facilities	Dismissed
19/00905/FUL	Higher Barn, Aughton Road, Aughton LA2 8LU	Change of use of mixed unit comprising offices and workshops (B1) to one dwelling (C3) and holiday accommodation (C3)	Allowed
19/00904/FUL	Higher Barn, Aughton Road, Aughton LA2 8LU	Change of use of joiners workshop, associated store/office, caretakers accommodation and associated land to 4 residential properties and 2 holiday lets and change of use of agricultural land and stables to residential land and garages to gardens and stables to domestic garages, installation of new windows, doors and roof lights, demolition of part of building and creation of parking areas and landscaping	Dismissed

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
19/00621/ELDC	Green Farm, Mewith Lane, Tatham Existing lawful development certificate for the use of land as ancillary domestic garden and parking area, including kennels, vegetable garden, greenhouse, calor gas tank and the part use of previously approved stables as a home office associated with the residential dwelling known as Green Farm. for Mr Michael Harrison (Lower Lune Valley Ward 2015 Ward)	Lawful Development Certificate Granted
19/01251/FUL	Northwood Tissue Lancaster Limited, Lansil Way, Lancaster Creation of an area of hardstanding and erection of a storage building (B8) for Mr Thompson (Bulk Ward 2015 Ward)	Application Permitted
19/01539/FUL	Castle O Trim Farmhouse, Procter Moss Road, Abbeystead Change of use of agricultural land and demolition of existing outbuildings and erection of a replacement outbuilding and creation of a new access road for Mr Steven Dickinson (Ellel Ward 2015 Ward)	Application Permitted
20/00031/DIS	Greendales Stables, Carr Lane, Middleton Discharge of conditons 3,4,5,6 and 7 on approved application 19/00548/FUL for Mrs Helen Beswick (Overton Ward 2015 Ward)	Split Decision
20/00040/DIS	Land At Grid Reference 350819 464830, Low Road, Halton Discharge of condition 10 on approved application 17/00165/OUT for Mr Martin Nugent (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
20/00046/DIS	Whinney Hill Farm, Aughton Road, Aughton Discharge of conditions 3 and 7 on approved application 18/00632/FUL for Ms G Carlisle (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
20/00047/DIS	Burnside, Procter Moss Road, Ellel Discharge of condition 3 on approved application 19/01518/FUL for Mr and Mrs Mather (Lower Lune Valley Ward 2015 Ward)	Application Permitted
20/00049/DIS	Field Barn At Field 2618, Back Lane, Wennington Discharge of conditions 2, 3 and 4 on approved application 19/01610/PAA for Mr Chris Hull (Upper Lune Valley Ward 2015 Ward)	Application Permitted
20/00051/DIS	Galgate Mill, Chapel Lane, Galgate Discharge of condition 3a on approved application 14/00989/CU for Karling (Ellel Ward 2015 Ward)	Application Permitted
20/00052/DIS	Burnside, Procter Moss Road, Ellel Discharge of condition 3 on approved application 20/00066/LB for Mr And Mrs Mather (Lower Lune Valley Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

20/00054/DIS	13 Dalton Square, Lancaster, Lancashire Part discharge of conditions 3 and 4 on approved application 19/00019/FUL for Mr Inayat Munshi (Castle Ward 2015 Ward)	Split Decision
20/00058/DIS	Site Of Former Filter House, Scotforth Road, Lancaster Discharge of condition 4 on approved application 20/00058/DIS for Mr Vivian Watts (University And Scotforth Rural Ward)	Split Decision
20/00059/DIS	Hawkshead Farm, 1 The Nook, Bolton Le Sands Part discharge of condition 3 and discharge of conditions 4, 5, 6 and 7 on approved application 18/00455/FUL for Mr D Jackson (Bolton And Slyne Ward 2015 Ward)	Application Permitted
20/00060/DIS	Hawkshead Farm, 1 The Nook, Bolton Le Sands Discharge of condition 3 and 4 on approved application 18/00456/LB for Mr David Jackson (Bolton And Slyne Ward 2015 Ward)	Application Permitted
20/00061/DIS	Old Hall Farm, Kirkby Lonsdale Road, Over Kellet Discharge of condition 3 on approved application 19/01401/LB for Mr Mark Drinkall (Kellet Ward 2015 Ward)	Application Permitted
20/00062/DIS	Old Hall Farm, Kirkby Lonsdale Road, Over Kellet Discharge of condition 3 on approved application 19/01400/FUL for Mr Mark Drinkall (Kellet Ward 2015 Ward)	Application Permitted
20/00063/DIS	Hawkshead Farm, 1 The Nook, Bolton Le Sands Discharge of condition 3 on approved application 18/00459/LB for D Jackson (Bolton And Slyne Ward 2015 Ward)	Application Permitted
20/00064/DIS	Hawkshead Farm, 1 The Nook, Bolton Le Sands Discharge of conditions 3, 4, 5 and 6 on approved application 18/00458/FUL for D Jackson (Bolton And Slyne Ward 2015 Ward)	Application Permitted
20/00065/DIS	Galgate Mill, Chapel Lane, Galgate Discharge of condition 2a on approved application 15/00271/LB for Matthew Karling (Ellel Ward 2015 Ward)	Application Permitted
20/00066/DIS	The Willows, Moor Close Lane, Over Kellet Discharge of condition 3 on approved application 19/01555/FUL for Mr and Mrs Simon Whiley (Kellet Ward 2015 Ward)	Application Permitted
20/00067/DIS	Site Of Former Warton Grange Farm, Farleton Close, Warton Discharge of condition 4 on approved application 18/01589/REM for Steve Bleasdale (Warton Ward 2015 Ward)	Application Permitted
20/00068/DIS	Site Of Former Warton Grange Farm, Farleton Close, Warton Discharge of condition 3 and 4 on approved application 18/01603/FUL for Bleasdale (Warton Ward 2015 Ward)	Split Decision
20/00073/DIS	Crook O Lune Holiday Park, Lancaster Road, Quernmore Discharge of conditions 3 and 5 on approved application 18/00643/CU for Mr David Owen (Lower Lune Valley Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

20/00077/FUL	Swallows Nest, Melling Road, Melling Relevant demolition of garden room and single storey rear extension, erection of single storey rear garden room, erection of a single storey rear extension incorporating single storey link extension, construction of a gable extension to existing garage, and part demolition and rebuild of boundary wall for Mrs A Tomlinson (Upper Lune Valley Ward 2015 Ward)	Application Permitted
20/00078/LB	Swallows Nest, Melling Road, Melling Listed building application for the part demolition and rebuild of boundary wall for Mrs A Tomlinson (Upper Lune Valley Ward 2015 Ward)	Application Permitted
20/00080/FUL	Brades Farm, Farleton Old Road, Farleton Change of use of agricultural land to equestrian, erection of a stable building for equine rehabilitation, a car parking area, internal access roads and installation of a package treatment plant for Mr J Towers (Upper Lune Valley Ward 2015 Ward)	Application Refused
20/00081/RCN	Land Adjacent, 5 Main Road, Nether Kellet Erection of four new dwellings with associated access and regrading of land (pursuant to the removal of condition 10 on planning permission 19/00920/FUL relating to the restriction of permitted development rights) for Mr L Ogley (Kellet Ward 2015 Ward)	Application Permitted
20/00103/FUL	25 Brock Street, Lancaster, Lancashire Change of use of ground and first floor office (B) to 4 1-bed studios for student accommodation (C3) and installation of a new window to the front elevation for Mr J. King (Castle Ward 2015 Ward)	Application Withdrawn
20/00104/LB	25 Brock Street, Lancaster, Lancashire Listed Building application for Proposed change of use of first and second floor offices to student studios for Mr J. King (Castle Ward 2015 Ward)	Application Withdrawn
20/00127/FUL	Low Greenlands, Burton Road, Priest Hutton Siting of 12 glamping pods on existing caravan site, erection of a new toilet block and creation of a parking area and footpaths for Mr Leigh Astin (Kellet Ward 2015 Ward)	Application Permitted
20/00132/FUL	2 Hubert Place, Lancaster, Lancashire Change of use of 4 flats (C3) to a 6-bed house in multiple occupation (C4) for Mr Tom Charrier (Marsh Ward 2015 Ward)	Application Permitted
20/00151/FUL	1 - 3A Sandylands Promenade, Heysham, Lancashire Installation of two air source heat pumps and associated infrastructure for Mr Ian Bond (Heysham North Ward 2015 Ward)	Application Refused
20/00182/FUL	15 Hatlex Hill, Hest Bank, Lancaster Erection of a part single storey and part two storey side extension and construction of a rear dormer extension for Mr J. Clough (Bolton And Slyne Ward 2015 Ward)	Application Permitted
20/00201/FUL	Falcon House, 4 Queen Square, Lancaster Installation of 2 rooflights to rear elevation for Mr Colin Elderton (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

20/00202/LB	Falcon House, 4 Queen Square, Lancaster Listed Building application for the installation of 2 rooflights to the rear elevation, removal of internal partition walls and installation of new partition walls for Mr Colin Elderton (Castle Ward 2015 Ward)	Application Permitted
20/00214/FUL	Clear Water Bistro And Bar, Clear Water Fisheries, Kellet Lane Erection of a single storey side extension and construction of a raised terrace for Mr Alex Mollart (Warton Ward 2015 Ward)	Application Permitted
20/00240/FUL	17 Draycombe Drive, Heysham, Morecambe Construction of a hip to gable extension and construction of a dormer extension to the rear elevation for Mr & Mrs Davy (Heysham Central Ward 2015 Ward)	Application Permitted
20/00242/CU	44 Clarendon Road East, Morecambe, Lancashire Change of use of dwelling (C3) to 3 self-contained 2-bed flats (C2) for Mr Akbur Hussain (Harbour Ward 2015 Ward)	Application Permitted
20/00245/FUL	Breath For Life, Middleton Road, Middleton Removal of existing modular buildings, erection of a single storey extension to southwest elevation of hyperbaric oxygen chamber building and associated hard landscaping for Ms Jane Dean (Overton Ward 2015 Ward)	Application Permitted
20/00262/FUL	14 Dalton Square, Lancaster, Lancashire Installation of cladding to the rear and side elevations for Mr Paul Roberts (Castle Ward 2015 Ward)	Application Permitted
20/00274/ADV	Ireby Green, Woodman Lane, Ireby Advertisement application for the retrospective display of 1 non-illuminated post mounted sign and display of a further non-illuminated post mounted sign for Mr John Welbank (Upper Lune Valley Ward 2015 Ward)	Application Permitted
20/00278/VCN	Ivy Cottage, Low Road, Halton Change of use of agricultural land to residential, erection of a 4 bed detached dwelling with associated re-grading of land and alterations to the existing access, and installation of a waste water treatment system (pursuant to the variation of condition 2, 3, 4, 5 and 6 on planning permission 18/00183/FUL to amend the approved plans, provide details on programme of archaeological investigation, amend drainage and materials) for Mr Richard Hepwood (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
20/00314/ADV	Land For Proposed Bailrigg Business Park, Bailrigg Lane, Lancaster Advertisement application for the display of 3 fascia signs, 2 wall mounted signs, 3 totem directional signs and 4 totem pedestrian gateway markers for Mr Jason Homan (University And Scotforth Rural Ward)	Application Permitted
20/00322/FUL	28 Penny Street, Lancaster, Lancashire Installation of a replacement door to front elevation for Mr Vincenzo Mazzocchio (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

20/00325/FUL	Long Acre, Bazil Lane, Overton Erection of a single storey extension to existing outbuilding for Dr Andrew Jarvis (Overton Ward 2015 Ward)	Application Permitted
20/00331/FUL	Treatment Plant, Stoneleigh Court, Silverdale Erection of a pump house to accommodate an existing water treatment plant for N Parry - Chairman (Silverdale Ward 2015 Ward)	Application Permitted
20/00352/FUL	3 Meadowside, Claughton, Lancaster Erection of a first floor side/rear extension, erection of a single storey rear extension and erection of a replacement orangery to rear for Mr Raymond Cousins (Lower Lune Valley Ward 2015 Ward)	Application Permitted
20/00357/FUL	23 The Row, Silverdale, Carnforth Demolition of existing rear extension and erection of a single storey rear extension for Mr David Chippendale (Silverdale Ward 2015 Ward)	Application Permitted
20/00359/FUL	EE Communications Site, Alhambra Buildings, Yorkshire Street East Installation of telecommunications equipment comprising of 3 antenna support poles accommodating 3 antennas and 6 remote radio units at 20m above ground level on southeast and southwest elevations for EE UK Limited (Harbour Ward 2015 Ward)	Application Permitted
20/00369/VCN	Old Hall, Kirkby Lonsdale Road, Over Kellet Erection of a 2-storey dwelling and creation of a vehicular access (pursuant to the variation of condition 2 and 7 on planning permission 18/00038/FUL to amend the design of the dwelling including alterations to the footprint, elevations, floor plans and the substitution of the carport with a garage) for Mrs & Mrs Burns (Kellet Ward 2015 Ward)	Application Permitted
20/00372/FUL	CTAP, John Creed Avenue, Lancaster University Installation of windows in existing door openings at the front and rear for Helen Wood (University And Scotforth Rural Ward)	Application Permitted
20/00385/FUL	Hill House, Fairheath Road, Tatham Erection of a roof structure over existing silage clamp and erection of a roof structure over existing open slurry lagoon for Mr Andrew Staveley (Lower Lune Valley Ward 2015 Ward)	Application Permitted
20/00387/FUL	Morecambe Bay Care Centre, Gleneagles Drive, Morecambe Erection of a single storey extension within existing internal courtyard and alterations to windows and doors for Mr Mahesh Patel (Poulton Ward 2015 Ward)	Application Permitted
20/00399/ADV	TESCO Express, 47 Heysham Road, Heysham Advertisement application for the display of 10 internal vinyls, 6 non illuminated wall mounted signs, 2 internally illuminated fascia signs, 1 non illuminated fascia sign, 1 internally illuminated projecting sign and 2 non illuminated post mounted signs for Mr Andy Horwood (Heysham North Ward 2015 Ward)	Application Permitted
20/00409/PLDC	91 Wingate Avenue, Morecambe, Lancashire Proposed Lawful Development Certificate for the erection of a single storey rear extension, construction of dormer extensions to the side elevations and installation of rooflights for C & A Wong (Westgate Ward 2015 Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

20/00410/FUL	35 Hest Bank Lane, Hest Bank, Lancaster Demolition of existing side extension and erection of a part two storey and part single storey rear and side extension for Mr P Ingleby (Bolton And Slyne Ward 2015 Ward)	Application Permitted
20/00411/PLDC	185 Brookhouse Road, Brookhouse, Lancaster Proposed lawful development certificate for the erection of a single storey rear extension for Mr and Mrs Hall (Lower Lune Valley Ward 2015 Ward)	Lawful Development Certificate Granted
20/00415/FUL	2 Morecambe Street West, Morecambe, Lancashire Change of use of ground floor shop (A1) to a one bed residential flat (C3) for Mrs P. Duffy (Poulton Ward 2015 Ward)	Application Refused
20/00417/FUL	19 Coulston Road, Lancaster, Lancashire Demolition of existing store and erection of a single storey rear extension for Mr Simon Pickles (John O'Gaunt Ward 2015 Ward)	Application Refused
20/00418/PLDC	27 Camborne Avenue, Carnforth, Lancashire Proposed lawful development certificate for the demolition of existing conservatory and erection of a single storey rear extension for Mr. A. McArthur (Carnforth And Millhead Ward 2015 Ward)	Lawful Development Certificate Granted
20/00419/FUL	14 Priorsgate, Morecambe, Lancashire Installation of a raised replacement roof to existing bungalow to form a 2-storey house and construction of a rear porch with juliet balcony above for Mrs C. Welsh (Westgate Ward 2015 Ward)	Application Permitted
20/00420/FUL	3 Victoria Parade, Morecambe, Lancashire Demolition of existing conservatory and erection of a single storey rear extension for Mr. Neil Shelling (Poulton Ward 2015 Ward)	Application Permitted
20/00421/FUL	46 Coulston Road, Lancaster, Lancashire Demolition of existing single storey rear outrigger and erection of a single storey rear extension for Mr Simon Pickles (John O'Gaunt Ward 2015 Ward)	Application Refused
20/00432/PAM	Public Footway Opposite Kwik-Fit, Thurnham Street, Lancaster Prior approval for the installation of a 20m telecommunications pole and 4 associated telecommunications cabinets for Hutchinson 3G UK Ltd (Castle Ward 2015 Ward)	Prior Approval Refused
20/00435/PLDC	9 Happy Mount Court, Morecambe, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension to the garage and construction of a dormer extension to the rear elevation for Mr.&Mrs. P. Neaves (Bare Ward 2015 Ward)	Lawful Development Certificate Granted
20/00441/FUL	132 Kingsway, Heysham, Morecambe Retrospective application for the retention of a balcony to the rear elevation for Mr. S. Horrobin (Heysham South Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

20/00450/HLDC	1 Golgotha Village, Wyresdale Road, Lancaster Certificate of Lawfulness for proposed works to a Listed Building for repair works to the roof, installation of replacement rainwater goods and removal and rebuilding of existing chimneys including replacement leadwork, soakers, aprons and flashings for Mr Ben Cooper (John O'Gaunt Ward 2015 Ward)	Lawful Development Certificate Granted
20/00454/CU	56A Main Road, Galgate, Lancaster Change of use of 7-bed house in multiple occupation (sui generis) to 6-bed house in multiple occupation (C4) for Alison Stockwell (Ellel Ward 2015 Ward)	Application Permitted
20/00456/FUL	29 Beaufort Road, Morecambe, Lancashire Erection of a single storey side and rear extension for Mr Vincent Vity (Bare Ward 2015 Ward)	Application Permitted
20/00460/FUL	3 Hala Crescent, Lancaster, Lancashire Erection of a single storey side/rear extension for Mr.&Mrs. S. Monk (Scotforth East Ward 2015 Ward)	Application Permitted
20/00465/FUL	6 Borwick Court, Borwick, Carnforth Erection of a replacement front porch for Mrs. C Bentham (Kellet Ward 2015 Ward)	Application Permitted
20/00467/LB	Ripley St Thomas Church Of England Academy, Ashton Road, Lancaster Listed building application for the installation of a replacement roofs to the main school building including replacement timbers, lead flashings, soffit boards and guttering for Ripley St Thomas C Of E Academy (Scotforth West Ward 2015 Ward)	Application Permitted
20/00470/FUL	Otago, 15 Kirklands Road, Over Kellet Demolition of existing garage and side porch and erection of two single storey side extensions and a single storey rear extension for Mr & Mrs Phillips (Kellet Ward 2015 Ward)	Application Permitted
20/00479/FUL	60 Coulston Road, Lancaster, Lancashire Demolition of existing store and erection of a single storey rear extension for Mr Peter Charnley (John O'Gaunt Ward 2015 Ward)	Application Refused
20/00486/FUL	62 Coastal Road, Hest Bank, Lancaster Construction of a dormer extension to the rear elevation for Ms S. Fort (Bolton And Slyne Ward 2015 Ward)	Application Permitted
20/00492/FUL	Red Bridge Lodge, Red Bridge Lane, Silverdale Demolition of existing conservatory and erection of a single storey front extension for Mr Jez Green (Silverdale Ward 2015 Ward)	Application Permitted
20/00497/FUL	9 Elmsdale Close, Lancaster, Lancashire Erection of a single storey rear extension for Mr.&Mrs. V. Gemson (Skerton East Ward 2015 Ward)	Application Refused
20/00533/NMA	Development Land - Plot 1 And 2, Kirkby Lonsdale Road, Over Kellet Non material amendment to planning permission 18/01207/FUL to amend plans on plot 2 for Mr and Mrs John and Anne Collis (Kellet Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

20/00535/PAD	36 Silverdale Road, Yealand Redmayne, Carnforth Prior approval for the demolition of an outbuilding to the north of the dwellinghouse for Mr M Holgate (Silverdale Ward 2015 Ward)	Prior Approval Granted
20/00559/AD	Hare Tarn Farm, Netherbeck, Carnforth Agricultural Determination for the erection of a storage building for Allen Brown (Carnforth And Millhead Ward 2015 Ward)	Prior Approval Is Required
20/00560/AD	Telegraph Field Pump House, School Lane, Wray Agricultural Determination for the erection of a storage building for Mr John Staveley (Lower Lune Valley Ward 2015 Ward)	Prior Approval Refused
20/00562/NMA	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, Lancashire, Non-material amendment to planning permission 18/00751/FUL to amend the flood wall alignment at Aldrens Lane for Mr Gary Bowker (Overton Ward 2015 Ward)	Application Permitted
20/00571/NMA	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, Lancashire, Non-material amendment to planning permission 18/00751/FUL to amend the flood wall alignment at River Lune viaduct for Mr Gary Bowker (Overton Ward 2015 Ward)	Application Permitted