



Committee: PLANNING REGULATORY COMMITTEE

Date: MONDAY, 12 OCTOBER 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 14th September 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.

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|---|---------------------------------|---|-------------------------------|------------------------|
| 5 | A5 20/00668/FUL | Development Land, Bold Street, Heysham, Lancashire | Heysham North Ward | (Pages 5 - 12) |
| | | Demolition of existing garages and dwelling, and erection of a 3 storey building comprising 21 two bed apartments and 21 one bed apartments (C3) with associated accesses and construction of a bike and bin store. | | |
| 6 | A6 19/00320/REM | Land north of Royal Oak Meadow, Hornby, Lancashire | Upper Lune Valley Ward | (Pages 13 - 18) |
| | | Reserved matters application for the erection of 23 dwellings. | | |
| 7 | A7 20/00455/FUL | Land south of Curwen Avenue, Heysham Lancashire | Heysham South Ward | (Pages 19 - 25) |
| | | Erection of a detached bungalow (C3), creation of vehicular access off Curwen Avenue and associated hardstanding. | | |

- | | | | | |
|---|---------------------------------|---|--------------------|------------------------|
| 8 | A8 20/00443/VCN | Queen Victoria Memorial, Dalton Square, Lancaster, Lancashire | Castle Ward | (Pages 26 - 29) |
| | | Construction of temporary ice rink, temporary siting of observation wheel, chillers, erection of temporary fencing and hoardings, and temporary siting of marquee, access ramps, ticket booth, market stalls and tents for skate hire and the sale of refreshments (pursuant to variation 1 of planning application 19/00934/FUL to change operation dates of the ice rink and condition 2 to change operation dates of the observation wheel). | | |
| 9 | A9 20/00519/LB | Queen Victoria Memorial, Dalton Square, Lancaster, Lancashire | Castle Ward | (Pages 30 - 32) |
| | | Listed building application for the construction of temporary ice rink and erection of temporary fencing and hoardings. | | |

10 Delegated List (Pages 33 - 40)

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), June Greenwell (Substitute), Tim Hamilton-Cox (Substitute), Colin Hartley (Substitute), David Whitworth (Substitute) and Peter Yates (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 28th September 2020.

Agenda Item	A5
Application Number	20/00668/FUL
Proposal	Demolition of existing garages and dwelling, and erection of a 3 storey building comprising 21 two bed apartments and 21 one bed apartments (C3) with associated accesses and construction of a bike and bin store
Application site	Development Land, Bold Street, Heysham, Lancashire
Applicant	Mr James Litherland
Agent	n/a
Case Officer	Mr David Forshaw
Departure	No
Summary of Recommendation	Approval

(i) **Procedural Matters**

This application is being reported to the Planning Regulatory Committee because the site is Council owned land, and this is a major application recommended for approval to which objections have been received.

1.0 Application Site and Setting

- 1.1 The site extends to 0.27ha (0.66 acres). It is previously developed having been the site of a row of 17 terraced houses and commercial properties (bought by the Council and demolished around 5 years ago) and an existing vacant garage workshop and dwelling. Part of the site is hard surfaced with the rest rough and overgrown, partly used informally and without authorisation for car parking.
- 1.2 The site is irregular in shape within the urban area of Morecambe surrounded by residential, tourism and commercial properties ranging in age from Victorian to modern. These properties vary in height from 2 storeys to 5 storeys.
- 1.3 The site is affected by the following constraints: the whole site is in flood zone 2 (tidal) and at a 25% to 50% risk of groundwater flooding; a small part in the south east corner is at risk from 1:1000 surface flooding; within the Morecambe Bay and Duddon SPA buffer and SSSI Impact Risk Zone;

2.0 Proposal

- 2.1 The application seeks planning permission for the demolition of the existing garage workshop and vacant dwelling and development of the whole site with a three storey block of 42 residential flats comprising 21 1-bed and 21 2-bed private rental apartments with associated parking area, external bin and cycle stores and hard and soft landscaping.
- 2.2 The block is divided into 7 villas, each with its own front door serving 6 flats (2 on each floor) and fronts onto Bold Street. Each flat is dual aspect with views from the front and rear. The block is set

back from the pavement with a small garden area running the full length of the frontage with low black metal railings at the back of pavement.

- 2.3 The ground floor flats will have small private amenity spaces and there is a secure communal garden, bike store and bin store, all at the rear. The car park will be accessed off Back Winterdyne Terrace and provide 31 spaces. The area will be protected by surveillance from the flats and CCTV.
- 2.4 The car park will be landscaped and surrounded by 1m high metal railings. The private gardens will have 1.5m timber fencing and the communal garden, bike store and private access areas will be bounded by 1.8m high metal railings. The bin store will be constructed from 1.8m vertical timber fencing and be unroofed.
- 2.5 The flat block will be built from buff brick with a light coloured mortar under a dark grey concrete tiled roof using tiles with a thin leading edge. First and second floor bedrooms on the front and living areas on the rear will have full height glazing and Juliette balconies. All external window frames, doors and canopies will be slate grey. All balcony rails and rainwater goods will be black.
- 2.6 The design of the block has been amended at Officers' request from that originally submitted. The block is now proposed to step down towards the southern (Marlborough Road) end to reduce bulk and overshadowing of properties to the rear. The step down and addition of canopies above each of the villa's front doors adds interest to the front elevation and breaks up its mass.

3.0 Site History

- 3.1 Relevant applications relating to this site previously received by the Local Planning Authority are detailed below:

Application Number	Proposal	Decision
10/01110/DPA	Demolition of seven two storey residential properties for regeneration, 6-10 And 30 -36 Bold Street	Prior Approval - Demolition
10/01111/DPA	Demolition of two brick built detached garages for regeneration	Prior Approval - Demolition
19/00363/PRETWO	Demolition of existing dwelling and workshop and erection of 37 dwellings with associated parking and landscaping works	Advice issued

4.0 Consultation Responses

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

Consultee	Response
Economic Growth and Regeneration	Support as the site is a longstanding priority for regeneration in the West End Masterplan (2005)
County Highways	No objection to proposed parking as there is readily available access to a range of community services and a variety of frequent forms of public transport. Conditions requested for off-site highway improvements to reinstate/construct pedestrian footways around the perimeter of the site, review of street lighting arrangements and submission of a Construction Traffic Management Plan.
Environment Agency (EA)	No comments. Site is in flood zone 2 so standing advice applies.
Waste and Recycling	Comments: External bin stores should ideally be well illuminated, have natural surveillance and be roofed.
County Education	No education contribution is required
United Utilities (UU)	Object. Standard conditions requested because the proposed surface water run off rate is unacceptable.
Police	The development should follow Secured by Design Homes 2019 principles

Fire	Comments made relating to Building Regulations
Strategic Housing	Supports. Policy EC5 of the Strategic Policies and Land Allocations DPD is satisfied

4.2 Eighteen letters and a petition signed by 6 residents have been submitted objecting on the following grounds:

- Lack of parking spaces and worsening of existing parking problems on Bold Street
- Vetting of tenants and potential for residents' anti-social behaviour
- Fly tipping
- High density housing is inappropriate and should be family housing
- Loss of light
- West End Masterplan seeks to provide family housing
- Loss of open space
- Oversupply of 1 bed flats
- Applicant provides unaffordable rents for local people
- Need bungalows for older people
- Land should be a public park/wild garden
- Preventing use of own garage
- Lack of play facilities for children living in proposed flats
- Existing dwelling should be demolished [Officer comment – the dwelling is to be demolished as part of the development]
- Overcrowding in local area
- Effect on wildlife/loss of habitat
- Effect on property values
- Lack of public consultation
- Poor condition of local roads
- Noise from construction
- Strain on local services e.g. schools and medical facilities
- Frontierland and the outdoor swimming area are higher priorities for re-development

5.0 Analysis

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

- Principle of development
- Housing type
- Design
- Impact on neighbours
- Traffic/parking
- Other Material Considerations

5.2 **Principle of Development** SPLA DPD Policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, EC5: Regeneration Priority Areas; Development Management DPD Policies DM1: New residential development and meeting housing needs, DM2: Housing standards, DM3: Delivery of Affordable Housing and National Planning Policy Framework Sections 2, 5, 11, 12.

5.2.1 This site is located within the main urban area of Morecambe, close to local amenities and public transport links. It is therefore in a sustainable location and the principle of the development is acceptable. It has been a longstanding regeneration priority for the West End Masterplan (2005) to re-develop this site. In the masterplan the site was included within area 11 for high intervention due to exhibiting some of the poorest quality housing in the West End. A specific housing remodelling and improvement project was proposed for Bold Street and Marlborough Road to replace the old poor quality stock with new private housing. This proposal represents the final stage of intervention in this area.

5.2.2 Policy DM2 requires all new dwellings to meet the Nationally Described Space Standards (NDSS) except where it is agreed evidence on viability proves meeting such standards will render a scheme

unviable. A viability report has been submitted by the applicant and reviewed by both planning and Economic Growth and Regeneration Officers who agree the viability is marginal and increased costs could render the scheme impossible to deliver. The residual appraisal takes into account BCIS build costs (with regional adjustment) and likely revenue given the local market. This shows a profit to the developer of just 6.5% of the gross development value. The normal expected profit is between 16% to 20% although experience shows in times of a depressed market and thus greater risk developers look for 20% profit. NPPF and NPPG state that developments must deliver a return which does not undermine deliverability of a scheme. Ordinarily, such a low profit margin would not be acceptable to a developer. However, the viability report states that Placefirst's build, hold and rent approach allows it to accept a reduced development profit and take a rental income over a long term period. Therefore, Officers are content the scheme is only marginally viable yet deliverable as submitted.

5.2.3 This proposal has been subject to pre-application negotiations for over 2 years during which time the previous adopted local space standards were used to inform the design and against which the proposal complies or exceeds. It is only following adoption of the current Development Management DPD which uses the NDSS that greater internal space is now expected. Increasing the size of the units to meet the new standards will result in less dwellings being developed, the loss in value of which will not be made up by higher sales prices. For information, the comparison between the different standards is set out below:

	Bed 1 (m2)	Bed 2 (m2)	Bathroom(m2)	Living Space (m2)	Total (m2)
Proposal	10.2	8.9	3.7 to 4.2	16.8 to 20	36.6 to 49.4
Local Standards	10.2	4.7	3.7	16.7	n/a
National Standards	11.5	11.5	n/a	n/a	50 to 70

5.2.4 The circumstances of the marginal viability based on the smaller units' sales price, longevity of the process to reach this point and change in standards at the late stage, mean Officers accept it is not possible or desirable for the NDSS to be achieved in this case.

5.2.5 As the proposal is within the Morecambe West End Masterplan area, no affordable housing is required to be provided under policy DM3.

5.3 **Housing Type** DMDPD policy DM1: New residential development and meeting housing needs: **NPPF section 5**

5.3.1 The 2005 West End Masterplan aimed to replace both the poor housing stock and single bed flats with family housing. This is a point raised by a number of neighbours in their objections. However, during the procurement process for a preferred developer it became apparent viability and lack of further public subsidy meant re-development for new family housing was not viable. House prices are significantly lower than both the district and northwest averages (according to ONS figures for December 2019; only Poulton has a lower value housing stock in the District). The experience of all the masterplan housing projects is that development costs exceed end value necessitating gap funding or other subsidy. The only scheme shown to be viable to date is for 1 and 2 bed flats as submitted. The difference between the proposed flats and those subject to intervention under the masterplan is that this development will be high quality and well managed. Furthermore, previous schemes on Clarendon Road West, West End Road and Marine Road West included such units as there is an identified need in the district. This is borne out by the applicant who states that on their development on Chatsworth Road (*West End II*) they have *“three 1-bed apartments available and a further three under construction with a waiting list of 21 applicants for them. The lack of quality 1 bed apartments is a particular issue in Morecambe. We are committed to better serving this neglected segment of the market which often provide for sole occupants, first time entrants to the market and / or key workers.”*

5.3.2 This proposal represents a design solution reached after a long process that balances the masterplan objectives with the site's economic and physical constraints. Despite the original aims of the West End masterplan circumstances have changed and provision of 1 and 2 bed flats is acceptable in current circumstances as meeting an evidenced need.

- 5.4 **Design Consideration DMDPD DM29: Key design principles; DM30: sustainable design; NPPF section 12**
- 5.4.1 The site is of irregular shape formed as a result of the West End's regular orthogonal street pattern meeting the natural coastal curve of Marine Road West. This shape is a constraint on development and viability. Historically, there was a terrace of 2 storey residential and commercial properties fronting Bold Street, some with roof dormers to the front and rear. These properties had traditional rear yards with outriggers leading to a rear alley. Behind these were commercial buildings and a residential cottage on Back Winterdyne Terrace.
- 5.4.2 The design of the block seeks to maximise the developable part of the site fronting Bold Street through use of a 3 storey terrace. The awkward shaped land to the rear is then used as private amenity space, bin and bike stores and a landscaped car park for use by residents of the new development. The proposed buff coloured bricks and grey concrete tiles reflect those in the local area. The original terrace was hard against the pavement. The proposal includes a front garden space better reflecting the houses on the opposite side of Bold Street and creating a softer and improved street scene. The surrounding area is characterised by a mix of building heights in terraces of 2 to 5 storeys. In general terms the proposal fits in with the local urban grain and massing.
- 5.4.3 Officers were concerned that the original plans for a terrace with continuous ridge and eaves lines for the entire length and a rather flat vertical elevation would look too bland. Negotiations with the applicant had to balance use of measures to break up the frontage with increased development costs. Revised plans have been submitted which show a drop in the ridge and eaves lines by 450mm just over half way along the terrace for the final 3 villas. Each villa's front door will have a simple canopy roof above and the brickwork above each door to the eaves will be recessed slightly to provide some articulation. These changes are an improvement and welcomed. They do not go as far as hoped but given the viability concerns are an acceptable compromise.
- 5.4.4 The proposal includes photovoltaic solar panels on the roof of each villa. In line with policy DM30, this is welcomed.
- 5.5 **Impact on Neighbours DMDPD Policy DM 29; Key Design Principles**
- 5.5.1 Surrounding properties vary in height from 2 storeys on Marlborough Road to the rear, 2-3 storeys on the opposite side of Marlborough Road, 2 to 3½ storeys facing on Bold Street and 4-5 storeys fronting Marine Drive (and backing onto the site).
- 5.5.2 The former terrace which stood on the site was predominantly 2 storeys albeit the Committee report for demolition (10/01110/DPA) notes that accommodation was over 3-4 floors. Historic photographs show some dormers in the roof spaces facing front and rear. One such rear facing dormer was in a terraced house looking directly into the rear yard and windows of 19 Marlborough Road approximately 12.4m distance. The distance between the side of the outrigger in 19 Marlborough Road and the rear of the 2 storey outriggers on the demolished Bold Street properties appears to have been approximately 8m. The distance between those same windows in 19 Marlborough Road and the proposed block is 10.13m.
- 5.5.3 The separation distances with habitable room windows in surrounding properties are approximately 18m to houses on the opposite side of Bold Street, 10m at the nearest point to properties facing Marine Drive (but at an oblique angle) and 10.5m to the opposite side of Marlborough Road from the proposed gable. Clearly, all these distances are below the standards required in policy DM29 of at least 21 metres between facing habitable room windows and 11 metres between a habitable room window and wall with no such window. Therefore, the development could result in loss of privacy from overlooking for both existing residents and occupiers of the proposed flats. Furthermore, the bulk and massing of the 3 storey terrace could result in overshadowing and loss of light for existing residents and those in the ground floor of the proposed flats. This forms part of the planning balance in that section of the report below.

5.6 Traffic/Parking DMDPD Policy DM 62: Vehicle Parking Provision

5.6.1 Policy DM62 requires parking to be provided in accordance with appendix E of the Development Management DPD. Appendix E states that residential developments of flats are considered on a case by case basis for vehicle and cycle spaces. Lancashire County Council as the Highway Authority has confirmed it has no objection to the proposed 31 vehicle and 10 cycle spaces because the *“location of the application site provides readily available access to a range of community services and a variety of frequent forms of public transport.”* Some off-site works are requested by the Highway Authority to make the development acceptable i.e. reinstatement/improvement of footways and kerbs and a review of existing street lighting.

5.7 **Other Material Considerations**

5.7.1 **Ecology** (DMDPD Policy DM44 The Protection and Enhancement of Biodiversity) – There is no evidence of the site providing habitat for or existence of any protected or endangered species. However, a Habitat Regulation Assessment has been carried out which shows the potential impacts from increased recreational pressure are considered limited by the small size of the proposed development. However, to mitigate any increase, homeowner packs can be provided to each dwelling which is covered by a condition.

5.7.2 **Flood Risk and Drainage** (DMDPD Policies DM33 Development and Flood Risk, DM34 Surface Water Run-off and Sustainable Drainage and DM35 Water Supply and Waste Water) – The site lies within flood zone 2 (1:200 or greater annual probability of sea flooding). The applicant’s flood risk assessment states a comparison between tidal flooding levels and the crest level show that seawalls should not be overtopped or breached meaning the risk of flooding is low. The site appears suitable for a SuDS system to attenuate surface water run off plus allowing for climate change to ensure it does not pose a risk to site users or increase flooding elsewhere. United Utilities has objected on the basis of the surface water run off rates. UU has used greenfield rates whereas the applicant’s drainage consultant has used brownfield. The two parties are discussing this further and UU has requested standard drainage conditions which is appropriate as this is a technical matter that can be addressed.

5.7.3 **Contamination** (DMDPD Policy DM32 Contaminated Land) – Ground condition surveys have been carried out which conclude there are no significant contamination issues. A remediation strategy has been submitted that states soil management, use of appropriate PPE and dust control is adequate mitigation, which are covered by other legislation.

5.7.4 **Refuse store** (Planning Advice Note Waste and Recycling Provision at Domestic Dwellings) – refuse stores are normally required to be roofed to prevent seagulls being attracted and causing a nuisance. However, there is a sewer crossing the site and United Utilities will not allow a roofed structure within its easement.

6.0 Conclusion and Planning Balance

6.1 This site has long been part of the masterplan for regeneration of this part of Morecambe. It is the final project following demolition of the old unfit housing and renovation of other retained houses in the immediate area. It is in a sustainable location close to local amenities and public transport links. Therefore, in principle, there is no objection to this development.

6.2 It is still the case that the development should not cause unacceptably adverse impacts on existing residents through overshadowing or loss of privacy or the local area through poor design or creating/worsening traffic conditions. It is also important to make sure future residents have an appropriate standard of living. As set out in this report there are concerns about the design, size, bulk and consequential effects on the street scene and neighbouring residents’ living conditions. It is appropriate to balance this against the long term aims to regenerate this area to the benefit of all and meeting an evidenced housing need. The current site is unused, partly overgrown and contributes little in a positive way to the local area and a viable development is needed to improve this.

- 6.3 In design terms, the proposed height and width is not out of keeping being a 3 storey terrace in an area characterised by terraces of between 2 and 5 storeys in height. Concerns over the potential blandness of the front elevation have been partially overcome through amendments to break the ridge and eaves lines for three of the seven villas, addition of projecting canopies above the seven entrances and inset (by 25mm) brick panels on the floors above each front door. The front elevation is broken up by windows and full height glazing to upper floors with balcony rails. After discussions with the applicant, these changes were the most that could be secured without increasing development costs to the extent of making the scheme unviable. On balance therefore, the design is acceptable.
- 6.4 The greatest concern relates to separation distances between the proposed block and existing houses, which is deficient against current standard in all directions and could give rise to mutual loss of privacy and overshadowing. However, it is appropriate to take two factors into account:
- 6.5 First, the historic character and urban grain of the locality is multi floor terraces located very close to each other both facing and at right angles. Properties here traditionally have short rear yards with alleys behind where the current spacing standards are not met. The previous block on this site had this exact relationship with the row ending in 19 Marlborough Road. At present, on the corner of Alexandra Road and Marlborough Road 3 storey properties with clear glazed windows in the rear elevation of the outriggers are only 5 metres from 2 storey properties at right angles. Before the houses on this site were demolished they were overlooked by the 4/5 storey properties fronting Marine Drive.
- 6.6 Second, the NPPF requires best and most efficient use of land. It is inherent that sustainable development should be approved without delay. The current site is a wasted resource that contributes little positively to the local area. Its redevelopment will bring it back into positive use, providing homes meeting a recognised local need for the good of the wider population.
- 6.7 Therefore, in this case taking into account all circumstances relevant to this site and its surroundings and on balance, it is considered the benefits of the proposal outweigh the negative impacts and the recommendation is to grant permission.

Recommendation

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

Condition no.	Description	Type
1	Three-year permission	Control
2	Development in accordance with approved plans (to be listed)	Control
3	Detailed plans of site access	Pre-commencement
4	Finished floor and site levels	Pre-commencement
5	Submission of a drainage scheme	Pre-commencement
6	Submission of surface water drainage management and maintenance plan	Pre-commencement
7	Foul drainage system details required	Pre-commencement
8	Off site highway works (pavements)	Development above ground
9	Electric vehicle charging points	Development above ground
10	Material samples	Development above ground
11	Details of boundary treatments, including finishes.	Development above ground

12	Details of landscaping scheme and management plan	Development above ground
13	Details of canopies above entrance doors on the front elevation	Development above ground
14	Homeowner Packs	Development above ground
15	Security measures	Pre-occupation
16	Cycle store and refuse provision	Pre-occupation
17	Details of car park including disabled parking	Pre-occupation
18	Unforeseen contamination condition	Compliance
19	Development in accordance with the Flood Risk Assessment	Compliance
20	Construction Hours of Work (0800-1800 Mon to Fri and 0800-1400 Sat only)	Compliance

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	A6
Application Number	19/00320/REM
Proposal	Reserved matters application for the erection of 23 dwellings
Application site	Land north of Royal Oak Meadow, Hornby, Lancashire
Applicant	Mr John Beard
Agent	Daniel Addis
Case Officer	Mr David Forshaw
Departure	No
Summary of Recommendation	Approval

1.0 Application Site and Setting

- 1.1 The site extends to 1.08 hectares of greenfield land in a roughly triangular shape. It is currently vacant, having last been in agricultural use for grazing livestock (there is no date as to when this use ceased, though it was an active use when the associated outline application was made in December 2015).
- 1.2 It is located on the northern periphery of the village of Hornby, immediately north of, and accessed from, Royal Oak Meadow/Hornby Bank, and to the south and east of Melling Road (A683), the principal route into the village from the north. To the east the site is bounded by open countryside.
- 1.3 The periphery of the site predominantly comprises hedgerow, some intermittent tree cover, and long grass. The south east corner of the site is bounded by the garden enclosure of 46 Hornby Bank. Topographically, the Site is fairly flat, although there is a gentle north east to south west slope resulting in an overall almost 4 metre fall across the site.
- 1.4 The site falls within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and partially within a Mineral Safeguard Area and a 1:1000 year surface water flooding zone. It is located circa 80 metres south west of ancient woodland, circa 300 metres to the south east of the River Lune Biological Heritage Site, 300m north-west of the Hornby Deer Park Biological Heritage Site, and circa 400 metres to the north of the Hornby Village Conservation Area.

2.0 Proposal

- 2.1 The application comprises the reserved matters details for the development of 23 residential units. Outline planning permission was granted for the proposed development on 18th April 2016 pursuant to application reference 15/01593/OUT. Access was approved as part of the outline scheme, with all other matters reserved for future consideration. This current application has been made for approval of these remaining details which include appearance, landscaping, layout, and scale.

2.2 The proposal comprises 23 dwellings comprising 14 open market and 9 affordable units. There is also a mix of sizes - 2, 3 and 4-bed dwellings within 1.5 storey dormer bungalows or 2 storey houses. In terms of landscaping, the layout of the scheme includes an area of amenity open space and includes structural landscaping to the boundary with Melling Road.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
15/01593/OUT	Outline application for the erection of up to 23 residential dwellings with associated new access	Permitted 18 April 2016
18/01611/FUL	Erection of 28 dwellings (C3) and associated access	Refused for reasons of overdevelopment and lack of information

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Objection to the original submission and amendments, noting concerns over the effects of the approved access arrangements on highway safety. The Parish Council objected to a second access serving plots 13 and 14 (shown on the first set of amended plans) and the proposed off-site highway works on Royal Oak Meadow. The Parish Council is of the opinion improvements are required to the junction between Melling Road and Royal Oak Meadow to make this development safe. The Parish Council maintains their objection to the amended scheme based on the access and highway safety grounds.
County Highways	Objection , subject to a review of the internal road layout to ensure the development is designed to Manual for Streets standards, parking provision meets the Council's parking standards and the visibility splays are protected. Amended plans have been received to address earlier comments from County Highways, though a response is awaited. Therefore, a verbal update will be provided at the Planning Regulatory Committee meeting.
Lead Local Flood Authority	No comments received
Waste and Recycling	Comments received requesting additional refuse collection points at plots 6/7 and 18/19.
Natural England	No objection – considered that the proposed development will not have significant adverse impact on statutorily protected nature conservation sites or landscapes.
Tree Officer	No objection – originally objected to the scheme due to impacts on protected trees however, following detailed discussion and changes to the scheme the concerns were addressed to the Officer's satisfaction.
Archaeology	No objection – reference is made to the consultation response provided at outline application stage, effectively reiterating the recommendation for phased scheme of archaeological investigation (this is a condition imposed on the outline permission).

4.2 Eleven letters of objection were received relating to the original submission. A summary of the main reasons for opposition are as follows:

- Inappropriate access off Hornby Bank / Royal Oak Meadow;
- Highway safety risk to pedestrians due to increased traffic along existing narrow road with poor sight lines at the junction with Melling Road;
- Lack of demand for new homes in the village;
- Lack of investment in local amenities and services to support village expansion;

- Open space poorly designed into the layout and concerns over the management and maintenance of it; and
- Proposed purple beech hedging should be amended to a native hedging mix.

Following the submission and re-consultation on amended plans, a further 12 letters of objections have been received. Many advised they had no objections to the principle of new housing but raised the following concerns/reasons for opposition:

- Access concerns have not been addressed in the amended plans;
- The Council is not listening to local concerns or the Parish Council's in respect of the access and highway safety, including the increase in traffic on narrow residential streets and poor visibility from the existing estate onto the A683;
- Concerned why the Highway Authority is not reviewing the access arrangements;
- Play space for children should be provided adjacent to the development as children currently play on the road (with adult supervision);
- Given the location of the site, residents will rely on private car, increasing traffic and carbon footprint;
- Need for native hedgerows and landscaping to blend in with the environment and to prevent suburban appearance;
- Unclear what steps the developer is taking about drainage in the south west corner which floods.

4.3 A number of objections have been raised in respect of the approved point of access and proposed off site highway works. However, as access was approved following consultation with County Highways at the outline application stage, it is not possible for the local planning authority to revoke that approval or require an alternative access at this reserved matters stage.

5.0 Analysis

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

- Principle of development
- Design
- Landscape
- Amenity
- Compliance with outline permission

5.2 **Principle of Development** SPLA DPD Policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, Development Management DPD Policies DM1: New residential development and meeting housing needs, DM2: Housing standards, DM3: Delivery of Affordable Housing and National Planning Policy Framework Sections 2, 5, 11, 12.

5.2.1 Following the grant of outline planning permission 15/01593/OUT on 18 April 2016 the site was allocated in the adopted Spatial Policies and Land Allocations DPD as a rural housing site (ref. H2.1). Therefore, the principle of residential development on this site is established and cannot be revisited. The adopted Development Management DPD includes policy DM6 which seeks to restrict major developments in the AONB. However, the outline planning permission pre-dates the adoption of Policy DM6, so the allocation in the SPLA DPD overrides it. Furthermore, it is for the relevant decision taker to decide whether it is major development rather than taking the standard definition from within the Town and Country Planning (Development Management Procedure) (England) Order 2015. This is in line with NPPF and NPPG. Please note in determining 15/01593/OUT it was concluded that the proposed was not major development.

5.2.2 Whilst acknowledging the concerns raised by the Parish Council and local residents, the outline planning permission includes detailed consent for the access, so this element is not a matter for consideration now.

5.3 **Design Consideration** DMDPD DM29: Key design principles; DM30: sustainable design; NPPF section 12

- 5.3.1 Following a long process of negotiation with the applicant the current layout and dwelling designs are considered acceptable. The access road loops round the site as an extension of Hornby Bank with plots on both sides until it turns back towards Royal Oak Meadow where there is single sided development facing outwards towards Melling Road and two plots facing Royal Oak Meadow. Therefore, the houses do not turn their back on existing houses or the site frontage to Melling Road. The layout includes a significant landscaped strip between the estate road and Melling Road and two areas of public open space to protect the setting of protected trees.
- 5.3.2 The revised design of the dwellings themselves is similar in part to the “Arts and Crafts” style. There are 7 house types with accommodation set over 2 floors within either dormer bungalows or houses. To create the first floor accommodation there are a mix of hipped roof dormers and/or two storey gabled features set in roofs with low eaves on the front and/or rear elevations.
- 5.3.3 The walls are predominantly render with stone detailing around some windows and to some porches and gable features. One house type has cedar boarding at first floor level in the gable feature. All roofs will have a slate covering. The components of the small palette of materials is acceptable and complements this location. Given the site occupies a prominent gateway location into the village within the AONB, conditions are recommended to secure high quality finishes to the dwellings.
- 5.3.4 Each property without a garage will have a detached cycle store in the rear garden. A condition is proposed to deal with the detailed design and materials for these. The layout of the scheme generally secures appropriate street frontages when viewed within and outside the site. The boundary treatment plan submitted is largely acceptable, though there remain some concerns about the boundary treatments to certain plots. There are no specific detail provided over the different types of boundary treatments so it is appropriate to secure a condition that sets out that notwithstanding the details submitted, the precise layout and details of boundary treatments are to be agreed.
- 5.3.5 The layout of the development has been designed to meet County’s adoptable road standards with suitable provision for pedestrians within the estate with separate pedestrian links to Royal Oak Meadow. By bringing the road up to adoptable standards means that the site can safely accommodate emergency vehicles and refuse vehicles. County’s response to these amended plans is still awaited, but will be verbally reported to the Planning Regulatory Committee meeting.
- 5.4 **Landscape** DMDPD Policy DM46: Development and Landscape Impact; NPPF section 15
- 5.4.1 The site is within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The outline permission and SPLA allocation have already considered the principle of the development and its effect on the AONB. It is the precise details of the siting, scale, massing, materials, landscaping, vernacular style and design of the scheme which need to be assessed in terms of the AONB.
- 5.4.2 The site falls from 38.2 metres above Ordnance datum (AOD) in the north east to 34.6mAOD in the south. As set out above the siting, scale, massing, materials, vernacular style and design have been subject to detailed negotiations resulting in an outward facing layout made up of dwellings with reduced impact due to the low eaves design, use of dormers and complementary render/stone/slate materials. The design does not compromise the view reached in granting outline planning permission and allocating the site for housing. Subject to agreeing details via conditions, it is considered that the development contributes positively to the conservation and enhancement of the AONB.
- 5.4.3 In terms of landscaping of the site, the layout has been amended to safeguard the protected tree along the eastern boundary and that the proposed landscaping seeks to bolster the hedgerow planting along the boundary with Melling Road. The principles shown on the application plans are acceptable but no detail of species, density of planting or maintenance have been submitted. This can be covered by a proposed condition.
- 5.5 **Amenity** DMDPD Policy DM 29: Key Design Principles
- 5.5.1 The amendments to the layout have addressed earlier concerns in relation to garden sizes, parking provision as well as meeting Council’s interface distances. The revised layout satisfies window to

window distances to protect overlooking, though the final details of the boundary treatments will need consideration at the discharge of condition stage (if Reserved Matters consent is granted) to ensure private amenity spaces are appropriately protected. There are no potential conflicts from overshadowing. Therefore, there should be no loss of amenity for the residents of the existing houses or for the future residents of the proposed dwellings within the development.

5.6 Compliance with Outline Permission

5.6.1 The outline planning permission contained a number of conditions relating to matters such as the access, off-site highway works, surface water and foul drainage, site and finished floor levels, construction method statement, archaeology, ecology, tree protection, removal of permitted development rights, and unforeseen contamination. If Reserved Matters consent is granted and a developer wishes to implement the consent, they will need to submit details in relation to these conditions on the outline planning permission in addition to any details required by the Reserved Matters consent. The development should then be built in accordance with the approved details.

5.6.2 Condition 4 on the outline planning permission refers to the installation of bollards. Since this consent was granted, County Highways has altered their view, and therefore the installation of bollards on Royal Oak Meadow is no longer required. However, the developer would have to apply to vary this condition as it cannot be dealt with by way of this Reserved Matters consent.

5.6.3 The terms of the Section 106 agreement that is attached to the outline planning permission, it remains valid and unchanged. It secures the following:

- 9 affordable houses (4 to be one tenure and 5 to be another – social rented or intermediate);
- A financial contribution towards off site public open space to be calculated at the Reserved matters stage (this figure is £42,490);
- Provision of on-site amenity land as identified at the Reserved Matters stage (this is referenced in paragraph 2.2); and
- Management of the public on-site spaces (including open spaces and landscaped areas, as well as highways and drainage if they are not adopted)

6.0 Conclusion and Planning Balance

6.1 Residential development is established in principle through the grant of outline planning permission and the allocation as a rural housing site. Access has already been granted consent as a detail forming part of the outline planning permission. Therefore, despite the comments from the Parish Council and neighbours on access and traffic, this aspect cannot be considered as part of this application.

6.2 Matters for consideration are those reserved matters not previously approved: layout, scale and appearance, landscaping and boundary treatments. The layout, scale, appearance and boundary treatments are acceptable in terms of overall visual impact as well as in the context of the AONB. The schematic landscaping proposals are acceptable, and the detailed planting and maintenance regime can be covered by condition.

6.3 Amenity impacts from potential overlooking and overshadowing are all considered acceptable as they meet standard requirements.

6.4 Several issues will still need to be resolved from the outline planning permission but these are appropriately dealt with by imposition of the conditions on that consent, requiring submission of details for approval at the relevant phase of development.

Recommendation

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

Condition no.	Description	Type
1	Two-year permission	Control

2	Development in accordance with approved plans (to be listed)	Control
3	Material samples, including sample panel of stonework and mortar, and details of render, slate, verge/eaves, ridge tiles, doors, windows, garage doors, dormers, rainwater goods, surface treatments	Development above ground
4	Notwithstanding the submitted information, details of boundary treatments, including finishes	Development above ground
5	Details of landscaping scheme and management plan	Development above ground
6	Provision of parking/garages	Pre-occupation
7	Cycle store details and materials including store to plot 5	Pre-occupation

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	A7
Application Number	20/00455/FUL
Proposal	Erection of a detached bungalow (C3), creation of vehicular access off Curwen Avenue and associated hardstanding
Application site	Land south of Curwen Avenue, Heysham Lancashire
Applicant	Mr John Ashdown
Agent	Building Plan Services
Case Officer	Ms Rebecca Halliwell
Departure	No
Summary of Recommendation	Approval

(i) **Procedural Matters**

This application is a resubmission of the previously withdrawn scheme 19/00526/FUL that was referred to the Planning Regulatory Committee by Cllr Hartley on the grounds of design (layout and density) and highway safety. Therefore, in line with the Scheme of Delegation in the Council's Constitution, the application must be determined by the Planning Regulatory Committee

1.0 Application Site and Setting

- 1.1 The application site is located to the south of Curwen Avenue, west of the junction with Warton Avenue, within the urban area of Heysham. The Morecambe Bay SSSI, SAC, SPA and RAMSAR sites are sited circa 680m west of the application site.
- 1.2 The site is currently a vacant plot of land bounded by Curwen Avenue to the north, residential properties to the west and south and a row of garages to the east. To the south of the site is an existing boundary wall with the neighbouring property of 1 Cherry Tree Close, which is 4.5m at the highest point and 3.5m at the lowest point. To the west of the site is an existing boundary wall with the neighbouring property of 40 Middleton Road, which is 3.3m in height. Beyond the boundary wall to the west of the site is grassed land that rises from east to west. There are currently six bungalows located to the north of Curwen Avenue, which is a cul-de-sac.
- 1.3 The site is currently an overgrown small flat plot of land following the demolition of a joiner's workshop in 1993. The site is rectangular in shape with a long frontage and shallow depth. The area currently benefits from a number of self-sown trees within it.
- 1.4 The predominant residential property type in the immediate area is single storey bungalows. The row of garages is flat roofed with a tarmac area to the front. Curwen Avenue is accessed via a circular road centred by an area of grassed open space creating a small cul-de-sac.

2.0 Proposal

- 2.1 The proposal seeks planning permission for the erection of a detached bungalow (Use Class C3), the creation of a vehicular access off Curwen Avenue and associated hardstanding. The proposed dwelling will occupy the western part of the site. The property will have a width of 16m and a depth of 5.2m, resulting in a proposed footprint of 83 sq.m. The proposed dwelling will be single storey with a pitched roof, with a ridge height of 4.2m.
- 2.2 The external walls will be finished in render with a concrete tiled roof. Internally the property will provide 2 bedrooms, one with an en-suite, a family bathroom, an open plan kitchen / dining room, an entrance hall and a lounge. To the west of the property will be an area of private amenity space measuring 68 sq.m and 2 off street parking spaces.
- 2.3 The boundaries to the west and south of the site are to be retained as existing. A 1.8m high boundary wall / fence is also proposed to create the private amenity space to the rear. A 1.5m footpath is also proposed which will extend along the frontage of the site to serve both the application site and the street.

3.0 Site History

- 3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
19/00526/FUL	Erection of detached bungalow with detached garage	Withdrawn
09/00818/FUL	Erection of a detached bungalow with detached garage	Permitted
94/00510/FUL	Amended proposal for erection of one detached dwelling.	Permitted
93/01088/FUL	Demolish existing workshop and erection of two detached dwellings.	Permitted

4.0 Consultation Responses

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

Consultee	Response
Office of Nuclear Regulations	This application falls outside of any GB nuclear consultation zone, therefore ONR has no comment to make.
United Utilities	No objection subject to the site being drained on separate systems with foul water draining to the public sewer and surface water draining in the most sustainable way.
Property Services	The land between the highway kerb and the development site is within Lancaster City Council's ownership as is the development plot.
Health and Safety Executive	The development does not intersect a pipeline of hazard zone.
Emergency Planning	Lancashire County Council's Emergency Planning Team have received no objections to the application from the relevant organisations, therefore all agencies can accommodate the changes within the Heysham Power Stations Off-Site Emergency Plan
Highway Authority	The creation of a means of access serving a single residential unit with parking facilities complying with Lancaster City Council's parking standard guidelines to be appropriate in capacity terms given traffic levels on Curwen Avenue. Therefore, no objection is raised subject to the inclusion of a number of conditions relating to the submission of details prior to commencement of the development for the creation of the access point and the creation of a 1.5m footway.
Environment Agency	No comments to make.

4.2 4 letters of representation have been received from the public, 3 from local residents and 1 from Cllr Hartley. The letters of representation object to the proposal for the following reasons:

- Highway Safety – parking issues due to the road being too narrow for vehicles to drive into and out of a driveway safely. Further to this, visitors would have to park on the road, exacerbating existing access issues.
- Amenity Impact – overlooking and loss of privacy
- Standard of Accommodation – the proposed layout is not suitable
- Loss of Trees – ecological impact would be adverse as the trees host an array of birds, bats and foxes. Loss of noise insulation.
- Layout and Density – the site is a narrow strip of land. Doubts have been raised if the site can even accommodate the proposed development

5.0 Analysis

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

Principle of the development (Development Management DPD Policies DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM60 (Enhancing Accessibility and Transport Linkages) and NPPF Section 2: Achieving sustainable development, Section 11: Making effective use of land))

Design / Visual Impact (Development Management DPD Policy DM29 (Key Design Principles) and NPPF Section 12: Achieving well-designed places))

Residential Amenity (Development Management DPD Policy DM29 (Key Design Principles) and NPPF Section 12: Achieving well-designed places))

Highways (Development Management DPD Policy DM62 (Vehicle Parking Provision) and Appendix E: Car Parking Standards and NPPF Section 9: Promoting sustainable transport))

Biodiversity (Development Management DPD Policies DM45 (Protection of Trees, Hedgerows and Woodland) and DM44 (The Protection and Enhancement of Biodiversity) and NPPF Section 15: Conserving and enhancing the natural environment))

Drainage (Development Management DPD Policy DM30 (Sustainable Drainage) and DM34 (Surface Water Run-Off and Sustainable Drainage))

5.2 Principle of the development

5.2.1 Policy DM1 of the DM DPD states that any new development must be well related to the existing built form of the settlement and be located where the environment and infrastructure can accommodate the impacts of the expansion. Policy DM60 of the DM DPD sets out that proposal should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport.

5.2.2 The site is located within the urban area of Heysham, within an existing residential area and is within a short walking distance of a number of local facilities, including shops, bus services and local schools. It is, therefore, in principle considered to be an appropriate location for new residential development.

5.2.3 Policy DM1 also relates to Meeting Housing Needs within the District. It states that the council will support proposals that seek to promote balanced communities and meet evidenced housing needs by supporting proposals that accord with the Council's latest Strategic Housing Market Assessment. Notwithstanding the above assessment, the council has responsibility for planning for the future housing needs of the district, with the NPPF requiring local authorities to significantly boost the supply of housing especially in situations of noted undersupply. The November 2019 Housing Land Supply Statement sets out that 4.5 years of housing supply can be demonstrated at the current time.

5.2.4 The council's DM DPD adopted in July 2020 states that, on the basis of; the deliverability evidence provided to support the Local Plan; the application of a stepped housing requirement; a 5% NPPF

buffer; and, taking account past periods of undersupply the council could demonstrate a 5-year supply during the Examination local hearing. In reaching this conclusion the Inspector states in his report that whilst assessing the plan under the 2012 NPPF he remained satisfied that a 5-year supply could also be demonstrated under the increased scrutiny required under the new 2019 NPPF. However, due to Covid-19, delivery has slowed, and it is considered that when the figures are re-run under the NPPG the council will not be able to demonstrate a 5 year land supply.

- 5.2.5 A lack of a five-year housing land supply is a material consideration in the determination of this application and also requires the application of the presumption in favour of sustainable development. Opportunity to address the undersupply can only come forward through the approval of more residential proposals and the identification of further supply through the Land Allocations process. Therefore, given the current situation, the relative small scale of the proposal and the proximity to local services, it would be difficult to resist the principle of residential development in this location.
- 5.2.6 DM2 of the emerging Local Plan relates to Housing Standards. The council, in accordance with national policy and practice guidance, has taken consideration of overall need and viability across the district and has chosen to implement optional housing standards on new residential development. Proposals for residential development will be supported where the new dwelling meets the Nationally Described Space Standard (NDDS) (or any future successor). As submitted the bedrooms would measure 7.2 sq.m and 11.04 sq.m. The NDDS require single bedrooms to measure 7.5 sq.m and double bedrooms 11.5 sq.m. It is acknowledged that both rooms are marginally substandard, however, it is not sufficient to warrant the refusal of this application. Further to this, the NDDS required that for a 2 bedroom single storey dwelling a minimum of 61 sq.m and a maximum of 70 sq.m total gross internal floor area is provided. In this case, the proposed dwelling would exceed even the maximum amount as it proposes a dwelling with a total floor area of 83.2 sq.m.
- 5.2.7 Further to this, the proposed detached dwelling has previously been approved in 1994 and 2009. The submitted application differs slightly in scale and layout due to the removal of the detached garage element.
- 5.2.8 Taking into consideration the above, it is considered that the proposed development accords with local policies found within the DM DPD. 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; subject to assessment of the following matters.
- 5.3 Design / Visual Impact
- 5.3.1 National policy requires development to be of good design and contribute positively to making places better for people, requiring development to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Planning permission should be refused for poor design that fails to take opportunities for improving the quality and character of an area. This is reiterated in Policy DM29 of the DM DPD which echoes the above whilst stating that that design should have regard to local distinctiveness have appropriate siting, layout, materials, orientation and scale.
- 5.3.2 The application site lies within a predominantly residential area. The immediate surrounding area is characterised by semi-detached two storey dwellings and semi-detached / detached bungalows. The proposed dwelling is of a design which reflects the character and appearance of the local area and will be finished in materials that are similar in appearance to the local vernacular.
- 5.3.3 The Council recognises the importance that private garden space can provide, both to the health and well-being of residents but also the benefits that it can provide to the natural environment, particularly in urban locations. New houses should be designed to ensure that at least 50 sq.m of usable private garden space is provided, which is not directly overlooked by neighbouring properties. Rear gardens should look to achieve at least 10 metres in depth, unless there are overriding design reasons to justify a reduced depth. This is on the proviso that the garden area still provides a minimum 50 sq.m of useable, private amenity space (which must be proportionate to the size of dwelling – for example 50 sq.m for a two-bedroom house and an extra 10 sq.m for each additional bedroom) and providing neighbouring private amenity open space will not be overlooked. The

garden cannot achieve a depth of 10m due to the narrow nature of the site, however, the submitted details show that an amenity space of 68 sq.m will be provided to the east of the proposed dwelling.

- 5.3.4 The scale and massing of the proposed dwelling is thought to reflect that of the existing semi-detached dwellings located on Curwen Avenue. Further to this, the siting of the dwelling is dictated by the narrow plot of land and the boundary treatments to the south and west of the site.
- 5.3.5 The proposed dwelling has been designed so that the majority of the primary windows which will serve habitable rooms are situated on the north facing principal elevation. The south elevation will contain 4 windows, 2 of which will serve the bathroom and en-suite and 2 which will serve the kitchen / dining room. However, given the size of these opening in relation to the larger windows proposed in the front elevation, which will also serve the room, they are considered secondary.
- 5.3.6 The submitted plan shows that a 1.8m high fence / wall will be installed between the proposed dwelling and the proposed two parking spaces. This will provide adequate screening for the amenity area from Curwen Avenue. No details of the boundary treatment have been provided, so a condition will be attached requiring the submission of a scheme and its implementation prior to occupation of the dwelling.
- 5.3.7 On this basis, it is considered that the proposed development would not have an adverse impact upon the character and appearance of the application site or the surrounding area, nor would it appear as an incongruous addition within the streetscene. The development, therefore, accords with Policy DM29 of the DM DPD and the NPPF.

5.4 Residential Amenity

- 5.4.1 Policy DM29 of the DM DPD states that new dwelling should not have an adverse impact upon privacy and be free from overlooking and overshadowing where possible. It goes on to further state that a separation distance of no less than 21m shall be maintained between facing windows of habitable rooms and a separation distance of no less than 12m shall be maintained where windows of a habitable room face a blank gable or a wall with only windows to non-habitable rooms.
- 5.4.2 The proposed dwelling would be sited circa 13m from the neighbouring property No. 6 Curwen Avenue. The proposed windows on the front elevation of the proposed dwelling would face towards the blank gable elevation of No. 6 Curwen Avenue. Therefore, it is considered that the proposal would comply with the required separation distances. Further to this, given the orientation of No. 6 Curwen Avenue it is considered that the proposed windows located on the principal elevation would not result overlooking or a loss of privacy to the occupier of No. 6 or the proposed dwelling.
- 5.4.3 The development also proposes a number of openings to the rear elevation, which would face towards No. 1 Cherry Tree Avenue. However, taking into consideration the substantial boundary treatment, which is to be retained, it is considered that the development would not result in an adverse amenity impact upon the occupiers of No. 1 Cherry Tree Avenue.
- 5.4.4 A window and door opening are also proposed to the east facing gable elevation, though these will face towards the proposed amenity space and parking spaces. It is, therefore, considered that the proposed development would have a negligible impact upon the amenity of the occupiers of the neighbouring properties and accords with Policy DM29 of the DM DPD and the NPPF.

5.5 Highways

- 5.5.1 As part of the proposed development a new access is to be created and the provision of an area of hardstanding which will accommodate 2 off-street parking spaces. Appendix E of the DM DPD sets out the council's parking standards for all development. A two bedroom C3 dwelling would require the provision of a minimum of 2 off-street car parking spaces. The proposed area of hardstanding will measure approximately 6m wide, with a length of circa 5.5m. Therefore, providing adequate space to accommodate 2 cars.
- 5.5.2 The proposed access is to be immediately to the north of the two proposed parking spaces, east of the proposed dwelling. The Highway Authority has raised no objection to the proposed development on the basis that the nature of the proposed development would be unlikely to generate a significant number of additional vehicle trips and the nature of the carriageway in the immediate vicinity if relatively flat, drivers, pedestrians and cyclists will be able to see oncoming vehicles from a

reasonable distance. Consequently, the proposed level of off-street parking is considered to be acceptable in both highway safety and visual amenity terms.

5.5.3 The Highway Authority has requested the attachment of a prior to commencement condition relating to the submission of a scheme for the construction of the site's means of access and associated footway along the frontage of the site. The latter is outside of the applicant's red edge and will be obtained via the attachment of a Grampian condition.

5.5.4 The proposed development will, therefore, not have a detrimental impact upon road safety or the safe, efficient and convenient movement of highway users. It would also provide adequate off-street parking in accordance with the Councils adopted standards. The development, therefore, accords with Policy DM62 and Appendix E of the DM DPD and the NPPF.

5.6 Biodiversity

5.6.1 An Arboricultural Impact Assessment has been submitted in support of the application. The entire site is populated with low quality trees and brambles. The assessment states that all of the trees have poor form and have resulted from regrowth and natural regeneration. They offer only transient value and no trees were identified as being suitable for retention. All of the trees and vegetation will be removed to accommodate the proposed development.

5.6.2 The assessment concludes that there is no requirement for tree protection measures as no off site trees will be impacted by the development and all on site trees and vegetation will be removed prior to commencement of the development. It goes on to further state that an element of tree and hedge planting would provide opportunities to improve the quality of tree cover, species and habitat creation for both nesting birds and pollinators. Concerns have been raised by local residents that the loss of trees and vegetation will impact birds, bats and foxes in the area. Therefore, a condition will be attached requesting the submission of a landscaping scheme prior to the occupation of the dwelling to ensure that the landscaping is both appropriate for the site and results in biodiversity net gain.

5.6.3 The site is located approximately 680 metres from Morecambe Bay Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC) and RAMSAR Site. The site is separated from the designated areas by intervening residential development and highway. As such, it is considered that there would be no direct impacts on this.

5.6.4 However, there is the potential for increased recreational pressure post development, although this is unlikely to be significant given the scale of the development. It is considered that this relatively small potential impact could be adequately mitigated through a requirement to produce and distribute a homeowner pack to future occupants, which could be controlled by a condition. As mitigation would be required, the Local Planning Authority is required to undertake an Appropriate Assessment, and this is contained in a separate document. This concludes that, with mitigation, 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. Natural England has confirmed that they agree with this conclusion.

5.7 Drainage

5.7.1 The submission sets out that both foul and surface water will drain to the public sewer. In accordance with the drainage hierarchy, surface water must be drained in the most sustainable way and by infiltration or to a watercourse before draining to a sewer. As such, it would need to be demonstrated that this was not feasible. However, given the small scale of the scheme it is considered that this could be adequately covered by condition.

6.0 Conclusion and Planning Balance

6.1 In conclusion the proposed development would make a modest contribution to the provision of housing within the district which weighs in favour of the application. Impacts upon ecology, trees and drainage arrangements can be satisfactorily mitigated and controlled through planning conditions, with residential amenity maintained to an acceptable drees through the removal of permitted development rights.

- 6.2 The information regarding the access arrangements is broadly acceptable subject to precise details being submitted prior to the commencement of works. Whilst the bedrooms do not meet the required Nationally Described Space Standards, the benefits of the housing provision are considered to outweigh the harm to amenity caused by this, particularly as the proposed dwelling would offer satisfactory standards of residential amenity given it exceeds the required floor area far exceeds the maximum standards for a 2 bedroom dwelling.

Recommendation

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

Condition no.	Description	Type
1	Standards 3 year timescale	Control
2	Approved plans	Control
3	Materials as agreed	Control
4	Access details / scheme	Prior to Commencement
5	Surface water drainage scheme	Development above ground
6	Provision of parking spaces	Prior to Occupation
7	Homeowner pack	Prior to Occupation
8	Boundary treatment details	Prior to Occupation
9	Landscaping scheme	Prior to Occupation
10	Off-site highways works – access point and footway	Grampian
11	Arboricultural Impact Assessment	Control
12	Retention of south and west boundary treatments	Control
13	Removal of PD	Control

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

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

Background Papers

None

Agenda Item	A8
Application Number	20/00443/VCN
Proposal	Construction of temporary ice rink, temporary siting of observation wheel, chillers, erection of temporary fencing and hoardings, and temporary siting of marquee, access ramps, ticket booth, market stalls and tents for skate hire and the sale of refreshments (pursuant to variation 1 of planning application 19/00934/FUL to change operation dates of the ice rink and condition 2 to change operation dates of the observation wheel)
Application site	Queen Victoria Memorial, Dalton Square, Lancaster, Lancashire
Applicant	Mr Martin Horner
Agent	HPA Chartered Architects
Case Officer	Mr Andrew Drummond
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

The application is one which would normally be dealt with under delegated powers but is required to be brought before the Planning Regulatory Committee as the site in question is within the ownership of the City Council.

1.0 Application Site and Setting

1.1 The application site is within the centre of Lancaster and relates to Dalton Square which surrounds the Queen Victoria monument, and sections of highway to the front of Palatine Hall (to the north of the Square) as well as the eastern side of the square. Dalton Square is an oval shaped public space enclosed by stone boundary balustrades. The area has approximate dimensions of 70 metres by 35 metres and comprises simple flag paving, mature trees, grass and public seating with the Queen Victoria monument at its centre. Due to the differing surrounding land levels there are steps up to the square from the northern end and steps down into the square from the south.

1.2 Lancaster Town Hall is located to the south of the site and Palatine Hall is situated to the northern side of the square. Other commercial and office buildings surround the square including shops, bars and restaurants. It is understood that there are a limited number of residential units mainly located on the western side of the square above commercial premises. Sulyard Street to the north-east of the site contains a number of residential dwellings as well as flats within Wesley House. The one-way gyratory road runs in a southerly direction adjacent to the western side of the square with two way traffic running along its southern boundary. One way traffic is directed northwards along the eastern side of the square and can travel west along the northern site boundary feeding into the gyratory or, either onwards to Friar Street or right on to Sulyard Street. Two pedestrian crossings provide connectivity between the site and the heart of the city centre to the west. The eastern and northern sides of the square contain a number of pay and display parking bays.

1.3 The Queen Victoria monument is grade II* listed and the balustrades around the square are grade II listed. The square is surrounded by numerous designated heritage assets including the grade II* listed Lancaster Town Hall and the grade II listed Palatine Hall. Both the eastern and western sides of the square contain a number of grade II listed buildings including the nearby War Memorial in addition to other buildings which are considered as non-designated heritage assets. The site is within Lancaster Conservation Area. The square is designated as an area of Open Space, Recreation and Leisure within the Land Allocations and Strategic Policies DPD. The western half of the square is within an Air Quality Management Area.

2.0 Proposal

2.1 The application seeks vary condition 1 on planning permission 19/00934/FUL to change operation dates of the ice rink from 21 November 2020 - 3 January 2021 to 21 November 2020 - 10 January 2021 and vary condition 2 to change operation dates of the observation wheel so they tie in with the dates of the ice rink.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
18/00777/FUL	Construction of temporary ice rink, temporary siting of chillers and generators, erection of temporary fencing and hoardings, and temporary siting of marquee and tents for skate hire and the sale of refreshments	Permitted
19/00934/FUL	Construction of temporary ice rink, temporary siting of observation wheel, chillers, erection of temporary fencing and hoardings, and temporary siting of marquee, access ramps, ticket booth, market stalls and tents for skate hire and the sale of refreshments and erection of electricity kiosks	Permitted

4.0 Consultation Responses

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

Consultee	Response
Historic England	No comments to make
Conservation	No objection subject to a request for a pre-commencement condition relating to the protection of Listed structures following damage caused by a forklift truck last year during the dismantling of the ice rink
Highway Authority	No objection

4.2 No comments have been received from members of the public.

5.0 Analysis

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

- Impacts on the heritage assets
- Economic and social benefits

5.2 Impacts on the heritage assets (NPPF Section 16: Historic Environment; policies DM37: Listed buildings, DM38; Conservation Areas; DM39: Setting of Heritage Assets)

5.2.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed Building and or a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by the relevant

heritage policies in the Development Plan DPD. The proposal will lead to a level of harm on the settings of both the designated and non-designated heritage assets, though this impact will be temporary given the temporary nature of the structures. However, as discussed below, other impacts that can be permanent in nature (such as damage to structures) need to be assessed.

- 5.2.2 The ice rink has been installed and utilised over the last 2 Christmas/New Year periods. The first year it was installed, used and dismantled without causing damage to the heritage assets. Last year, however, an incident involving a forklift truck during the dismantling phase of the ice rink resulted in damage to the stone steps to the north side of the balustraded area. There were verbal discussions between the Conservation Team and the applicant on how to repair this in February/March 2020, but these repairs have not been carried out (apparently due to an ongoing insurance dispute). Reassurances that such damage will not continue to occur as, cumulatively with annual reuse of the square, this will undoubtedly erode the historic fabric and character of the square. If the condition of the public realm is not properly assessed and repaired in accordance with the previous permission this will lead to long term and irreversible harm to the heritage assets. Therefore, it is recommended that the Risk Assessment (conditions 12 and 13) is updated to put further protections in place on the steps leading to the balustraded area.
- 5.2.3 Separately, when the electricity cabinets were installed, along with their associated cabling, some paving was replaced by tarmac. This will need to be rectified. Whilst the works were not undertaken by the applicant, they relate to condition 18 of the planning permission. It is thought that these works were undertaken by the Highway Authority, so the applicant and their agent is chasing the County Council in this regard. As for the colour of the cabinets (condition 9), this has been agreed and implemented so this condition can now be removed.
- 5.2.4 Details relating to the protective fencing, barricades and hoardings (condition 8) were partially agreed last year, but not fully, so the requirement will be repeated on any consent that may be granted as part of this application. The other conditions requiring further information were agreed, so their wording will change to reflect the current position – in other words, the conditions will require the development to comply with the approved details.
- 5.2.5 In association with this application, some issues have come to light following last year's event in Dalton Square that need resolving and agreeing before any installation of attractions this year. As this can be adequately dealt with via conditions, it is deemed that the impacts on heritage assets are either temporary or can be prevented.
- 5.3 Economic and Social Benefits (NPPF Section 6: Economy; Section 7: Town Centres policies DM15: Small Business Generation; DM16: Town Centre Development, DM23: Leisure Facilities and Attractions; DM24: Cultural Assets; DM25: The Evening and Night Time Economy)
- 5.3.1 The change is relatively small in relation to the ice rink (an additional week in January 2021) but following the success of the observation wheel last year and the applicant demonstrating that the wheel could be sited in the north part of Dalton Square without damage being caused to the road, heritage assets or trees, this application seeks consent to site the wheel here each of the next 4 years alongside the ice rink. Given the social, cultural and economic benefits that these attractions bring to the city centre, the proposed changes to the dates of operation of the ice rink and observation wheel can be supported.

6.0 Conclusion and Planning Balance

- 6.1 The application seeks to build on the success of last 2 year's Lancaster on Ice events and represents an exciting opportunity for the temporary use of a public space which will undoubtedly attract visitors to the city centre and have associated economic benefits. Therefore, the proposed changes to the dates of operation of the ice rink and the observation wheel can be supported.
- 6.2 While the proposal will lead to a level of harm on the settings of both the designated and non-designated heritage assets, this impact will be temporary. On balance, the social, economic and cultural benefits of the entertainment provided by the temporary ice rink, observation wheel and ancillary structures within this public space are considered to outweigh the temporary impacts to the setting of the Queen Victoria monument and other surrounding designated heritage assets. With the addition of conditions to provide certainty that there will be no detrimental physical impacts it is

considered that the requirements of policies DM29, DM37, DM38 DM39 and DM45 of the DM DPD would be satisfied. However, further to damage to the Listed fabric within the square during the dismantling of the ice rink last year, the risk assessment and methodology will need to be re-visited to ensure damage does not occur again in the future.

Recommendation

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

Condition no.	Description	Type
1	Ice rink dates	Compliance
2	Observation wheel dates	Compliance
3	Approved plans	Compliance
4	In accordance with the methodology for the construction and dismantling of the observation wheel	Compliance
5	Photographic survey of the site (including all elevations of the Queen Victoria Memorial) to be carried out prior to the installation of the scaffolding as a record of the condition of the area prior to commencement and after the event (each year)	Compliance
6	In accordance with the highways method statement detailing the build phase, event phase, and dismantling phase	Compliance
7	In accordance with details of the marquees and market stalls, including layout and appearance	Compliance
8	Details of the protective fencing, barricades and hoardings	Pre-commencement
9	Colour and finish of the electrical cabinet – implemented so condition can be removed	Remove
10	If generators are required, details of the generators and the associated sound proofing	Compliance
11	In accordance with the temporary surfacing to be used under the observation wheel	Compliance
12	Method and materials for the protection of the stone steps to the Queen Victoria Memorial	Pre-commencement
13	Method statement and risk assessment for the protection of the Queen Victoria Memorial and stone balustrade during the construction and dismantling phases	Pre-commencement
14	In accordance with the tree protection plan and arboricultural method statement	Compliance
15	In accordance with the location and position of speakers and lighting	Compliance
16	No equipment, lighting or advertisements to be attached to the trees within the square	Compliance
17	Hours of operation	Compliance
18	Surfacing treatment associated with the electricity cabinets and associated cabling	Outstanding

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

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

Background Papers

None

Agenda Item	A9
Application Number	20/00519/LB
Proposal	Listed building application for the construction of temporary ice rink and erection of temporary fencing and hoardings
Application site	Queen Victoria Memorial, Dalton Square, Lancaster, Lancashire
Applicant	Mr Martin Horner
Agent	HPA Chartered Architects
Case Officer	Mr Andrew Drummond
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

The application is one which would normally be dealt with under delegated powers but is required to be brought before the Planning Regulatory Committee as the site in question is within the ownership of the City Council.

1.0 Application Site and Setting

1.1 The application site is within the centre of Lancaster and relates to Dalton Square which surrounds the Queen Victoria monument, and sections of highway to the front of Palatine Hall (to the north of the Square) as well as the eastern side of the square. Dalton Square is an oval shaped public space enclosed by stone boundary balustrades. The area has approximate dimensions of 70 metres by 35 metres and comprises simple flag paving, mature trees, grass and public seating with the Queen Victoria monument at its centre. Due to the differing surrounding land levels there are steps up to the square from the northern end and steps down into the square from the south.

1.2 The Queen Victoria monument is grade II* listed and the balustrades around the square are grade II listed. The square is surrounded by numerous designated heritage assets including the grade II* listed Lancaster Town Hall and the grade II listed Palatine Hall. Both the eastern and western sides of the square contain a number of grade II listed buildings including the nearby War Memorial in addition to other buildings which are considered as non-designated heritage assets. The site is within Lancaster Conservation Area.

2.0 Proposal

2.1 The application seeks Listed building consent for the construction of temporary ice rink and erection of temporary fencing and hoardings.

2.2 The key features of the proposal, insofar as they relate to the Listed structure, will comprise:

- Ice skating rink – 32.1 metres by 20.3 metres with a 8 metre by 8 metre central opening for a statue temporary ice rink system with barrier; and
- Temporary fencing and hoardings will be put in place during the construction and dismantling period and during the event to ensure protection of the listed structures.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
18/00778/LB	Listed building application for works to facilitate the construction of temporary ice rink and the erection of temporary fencing and hoardings	Permitted
19/00935/LB	Listed building application for the construction of temporary ice rink and erection of temporary fencing and hoardings	Permitted

4.0 Consultation Responses

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

Consultee	Response
Historic England	No comments to make
Conservation	No objection subject to a request for a pre-commencement condition relating to the protection of Listed structures following damage caused by a forklift truck last year during the dismantling of the ice rink
Cadent Gas	Advice only

4.2 No comments have been received from members of the public.

5.0 Analysis

5.1 The key consideration in the assessment of this application is:

- The impact on heritage assets

5.2 Impacts on the heritage assets (NPPF Section 16: Historic Environment; policies DM37: Listed buildings, DM38; Conservation Areas; DM39: Setting of Heritage Assets)

5.2.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed Building and or a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by the relevant heritage policies in the Development Plan DPD. The proposal will lead to a level of harm on the settings of both the designated and non-designated heritage assets, though this impact will be temporary given the temporary nature of the structures. However, as discussed below, other impacts that can be permanent in nature (such as damage to structures) need to be assessed.

5.2.2 The ice rink has been installed and utilised over the last 2 Christmas/New Year periods. The first year it was installed, used and dismantled without causing damage to the heritage assets. Last year, however, an incident involving a forklift truck during the dismantling phase of the ice rink resulted in damage to the stone steps to the north side of the balustraded area. There were verbal discussions between the Conservation Team and the applicant on how to repair this in February/March 2020, but these repairs have not been carried out (apparently due to an ongoing insurance dispute). Reassurances that such damage will not continue to occur as, cumulatively with annual reuse of the square, this will undoubtedly erode the historic fabric and character of the square. If the condition of the public realm is not properly assessed and repaired in accordance with the previous permission this will lead to long term and irreversible harm to the heritage assets.

Therefore, it is recommended that the Risk Assessment (conditions 3 and 4) is updated to put further protections in place on the steps leading to the balustraded area..

5.2.3 The proposed temporary development would lead to a level of harm on the setting and significance of designated and non-designated heritage assets and this harm is considered to be less than substantial. A balancing of detriment against benefits is set out in NPPF paragraph 196 where 'justification' is required. In the circumstances the social, economic and cultural benefits of the entertainment provided by the temporary ice rink may be used to balance against the undoubted detriment. The proposal would be subject to conditions to ensure that the affected heritage assets are returned to their current condition and without any resulting physical damage immediately after the festivities. Due to the unfortunate damage that occurred last year it is not simply the case of reiterating the same compliance conditions, but imposing conditions to require amended method statements to ensure that lessons are learnt and the historic fabric can be adequately protected during future events.

6.0 Conclusion and Planning Balance

6.1 The application seeks to build on the success of last 2 year’s Lancaster on Ice events and represents an exciting opportunity for the temporary use of a public space which will undoubtedly attract visitors to the city centre and have associated economic benefits. While the proposal will lead to a level of harm on the settings of both the designated and non-designated heritage assets this impact will be temporary. On balance, the social, economic and cultural benefits of the entertainment provided by the temporary ice rink and ancillary buildings within this public space are considered to outweigh the temporary impacts to the setting of the Queen Victoria monument and other surrounding designated heritage assets. However, further to damage to the Listed fabric within the square during the dismantling of the ice rink last year, the risk assessment and methodology will need to be re-visited to ensure damage does not occur again in the future.

Recommendation

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

Condition no.	Description	Type
1	Temporary consent for 5 years for a 6 week period in addition to 2 weeks either side of the scheduled event for construction and dismantling	Compliance
2	Approved plans	Compliance
3	Method statements and risk assessment to cover the construction and dismantling phases, and protection of the Queen Victoria Memorial and stone balustrade	Pre-commencement
4	Protection of the stone steps to the Queen Victoria Memorial	Pre-commencement
5	Details of the fencing and hoardings	Pre-commencement
6	Photographic survey of the site (including all elevations of the Queen Victoria Memorial) to be carried out prior to the installation of the scaffolding as a record of the condition of the area prior to commencement and after the event (each year)	Compliance

Background Papers

None

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
19/00211/DIS	Land Opposite 26 To 38, Lancaster Road, Overton Discharge of conditions 3,4,5,6,7,8 and 10 on approved application 16/01136/FUL for _ (Overton Ward 2015 Ward)	Application Permitted
19/00274/FUL	Land Adjacent To Castle O Trim Farmhouse, Procter Moss Road, Abbeystead Erection of an agricultural building, siting of 2 caravans for a temporary period of three years, and installation of package treatment plant for Mr & Mrs Miller (Ellel Ward 2015 Ward)	Application Refused
19/00490/LB	War Memorial, Storey Avenue, Lancaster Listed building application for cleaning of bronze statue and sandstone plinth, replacement of bayonet and affixing of an additional plaque for Mrs Amanda Stretch (Marsh Ward 2015 Ward)	Application Permitted
19/01394/FUL	Land Off, Carnforth Brow, Carnforth Erection of 2 detached dwellings and creation of an access for Ashton New Home Developments Ltd Ashton Homes Development... (Carnforth And Millhead Ward 2015 Ward)	Application Refused
19/01533/FUL	Blackberry Hall Works, Blackberry Hall Crescent, Heysham Demolition of existing workshop building and change of use of former yard to a gypsy/traveller site for the siting of 3 caravans and associated landscaping for Mr P Delaney (Heysham Central Ward 2015 Ward)	Application Refused
20/00017/DIS	St Georges Quay Development Site, St Georges Quay, Lancaster Discharge of conditions 3, 5, 6, 7, 8, 9 and 10 on approved application 18/01543/VCN for Luneside East Ltd (Marsh Ward 2015 Ward)	Application Permitted
20/00055/CU	Moss Side Racing Stables, Crimbles Lane, Cockerham Change of use of existing stables to boarding kennels and boarding kennels to cattery for Mr Jeffrey Brough (Ellel Ward 2015 Ward)	Application Refused
20/00074/DIS	St Georges Quay Development Site, St Georges Quay, Lancaster Discharge of conditions 11, 12, 14, 15 and 18 on approved application 18/01543/VCN for Luneside East Ltd (Marsh Ward 2015 Ward)	Application Permitted
20/00078/DIS	St Georges Quay Development Site, St Georges Quay, Lancaster Discharge of condition 4 on approved application 18/01543/VCN for Luneside East Ltd (Marsh Ward 2015 Ward)	Application Permitted
20/00080/DIS	Beechcroft, Hazelrigg Lane, Scotforth Discharge of conditions 3 and 4 on approved application 17/00566/FUL for Miss Janice Watson (University And Scotforth Rural Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

20/00082/DIS	Old Hall, Kirkby Lonsdale Road, Over Kellet Discharge of condition 3 and part of conditions 4, 5, 7 and 8 on approved application 20/00369/VCN for Mrs & Mrs Burns (Kellet Ward 2015 Ward)	Split Decision
20/00087/DIS	1 Low Road, Middleton, Morecambe Discharge of condition 3 on approved application 19/01480/FUL for Mr J Whitehead (Overton Ward 2015 Ward)	Application Permitted
20/00088/DIS	1 Low Road, Middleton, Morecambe Discharge of conditions 3 and 4 on approved application 19/01481/LB for Mr J Whitehead (Overton Ward 2015 Ward)	Split Decision
20/00090/DIS	Grand Theatre, St Leonards Gate, Lancaster Discharge of conditions 3,4,5 and 6 on approved application 19/01530/LB for Mr Michael Hardy (Bulk Ward 2015 Ward)	Application Permitted
20/00091/DIS	Site Of Former Filter House, Scotforth Road, Lancaster Discharge of condition 4 on approved application 19/00996/VCN for MR Vivian Watts (University And Scotforth Rural Ward)	Application Permitted
20/00097/DIS	7 Market Street, Lancaster, Lancashire Discharge of condition 3 on approved application 19/01405/FUL for Ms. R Roberts (Castle Ward 2015 Ward)	Application Permitted
20/00102/DIS	Bullcopy Farm, Kirkby Lonsdale Road, Arkholme Discharge of condition 2 on approved notification 18/01122/PAA for Mr & Mrs Mellows (Kellet Ward 2015 Ward)	Application Permitted
20/00103/DIS	ALDI, 48 Aldcliffe Road, Lancaster Discharge of condition 5 on approved application 18/01100/FUL for Aldi Stores Limited (Castle Ward 2015 Ward)	Application Permitted
20/00116/FUL	55 Torrisholme Road, Lancaster, Lancashire Retrospective application for the retention of a flue to the rear elevation for Kevina Bagis (Skerton West Ward 2015 Ward)	Application Refused
20/00149/FUL	1 Springfield Street, Lancaster, Lancashire Erection of a part two storey part single storey rear extension and construction of a dormer extension to the rear elevation for Mr Grahame O'Neill (Scotforth West Ward 2015 Ward)	Application Refused
20/00161/FUL	93 - 95 Mainway, Lancaster, Lancashire Retrospective application for the change of use of shop (A1) to a gym (D2) and erection of a single storey rear extension for Mr Alan Walsh (Skerton East Ward 2015 Ward)	Application Permitted
20/00162/FUL	Gardenia Lodge, Haverbreaks Road, Lancaster Erection of a part two storey part single storey side/front extension for Mr & Mrs G Hammond (Scotforth West Ward 2015 Ward)	Application Permitted
20/00276/FUL	The Gardens, Dallas Road, Lancaster Erection of 2 8 bed student HMO's (sui generis) and construction of a retaining wall to the rear for Mr Neale Goddard (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

20/00319/FUL	Bainsbeck Barn, Kirkby Lonsdale Road, Arkholme Erection of an agricultural building for livestock and storage for Mr Hayton (Kellet Ward 2015 Ward)	Application Refused
20/00324/FUL	Animal Care Sanctuary, Blea Tarn Road, Scotforth Installation of foul drainage infrastructure including package sewage treatment plant, pumping station and rising main for Animal Care (University And Scotforth Rural Ward)	Application Permitted
20/00360/FUL	The Lodge, Cragg Road, Wray Demolition of existing 2 storey front extension, 2 storey side extension, attached double garage, first floor and roof, installation of a new roof, chimney, windows and external door and creation of parking area for Mr & Mrs Bowyer (Lower Lune Valley Ward 2015 Ward)	Application Permitted
20/00361/LB	The Lodge, Cragg Road, Wray Listed building consent for demolition of 2 storey front extension, 2 storey side extension, attached double garage, first floor and roof, installation of a new roof, chimney, windows and openings, external doors and pipework in association with ground source heating, kitchen and bathroom, replacement slates to existing roof, and reinstatement of original walls and fireplaces for Mr & Mrs Bowyer (Lower Lune Valley Ward 2015 Ward)	Application Permitted
20/00368/ADV	2 Bye-pass Road, Bolton Le Sands, Lancashire Advertisement application for the display of 1 non-illuminated fascia sign, 1 internally illuminated suspended sign, 1 externally illuminated wall mounted sign, 1 externally illuminated totem sign, 5 non-illuminated wall mounted signs, 2 non-illuminated post mounted signs and 2 non-illuminated banner frames for The Co-operative Group (Bolton And Slyne Ward 2015 Ward)	Application Permitted
20/00374/CU	Lancaster Area Search And Rescue, Research House, Caton Road Change of use of part of office (E) to mixed use unit comprising retail (E), storage (B8) and training centre (F1) for Lancaster Area Search & Rescue (Bulk Ward 2015 Ward)	Application Permitted
20/00426/FUL	Tarnsyke Cottage, Flintron Brow, Over Wyresdale Conversion of existing attached workshop to additional living accommodation, demolition of existing single storey lean-to WC, insertion of windows, doors and rooflights, alteration to boundary wall and excavation of land to reduce ground levels for Mr. Declan Hoare (Ellel Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

20/00427/LB	Tarnsyke Cottage, Flintron Brow, Over Wyresdale Listed building application for the removal of floor slabs and plaster; installation of new insulated concrete floor, new internal openings and external window openings, internal wall insulation system, timber stud walls, new and replacement doors and windows, fitted units to kitchen/bathroom/utility, flue, soil vent pipe and grilles, and rooflights; replacement of electrical, heating and hot water installations and roof including replacement timbers; opening up of existing fireplace; works to partition walls; removal and rebuilding of chimney including lead flashings; repointing; renewal of cast iron rainwater gutters and downpipes; demolition of single storey WC lean-to and alterations to existing boundary wall for Mr. Declan Hoare (Ellel Ward 2015 Ward)	Application Permitted
20/00439/ELDC	Mel Barn, Mellishaw Lane, Heaton With Oxcliffe Existing lawful development certificate for the continued use of land for the siting of caravans for gypsies/travellers for Mr Benjamin Ellsmore (Overton Ward 2015 Ward)	Lawful Development Certificate Refused
20/00444/FUL	The Cathedral Catholic Primary School, Balmoral Road, Lancaster Installation of wooden play equipment and two timber shelters within existing playground for Mrs Claire Nolan Barnes (John O'Gaunt Ward 2015 Ward)	Application Permitted
20/00513/FUL	Williamson Court, 142 Greaves Road, Lancaster Retrospective application for the retention of an air source heat pump for Fran Roddy-Watts (Scotforth West Ward 2015 Ward)	Application Permitted
20/00517/VCN	Piccadilly Garden Limited, Piccadilly Garden, Piccadilly Erection of a single storey detached welfare building, creation of a new vehicular exit and associated parking (pursuant to the variation of condition 2 on planning permission 15/00837/FUL to amend the plans) for Mr Stephen Neaves (Scotforth West Ward 2015 Ward)	Application Permitted
20/00538/FUL	Land East Of Heysham Free Methodist Church, Laureston Avenue, Heysham Part retrospective application for the erection of six 3-bed semi-detached and three 4-bed detached dwellings with associated access for Mr Ogley (Heysham South Ward 2015 Ward)	Application Permitted
20/00541/FUL	Piccadilly Garden Limited, Piccadilly Garden, Piccadilly Erection of two single storey detached activity buildings for Mr Stephen Neaves (Scotforth West Ward 2015 Ward)	Application Permitted
20/00565/FUL	Land South Of Lords Lot Wood, Lords Lot Road, Over Kellet Part retrospective application for the construction of 2 poultry rearing units, installation of 2 LPG tanks and 2 feed bins, alteration of ground levels, construction of an earth bund, siting of a storage container and creation of vehicular access off Lords Lot Road for Martin Mulligan (Kellet Ward 2015 Ward)	Application Withdrawn
20/00575/FUL	46 Coniston Road, Lancaster, Lancashire Erection of a first floor rear extension and a first floor window to the side elevation for Mr. & Mrs. K. Moffat (Bulk Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

20/00583/LB	Lancaster Museum, Market Street, Lancaster Listed Building application for the removal of existing flue, installation of 2 replacement flues and installation of replacement boiler/plant equipment for Mr Sean Pidduck (Castle Ward 2015 Ward)	Application Permitted
20/00585/ELDC	14 Bridgeside, Carnforth, Lancashire Existing lawful development certificate for the construction of a decking area for Mr Karl Goggins (Carnforth And Millhead Ward 2015 Ward)	Lawful Development Certificate Refused
20/00596/FUL	The Canal Turn, Lancaster Road, Carnforth Installation of 8 lanterns for Mr W Hunt (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
20/00618/LB	Brookside Cottage, Kellet Road, Over Kellet Listed building application for the removal of existing render, repointing of masonry and replacement of lime render, replacement of brick and concrete with stonework and replacement of concrete lintel with sandstone lintel to the rear elevation for Mrs Christine Woods (Kellet Ward 2015 Ward)	Application Permitted
20/00620/FUL	7 Ruskin Drive, Morecambe, Lancashire Demolition of existing garage and rear extension and erection of a detached double garage and widening of existing access point for Mrs Janet Penn (Bare Ward 2015 Ward)	Application Permitted
20/00626/FUL	Ley Court, Storey Avenue, Lancaster Erection of a mobility scooter store and associated hardstanding for Mandy Stretch (Marsh Ward 2015 Ward)	Application Permitted
20/00639/FUL	20 Meadowfield, Halton, Lancaster Erection of timber boundary fence and gates for Mr Duncan Rushworth (Halton-with-Aughton Ward 2015 Ward)	Application Refused
20/00653/FUL	8 Brentlea Avenue, Heysham, Morecambe Demolition of existing store and erection of a single storey side/rear extension for Mr Graham Wallbank (Heysham South Ward 2015 Ward)	Application Permitted
20/00656/VCN	Leonardini, 22 King Street, Lancaster Change of use of an office (B1) to a cafe (A3) (pursuant to the variation of condition 3 on planning permission 14/00595/FUL to amend the opening hours) for Mr Joshua Cannings (Castle Ward 2015 Ward)	Application Permitted
20/00658/CU	38 Ashton Road, Morecambe, Lancashire Change of use of alleyway into residential land associated with 38 Ashton Road for Mr. & Mrs. P. Froude (Poulton Ward 2015 Ward)	Application Permitted
20/00663/FUL	52 Regent Park Grove, Morecambe, Lancashire Demolition of existing garage and erection of a single storey rear extension with a raised patio for Mr.& Mrs D. Hardman (Harbour Ward 2015 Ward)	Application Permitted
20/00664/FUL	Far Carus, Halton Road, Halton Installation of two rooflights to replace existing for Mr Val McCann (Halton-with-Aughton Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

20/00666/FUL	41 Thornton Road, Morecambe, Lancashire Retrospective application for the installation of a pitched roof to rear outrigger and alterations to windows and doors for Paul Harrison (Poulton Ward 2015 Ward)	Application Permitted
20/00673/FUL	38 Peacock Lane, Hest Bank, Lancaster Erection of a part single storey and part two storey side and rear extension with rear balcony, construction of a hip to gable extension and a dormer extension to the rear elevation and flue for Mr T Meachin (Bolton And Slyne Ward 2015 Ward)	Application Refused
20/00683/LB	Far Carus, Halton Road, Halton Listed building application for installation of two rooflights to replace existing and relocation of internal partition walls and doors for Val McCann (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
20/00689/ELDC	Lower Addington Farm, Birkland Barrow Road, Nether Kellet Existing lawful development certificate for 5 silos for Stonegate Agriculture Ltd. (Kellet Ward 2015 Ward)	Lawful Development Certificate Refused
20/00695/FUL	4 Hatlex Drive, Hest Bank, Lancaster Demolition of existing garage, rear conservatory and side porch and erection of a double garage, single storey rear extension and single storey side extension and creation of widened vehicular access for Mr Timothy Robinson (Bolton And Slyne Ward 2015 Ward)	Application Permitted
20/00697/FUL	15 Priorsgate, Morecambe, Lancashire Erection of single storey rear extension and conversion of garage into habitable room for Mr and Mrs Hetherington (Westgate Ward 2015 Ward)	Application Permitted
20/00710/FUL	10 Richmond Avenue, Morecambe, Lancashire Erection of a part two storey and part single storey side/rear extension for Mrs S Wilson (Bare Ward 2015 Ward)	Application Permitted
20/00711/FUL	21 Highland Brow, Galgate, Lancaster Demolition of existing conservatory and erection of a single storey rear extension for Mr D Rainford (Ellel Ward 2015 Ward)	Application Permitted
20/00712/FUL	69 Coulston Road, Lancaster, Lancashire Demolition of existing outbuildings, erection of a single storey side and rear extension and excavation of land to create a sunken patio for Mr & Mrs L Harding (John O'Gaunt Ward 2015 Ward)	Application Permitted
20/00722/FUL	1 The Green, Silverdale, Carnforth Retrospective application for the installation of a sewage treatment plant for Mr Shirburne-Davies (Silverdale Ward 2015 Ward)	Application Permitted
20/00725/FUL	56 High Road, Halton, Lancaster Erection of a first floor rear extension above existing extension for Mr And Mrs Bardsley (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
20/00728/FUL	30 Bay View Avenue, Slyne, Lancaster Retrospective application for the retention of a single storey rear extension and rear dormer and erection of a single storey garage to the side for Mr Jonathan Kidd (Bolton And Slyne Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

20/00734/FUL	10 Lindeth Close, Silverdale, Carnforth Demolition of existing porch and garage and erection of a front porch and single storey side and rear extension for Mrs Margaret Gillies (Silverdale Ward 2015 Ward)	Application Permitted
20/00751/FUL	66 Beech Road, Halton, Lancaster Demolition of existing garage and erection of a two storey side extension and a single storey rear extension for Mr & Mrs Woodruff (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
20/00754/FUL	6 East View Court, Lancaster, Lancashire Erection of single storey front and rear extension for Mr. & Mrs. R. Pullin (Skerton West Ward 2015 Ward)	Application Permitted
20/00755/FUL	6 Monkswell Drive, Bolton Le Sands, Carnforth Retrospective application for the retention of single storey rear extension and balcony above with obscure glazed side panels for Mr. & Mrs. S. Jackson (Bolton And Slyne Ward 2015 Ward)	Split Decision
20/00760/VCN	Land Adjacent To Low Abbey, Bay Horse Lane, Bay Horse Reserved Matters application for the erection of 2 dwellings with associated access (pursuant to the variation of condition 1 on Reserved Matters consent 19/01589/REM for the addition of a single storey side and front extension to plot 2) for Mr Michael Stainton (Ellel Ward 2015 Ward)	Application Permitted
20/00768/FUL	22 Vine Street, Lancaster, Lancashire Demolition of existing single storey outrigger and erection of a single storey rear extension and external store for Mr & Mrs Smart (Scotforth West Ward 2015 Ward)	Application Permitted
20/00779/FUL	3 Victoria Parade, Morecambe, Lancashire Demolition of existing conservatory and erection of a single storey rear extension for Mr & Mrs Neil Shelling (Poulton Ward 2015 Ward)	Application Permitted
20/00803/FUL	Lowood, Lindeth Road, Silverdale Demolition of existing conservatory and erection of a single storey rear extension for Mr & Mrs Thomas Forshaw (Silverdale Ward 2015 Ward)	Application Permitted
20/00809/FUL	12 Sea View Drive, Hest Bank, Lancaster Replacement of flat roof with pitched roof to the front elevation for Mr And Mrs M Edsforth (Bolton And Slyne Ward 2015 Ward)	Application Permitted
20/00815/FUL	56 Oxcliffe Road, Heysham, Morecambe Erection of a single storey rear extension for Mr. & Mrs. M. Burrow (Heysham Central Ward 2015 Ward)	Application Permitted
20/00834/FUL	7 Hawthorn Close, Brookhouse, Lancaster Demolition of existing conservatory and erection of a single storey rear extension for Mr Butler (Lower Lune Valley Ward 2015 Ward)	Application Permitted
20/00842/AD	Land To The East Of Jeremy Lane And South Of The Canal, Glasson Dock, Lancashire Agricultural determination for erection of office/storage building and hardstanding for Mrs Beverley Morgan (Ellel Ward 2015 Ward)	Prior Approval Refused

LIST OF DELEGATED PLANNING DECISIONS

20/00858/AD	Brunstow Farm, Scriffen Lane, Ellel Agricultural determination for creation of a track for Mr James Hayhurst (Ellel Ward 2015 Ward)	Prior Approval Refused
20/00883/NMA	Hill Farm, Litledale Road, Brookhouse Non material amendment to planning permission 18/01419/FUL to alter the garages of houses 1 and 2 to detached for Mr P Kershaw (Lower Lune Valley Ward 2015 Ward)	Application Permitted
20/00919/AD	Catshaw Hall Farm, Scorton Marshaw Road, Over Wyresdale Agricultural Determination for concreting existing track for Mr William Drinkall (Ellel Ward 2015 Ward)	Prior Approval Not Required
20/00927/NMA	6 Hawthorn Avenue, Brookhouse, Lancaster Non-material amendment to planning permission 19/00951/FUL to reduce the footprint of extension and to alter window and doors for Mr and Mrs Capstick (Lower Lune Valley Ward 2015 Ward)	Application Permitted
20/00930/FUL	63 Twemlow Parade, Heysham, Morecambe Erection of a two storey rear extension with balcony, construction of a dormer extension to rear elevation with balcony and balcony to existing rear dormer and construction of a retaining wall for MRS Roz Frankland (Heysham Central Ward 2015 Ward)	Application Withdrawn