



Committee: PLANNING REGULATORY COMMITTEE

Date: MONDAY, 7 DECEMBER 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 9th November 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 19/01568/FUL | Land at Royal Albert Farm, Pathfinders Drive, Lancaster, Lancashire | Scotforth West Ward | (Pages 6 - 21) |
| | | Erection of 54 dwellings, 1 3-storey building comprising 8 2-bed apartments and conversion of Derby Home to 8 apartments, regrading of land, creation of parking areas, internal roads including associated upgrading works to Pathfinders Drive, footpaths, drainage infrastructure and provision open space. | | |
| 6 | A6 19/01569/LB | Derby Home, Pathfinders Drive, Lancaster, Lancashire | Scotforth West Ward | (Pages 22 - 24) |
| | | Listed building application for the removal of the side extension and external staircase, construction of a pitched roof to existing dormer, installation of a roof light and replacement rainwater goods, construction of a new entrance in existing window opening to the side, | | |

new window openings to all elevations, removal of doorway opening on the first floor and construction of a new doorway opening and ramp to form new front entrance and construction of internal partition walls, and provision of new slate roofing.

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| 7 | A7 20/00613/FUL | Cohousing Site, Land adjacent to Forge Lane, Halton | Halton-with-Aughton Ward | (Pages 25 - 30) |
| | | Erection of 16 affordable residential dwellings and 2 residential buildings comprising a total of 4 affordable apartments, with associated parking and hard landscaping. | | |
| 8 | A8 20/00614/FUL | Senior Cohousing, Land adjacent to Forge Lane, Halton | Halton-with-Aughton Ward | (Pages 31 - 37) |
| | | Erection of 4 dwellings, a block of 16 self-contained flats and a shared ancillary accommodation building for the residents over the age of 55, with associated access, internal roads and parking areas. | | |
| 9 | A9 14/00713/VLA | Halton Mill, Mill Lane, Halton, Lancashire | Halton-with-Aughton Ward | (Pages 38 - 52) |
| | | Variation of legal agreement on 00/00920/OUT and subsequent renewal consent 05/01432/OUT to vary the terms of the Fourth Schedule concerning affordable housing in relation to the applicant's land only, remove the requirements to obtain covenants from future land owners to restrict vehicular use over Mill Lane between points A and B (as set out in the Third Schedule) and to discharge the obligations relating to public open space and the provision of the industrial buildings. | | |
| 10 | A10 20/00676/VCN | Site of former Warton Grange Farm, Farleton Close, Warton, Lancashire | Warton Ward | (Pages 53 - 57) |
| | | Reserved matters application for the demolition of the existing farm buildings and the erection of 21 dwellings with associated access | | |

and landscaping (pursuant to the variation of conditions 2, 7, and 8 on reserved matters application 18/01589/REM to amend the soft landscaping strategy and the removal of condition 3 to remove the requirement for the attenuation pond).

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| 11 | A11 20/00350/VCN | Site of former Warton Grange Farm, Farleton Close, Warton, Lancashire | Warton Ward | (Pages 58 - 61) |
| | | Erection of 4 dwellings with associated access and landscaping (Pursuant to the variation of condition 2 on planning permission 18/01603/FUL to amend the internal layout and provide for refuse stores). | | |
| 12 | A12 20/00609/VCN | Site of Former Warton Grange Farm, Farleton Close, Warton, Lancashire | Warton Ward | (Pages 62 - 65) |
| | | Erection of 4 dwellings with associated access and landscaping (Pursuant to the variation of condition 7 on planning permission 18/01603/FUL to amend the surface water drainage scheme). | | |
| 13 | A13 20/00443/VCN | Queen Victoria Memorial, Dalton Square, Lancaster, Lancashire | Castle Ward | (Pages 66 - 70) |
| | | 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). | | |
| 14 | A14 20/00519/LB | Queen Victoria Memorial, Dalton Square, Lancaster, Lancashire | Castle Ward | (Pages 71 - 74) |
| | | Listed building application for the construction of temporary ice rink and erection of temporary fencing and hoardings. | | |

- 15 A15 [20/00704/FUL](#) **Bus Stop at Hard Knott Rise, Back Lane, Carnforth, Lancashire** **Carnforth and Millhead Ward** **(Pages 75 - 77)**
- Erection of a bus shelter.

16 **Delegated List (Pages 78 - 84)**

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), June Greenwell (Substitute), Tim Hamilton-Cox (Substitute), Colin Hartley (Substitute), David Whitworth (Substitute), Peter Yates (Substitute) and 1 Labour vacancy.

(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 23rd November 2020.

Agenda Item	A5
Application Number	19/01568/FUL
Proposal	Erection of 54 dwellings, 1 3-storey building comprising 8 2-bed apartments and conversion of Derby Home to 8 apartments, regrading of land, creation of parking areas, internal roads including associated upgrading works to Pathfinders Drive, footpaths, drainage infrastructure and provision open space
Application site	Land at Royal Albert Farm, Pathfinders Drive, Lancaster, Lancashire
Applicant	Oakmere Homes
Agent	Mr Peter Whittingham
Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval (subject to no objection from County Highways and resolving viability and refuse provision queries)

1.0 Application Site and Setting

- 1.1 The application site relates to circa 3.4 hectares of grazing land located to the west side of Ashton Road along Pathfinders Drive, approximately 1.6km to the south west of Lancaster City Centre. There are a variety of land uses in close proximity to the site. To the east lies an NHS complex consisting of the Orchard and four former barns which have been converted to offices, with the residential development to the north of this in the form of apartments. To the south of the NHS facilities lies the De Vitre and Royal Albert Cottages which are adjacent to Ashton Road. To the south and west lays open countryside. The site rises to the west from along Ashton Road where land levels are in the region of 39 metres above ordnance datum (AOD) and rise to 55 metres AOD towards the western boundary. The site has a gradient in the region of 1:8.
- 1.2 The site consists of two large fields namely used for grazing land for horses and sheep which are irregularly shaped, together with a smaller field to the south-east corner. The site is bound by trees to the north and north west. The development site also incorporates Derby Home which is curtilage listed in connection with the former Royal Albert Hospital (Grade II*). Derby Home is the only built form within the application site. The site is elevated from Ashton Road with the lowest part of the site to the east. The existing access to the site is via Pathfinders Drive, which serves the NHS facilities in the form of ‘the Orchards’ and North and East Barns.
- 1.3 The site is largely unconstrained. It is allocated for housing in the Strategic Policies and Land Allocations Plan under Policy H6, with Key Urban Setting abutting the site’s western boundary. The Morecambe Bay Site of Special Scientific interest (SSSI), Special Protected Area (SPA), Special Area of Conservation (SAC) and Ramsar designation is located 1.25km to the west of the site. It is not located within any nationally designated landscape or Green Belt, nor does it fall within Flood Zones 2 or 3. The site is not protected by any international or local conservation status and no part of the site falls within a Conservation Area. There are individual, grouped and woodland trees which are covered by Tree Preservation Orders (TPO) on the site (TPO number 269). There are a number of Listed buildings in close proximity to the site namely Storey Hall – located 90 metres to the north east (Grade II), North, West, South and East Barn – located 90 metres to the east (Grade II), the

gatehouse to the former Royal Albert Hospital site - located 150 metres to the east (Grade II) and finally the former Royal Albert Hospital which is Grade II* and this is located 275 metres to the east.

2.0 Proposal

2.1 The planning application is made in full for the erection of 54 new dwellings together with 16 apartments (no affordable housing has been proposed owing to viability constraints). The scheme consists of the following components:

- One three storey apartment block (2-bedroom apartments) x 8 (12%);
- Grade II* Derby Home conversion (1 & 2 bedroom apartments) x 8 (12%);
- 3-bedroom semi-detached house x 6 (9%)
- 3-bedroom detached bedroom house x 17 (24%);
- 4-bedroom detached house x 29 (41%);
- 5-bedroom detached house x 2 (2%).

2.2 The proposed three-storey apartment block utilises a mixture of render, reconstituted stone and natural slate. The proposed dwellings are a mixture of natural stone, reconstituted stone and render all under a slate roof. Boundary treatments consist of a mix of post and wire fencing, hedgerows, stone walling and close boarded fencing.

2.3 Derby Home is curtilage-listed in connection with the Jamea Al Kauthar Islamic College (formerly the Royal Albert Hospital) which is Grade II*. The conversion is for 8 apartments and associated car parking provision and refuse stores.

2.4 The proposal would be accessed off Pathfinders Drive. The access road is proposed to be increased to 5.5m, with a new footway being proposed along the northern section of the road where this would join in with the existing pathway that is already present leading to the Cherry Tree Drive mini-roundabout. An emergency access/footway/cycleway at 3.7m in width is located on the southern boundary of the site to connect to Ashton Road. An informal pathway has been proposed to connect to Ashton Road along the north side of the De-Vitre Cottages. The scheme provides for open space including a central amenity area of 1000m² (and circa 2000m² elsewhere across the site) and landscaping.

3.0 Site History

3.1 There is no relevant planning history associated with the “greenfield” element of the scheme, though the area to the east has been developed over time to serve as NHS offices and a Mental Health facility (‘The Orchards’) and therefore the following history is relevant to the proposal.

Application Number	Proposal	Decision
19/01569/LB	Listed building application for the removal of the side extension and external staircase, construction of a pitched roof to existing dormer, installation of a roof light and replacement rainwater goods, construction of a new entrance in existing window opening to the side, new window openings to all elevations, removal of doorway opening on the first floor and construction of a new doorway opening and ramp to form new front entrance and construction of internal partition walls, and provision of new slate roofing	Pending Consideration
17/01074/HYB	Hybrid application comprising an outline application for up to 71 dwellings with associated upgrading works to Pathfinders Drive, and a full application for the conversion of Derby Home into six apartments (C3) and creation of associated parking	Pending decision (awaiting agreed Section 106)
17/01076/LB	Listed Building application for the conversion of Derby Home into six apartments (C3)	Pending decision tied to 17/01074/HYB

15/00600/OUT	Outline application for the demolition of existing Derby Home and erection of up to 77 dwellings with associated new access	Withdrawn
15/00970/LB	Listed Building application for the demolition of the existing side extension at Derby Home.	Approved

4.0 Consultation Responses

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

Consultee	Response
Highways England	No objection
County Highways	<p>No objection in principle. Originally raised concerns with the application, namely the width of Pathfinders Drive, how the scheme would provide for waste and refuse collections, and concerns with the internal layout. There has been a series of amendments to the scheme over the course of the last 12 months, and now the Highway Authority is generally satisfied with the submitted layout, although some minor modifications need to be resolved relating to footways and service strips.</p> <p>They recommend securing conditions to enable Pathfinders Drive to provide a 5.5m wide carriageway and new 1.8m wide (minimum) footway on the north side and upgrade of the northbound bus stop.</p> <p>The Highway Authority requests a financial contribution towards the 89 bus service that runs along Ashton Road linking Lancaster to Knott End, which is subsidised by the County Council. To secure an additional vehicle into the service to allow an increase from 90 minutes to 60 minutes during the day, a contribution of £100,000 per year would be required. To introduce a Sunday service would require a contribution of £20,000 per year.</p> <p>The County has again requested £77,000 towards the Pointer Roundabout improvement scheme.</p>
County Council (Transport Masterplan Group)	No observations received
Lead Local Flood Authority	No Objection subject to the development being carried out in accordance with the submitted Flood Risk and Drainage Strategy Report together with the drainage drawings.
Planning and Housing Policy Team	Raise concerns over the mix of housing proposed, and question whether Derby Home is suitable for conversion to affordable housing.
South Lancaster Flood Action Group	Objection on the basis that the management and maintenance arrangement of the SuDS is ill conceived, and could lead to increased flood risk both on and off the site causing problems along Ashton Road.
Cadent Gas	No objection and draws attention to the gas mains that are located within the vicinity of the site.
Lancashire County Education	No objection though request £161,432.25 for the 7 secondary school places.
Public Realm Officer	No objection though request that 1235m ² of amenity space on site is provided, the development is of a size that would require the inclusion of a play area and that a financial contribution of £169,000 should be provided. This could go towards the Royal Albert Playing Field at £80,000 , extending 'The Cedars' play area at £70,000 and £19,000 towards improvements at Greaves Park.
Natural England	No objection though recommends that a Habitats Regulations Assessment should be carried out and that homeowner packs should be included should a scheme be supported.
Historic England	No observations to make on the application
Conservation Team	No objection although accept that the proposal would lead to less than substantial harm to the setting and significance of the surrounding designated and non-

	designated heritage asset. The retention and conversion of Derby Home will be a public benefit which would help preserve some of the significance of the building and association with Royal Albert Hospital (Grade II*). In addition, it is proposed there will be areas of landscape buffers to help mitigate some of the visual harm. The level of harm could further be reduced by the sympathetic use of materials and recommend conditions on materials for Derby Home.
Canal and River Trust	No comments to make on the application
Tree Officer	No objection , although initially had concerns with the loss of trees around Derby Home and the schemes proximity to trees along the western boundary.
Lancaster Civic Society	Objection given minimal transport connections, poor refuse management and cramped internal designs. Overall, does not adhere with sustainable development principles and should be refused.
United Utilities	No objection . Recommend standard planning conditions relating to the detailed design of the drainage scheme and its ongoing management arrangements.
Lancashire County Archaeology	No objection . There is no requirement to undertake any intrusive surveys given previous appraisals of this site have concluded that it is not known to contain any important buried archaeological remains. They recommend a planning condition applied to Derby Home to ensure a formal record of the building is carried out prior to conversion.
Environmental Health (Contaminated Land Officer)	No objection . Recommends that an asbestos survey of Derby Home will be required and that standard contaminated land conditions be applied.
Environmental Health (Air Quality Officer)	No observations received
Environmental Health (Noise)	No observations received
Greater Manchester Ecology Unit	No objection though draws the council's attention to Derby Home which has been shown to support a bat roost. They recommend the removal of any vegetation is undertaken outside of bird breeding season, and that the site could support badgers and therefore a pre-commencement check should be carried out. Recommend a landscaping scheme is sought using native species.
Dynamo	Objection . The site is not linked to the existing cycle network, there is detrimental impact on those cyclists who currently use Ashton Road and Ashford Road, the site has a low accessibility score and development on greenfield sites should not occur.
Waste Management Officer	Objection given there are a number of properties whereby the City Council collection team would be unable to access, and there is poor provision for waste management associated with the apartment block and Derby Home
Lancashire Police	No objection and advise that the development should be constructed in accordance with secured by design standards.
C-Step	No objection though an employment and skills plan will be required.
Lambert Smith Hampton (Viability consultant)	A draft report has been received and Councillors will be informed verbally of the outcome of the discussion.

4.2 To date there has been 39 letters of objection received based on the reasons below:

- **Highways:** Insufficient capacity on the local highway network; congestion at the Boot and Shoe junction, and the Pointer Roundabout junction is already under pressure; no bus service; lack of accessibility to local shops; improvements should be made to the local road network before development is applied for; and inadequacies within the Transport Assessment.
- **Landscape:** The development would have an adverse impact on the landscape and cultural heritage value of Lancaster; given it's a sloping site the impact will be more pronounced;
- **Education provision and health care provision:** Lack of school places especially primary school places; there is existing pressure on local NHS services and approval of this scheme would exacerbate this further.
- **Surface water drainage concerns:** Likely to lead to flooding and surface water drainage issues given the sloping nature of the site; there are concerns of exceedance flows in the event of a severe storm event.

- **Heritage concerns:** Given the change from open pastureland to modern housing estate on the fabric of the local area; however, there is support for the conversion of Derby Home to residential.
- **Sustainability arguments:** Difficult to cycle and walk and development will affect the amenity of the Royal Albert/De Vitre Cottages and the NHS mental health units; brownfield land should be used before greenfield; lack of facilities locally to support such an expansion.
- **Affordable housing and green agenda:** Lack of affordable housing and all executive homes being proposed; little in the way of climate change resilient properties have been proposed nor will assist in the council's ambition of becoming net zero.
- **Contaminated land:** Asbestos has been noted within Derby Home and a management plan will be required to deal with this.
- **Natural environment:** The site is used by wildlife and this would be lost if the site was developed.

Councillor Abi Mills **objects** to the development raising the following issues:

- Conflicting advice in the planning statement and transport statement regarding the frequency of bus services;
- Increase in car journeys and associated queuing on the Ashton Road and the main junctions;
- Lack of primary school places locally in terms of being over-subscribed;
- The site has a low accessibility; and
- Visual impact of the development both on local residents and the wider landscape.

Lancashire and South Cumbria NHS Foundation Trust **object** for the following reasons:

- Lack of detail on the plans to show the impact of the development on the Orchards, both to secure its privacy, and also protection of future residents
- Pathfinders Drive should not be obstructed during the development and access to the Orchard remains unhindered and a pathway along the northern boundary will compromise resident safety and privacy as will any loss of screen planting around the orchard.
- Concern regarding the parking at the foot of the site adjacent to De Vitre Cottages as this fall's outside the ownership of the applicant

5.0 Analysis

The key considerations in the assessment of this application are:

1. Principle of development, and housing needs and delivery;
2. Landscape and Visual Effects & Layout and Design;
3. Highway Matters;
4. Flood Risk and Drainage Matters;
5. Cultural Heritage;
6. Natural Environment;
7. Education Provision;
8. Open Space provision;
9. Air Quality Matters; and
10. Reducing Carbon Emissions

- 5.1 **Consideration 1: Principle of Development and Housing needs and delivery** NPPF paragraph 7 – 12: Achieving Sustainable Development, paragraph 15: Plan-making, paragraph 16, 20-23: Strategic Policies, paragraph 47: Determining applications, paragraphs 54-57: planning conditions and obligations, Chapter 5: Delivering a Sufficient Supply of Homes; Strategic Policies and Land Allocations (SPLA) DPD Policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, SP3: Development Strategy for Lancaster District, SP6: The Delivery of New Homes, SG3: Infrastructure Delivery for Growth in South Lancaster H1: Residential development in Urban Areas and H6- Royal Albert Fields and Development Management (DM) DPD policies, DM1: New Residential Development and Meeting Housing Needs, DM2: Housing standards and DM3: Delivery of Affordable Housing; Meeting Housing Needs SPD; Affordable Housing Practice Note Planning Advisory Note; Housing Standards Planning Advisory Note

- 5.1.1 The Framework (NPPF) requires Councils to significantly boost the supply of new homes in their districts. The strategic and spatial objectives of the plan have had to carefully balance the district's housing and employment needs and growth aspirations against the need to rightly protect and enhance the district's natural and built environment. In accordance with national planning policy, the Council has established their full objectively assessed housing need (OAN) and the subsequent housing requirement having regard to available supply, deliverability and the constraints of the district. The Council cannot presently meet its full OAN. The Council's housing requirement is based on the delivery of 522 dwellings per annum. This is a significant uplift from the previous Core Strategy requirement of 400. The Council recognises this is challenging with a plan reliant on the delivery of a number of strategic sites (namely the Bailrigg Garden Village under policy SG1).
- 5.1.2 The application site is part of a larger allocation for housing within the Strategic Policies and Land Allocations element of the local plan. This allocates land within the H6 allocation (Royal Albert Fields) for 137 residential units. This application only proposes development in the northern section of the site (to include Derby Home). It amounts to circa 60% of the total area of the allocation, and is broadly consistent with the overall number of houses proposed by the plan (on a pro-rata basis). The wider allocation is within two different ownerships, and given there is no development brief for the site, it is not clear whether it was envisaged that access would be taken from either Pathfinders Drive, or a new access off Caspian Way to serve the site in its entirety. This has been left for the decision maker to make an informed view. The applicant had been asked to include a road connection to the boundary of their site to allow connectivity through to the southern parcel of land. There is a road connection between plots 14 and 16, and a hammerhead junction is in place. However, given the width of the access road and no footway, this is unlikely to be feasible as a route to serve further development. The road between plots 32 and 20 is of a standard that may be used as a point of access to serve the adjacent site. Whilst it stops shy of the boundary of the site, only landscaping has been proposed in front, and it does not sterilize the ability for this to be used subject to an agreement being arrived at between the landowners. The applicant has stated that the roads within the development will be privately maintained and not put forward for adoption. This in essence does limit the ability for this to be used unless an agreement can be arrived at. For clarity, the case officer has asked County Highways whether it is possible to secure an access to allow for access on the adjacent site, and this is indeed possible. Given the emergency access/footway/cycleway on the shared boundary this will mean there will be some permeability between the proposals, should development in the south come forward for development.
- 5.1.3 As discussed above the allocation is in separate ownerships, and it would have been helpful on this site to show how the two sites connected and worked as one. Matters such as open space, permeable links and highway arrangements could have been resolved in advance of the application. One is not required, nor does policy request this detail, or has been highlighted by the Planning and Housing Team to consider. Notwithstanding this, the question is whether the development before us restricts the development to the south coming forward. The answer to this is no, as the southern site can be accessed independently.
- 5.1.4 The house types are the applicant's standard house types and comprise a variety of different designs. Whilst the units deviate from the linear form of development which is apparent from the adjacent cottages, they have the potential to work on this site. Furthermore, they have been used to good effect across North Lancashire and South Cumbria. All the new dwellings will be capable of achieving the Nationally Described Space Standards and internally at least 20% meet the M4(2) requirement. A condition is recommended to secure these elements. The units within Derby Home do not meet the Nationally Described Space Standards, nor are capable of being M4(2) compliant. Given the building is listed and the financial pressures of the scheme given the building is being brought back into use is considered to outweigh this minor harm.
- 5.1.5 The proposed housing mix deviates from the identified open market housing need (based on household aspiration and expectation). It is clear that whilst 3-bedroom houses broadly align with the Strategic Housing Market Assessment data, there is a clear increase in the 4 bedroom plus houses proposed by this application. Whilst this seems high, this is a significant reduction compared to the original submission. If more 4-bedroom units could have been supported, this would have led to the provision of some affordable (given 10 units within Derby Home was proposed as part of the original proposals). Whilst the Policy team's comments are noted regarding housing mix, and whilst bungalows and smaller units would be welcomed, to refuse a scheme on the basis of not meeting the housing mix is not likely to be supported at appeal (given the viability evidence).

Dwelling Type	Strategic Housing Market Assessment guidance (%)	Original Submitted scheme (%)	Current Proposal (%)
1 / 2 bed house	17.6	0	0
3 bed house	36.7	18	33
4 bed plus house	20.3	56	43
Bungalow	7.4	0	0
Flat	11.8	25	24
Other	6.3	0	0

5.1.6 Affordable Housing Provision

Bringing Derby Home (Grade II*) back into use and developing on a sloping site does bring significant costs and challenges. This is apparent across all sites in the district of late (unless a site has little in the way of abnormal costs and is flat – which appear few and far between). The adopted position on this site should be that 30% of the site should be affordable (on the greenfield element), and should 10 units or more be sought on a brownfield site (such as Derby Home) then 20% should be achieved (as per Policy DM3 of the Development Management DPD).

5.1.7 It was always envisaged that delivering affordable housing on this site would be constrained, not least, because the applicant can benefit from Vacant Building Credit by bringing Derby Home back into use. The applicant's original scheme provided for 10 units of affordable housing within Derby Home. There was concern as to how attractive a conversion would be to a Registered Provider (who ultimately acquire the building off the developer), and secondly 10 units felt very cramped. The scheme however has evolved over time, namely to cater for quite significant off-site costs in the form of £100,000 towards the local bus service, and £77,000 towards the improvements at Pointer Roundabout and £161,432.25 towards secondary school education. As part of the most recent amendments to the scheme, no affordable housing has been proposed by the applicant and an updated viability assessment was produced in October 2020. The scheme does provide monies for improvements to the Royal Albert playing fields and also the improvement to the Spruce Avenue play area, but this is to mitigate the impact of the development in particular as no on site play provision has been provided for, and without such the scheme would be refused. Whilst the lack of proposed affordable housing is a concern, this has been independently assessed by a Lambert Smith Hampton (LSH) on behalf of the council (LSH undertook the council's viability assessment as part of the Local Plan). LSH issued their review of the applicants' viability assessment on the report deadline and whilst it aligns with the applicant's broad assumptions, discussions are still ongoing in this regard as to what is possible and Councillors will be updated verbally.

5.2 **Consideration 2: Landscape and Visual Effects & Layout and Design** (NPPF: Chapter 15 paragraph 170 and 172 -177 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) H6 – Royal Albert Fields, EN3 (The Open Countryside), EN5 (Local Landscape Designations); Development Management (DM) DPD policies DM29: Key Design Principles, DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact)

5.2.1 Local Plan Policy DM46, together with the NPPF, seeks to attach great weight to the protection of nationally important designated landscapes. For the avoidance of doubt, it should be noted that the application site is not located within any such designation (e.g. AONB or National Park). The site is allocated under Policy H6 of the Local Plan for residential use. Policy DM46 states that outside of protected landscapes, the council will support development which is of scale and keeping with the landscape character and which is appropriate to its surroundings in terms of siting, design, materials, external appearance of landscaping. The application is made in full and therefore the scheme can be properly assessed regarding its visual impacts.

5.2.2 The site is characterised by grazed fields, and the site slopes steeply away Ashton Road. The site is bound by existing residential development/NHS facilities to the east, north and west, and to the south lays farmland which is identified as a housing allocation also. The site is bound by a significant bank of trees to the north of the site and to a lesser extent along the western boundary. The majority of these trees are outside the control of the applicant.

- 5.2.3 It is inevitable that the proposed development will lead to a landscape impact simply on the basis that the site will lose its previously recognised greenfield character, in an area that does perform a transition from countryside to city environment. However, a change from open land to built-up area is not necessarily harmful. The development will impact the setting of the area when approaching Lancaster from Ashton Road. However, the impact is localised, and due to the proximity of the site to the existing built form, residential development will be in keeping with its immediate environs.
- 5.2.4 It would be difficult to mitigate the impacts as the proposal will lead to an inevitable change in character of the application site. It is contended that the visual impacts would not significantly or demonstrably outweigh the benefits of the proposal. The most localised impact of the proposal would be when viewed from Ashton Road, and this change would be significant, though would be localised. It is unfortunate that when viewed from Lancaster Canal the rear facades of dwellings and gardens will be visible for recreational users of Lancaster Canal. However, what is critical is that boundary treatments are post and wire and hedgerows as opposed to close boarded fencing, so this will not prevent the skyline being broken, but will just soften its appearance when viewed from the canal.
- 5.2.5 Whilst no concern was raised by the Conservation Officer regarding the apartment scheme on the northern element of the site, the case officer was not convinced by the original proposal and how this would be seen in context of Derby Home and from Ashton Road. The applicant has since amended the proposal to drop the height of the land together with amendments to the appearance of apartment block. This works much better, and whilst it is not entirely in keeping with the area, on balance it is considered acceptable.
- 5.2.6 The scheme provides for sufficient separation distances to off-site dwelling houses. The separation distance to the cottages on Ashton Road are at least 30 metres away. There is some concern for the NHS facility at the Orchards, as the units only carry a garden depth of circa 8 metres, but given the level changes (with the Orchards being located on the leese of a steep embankment) and the existing planting in place, it is considered there will not be undue harm created or a significant loss of privacy to the Orchards or future occupiers.
- 5.2.7 The layout has been through a series of modifications throughout the application process such as pulling units away from the cottages to the west, amendments to the units facing the main area of open space and changes in house types and sizes. The changes are subtle and whilst officers would have preferred a more outward facing scheme and more significant amendments to the southern parcel of land the applicant was unwilling to accommodate these changes.
- 5.2.8 On-site separation distances do fall under the required separation distances, particularly the southern central belt. Whilst there is generally at least 21 metres between the back to back of dwellings, given the level change is in the region of circa 5 metres it would have been preferable to increase this to at least 30 metres. Good practice is for each ½ metre level change to add one metre separation distance. Whilst this would have been preferable, officers are mindful of the independent review of viability together with the effective use of land. On balance, given this is an allocated site and efforts have been made to limit the impact on the properties on Ashton Road, officers reluctantly accept this element of the proposal. The use of retaining walls and gravel boards have been included to the garden spaces and officers are in general agreement to this. There is a gabion basket retaining wall to the southern boundary of the site and the material and finishing can be addressed by condition. There is circa 28 metres (at its closest point) between the apartment block and the Cunningham Court Complex, although for the most part interface distances between windows are well in excess of 60 metres.
- 5.2.9 On the whole garden sizes are well in excess of the minimum standards, with the majority of dwellings enjoying a garden of at least 100m², albeit gradients on the site will limit the enjoyment of these outside spaces. However, this is the case on any sloping site. The challenge with any sloping site is ensuring gardens can be used especially on the back of Covid-19, when people are spending longer at home. Whilst it would have been preferable to see deeper gardens, overall officers are satisfied that these are acceptable.
- 5.2.10 The immediate surrounding built form is made up of predominately stone and slate, though the more modern Highgrove Development circa 30 metres at its closest point, is all re-constituted stone and

tiled roof arrangements. Victoria, Samuel and Cunningham Court to the east are all render. The applicant is proposing to use predominately reconstituted stone in the form of Darlstone and render. In principle this could work well. There are the feature properties when entering the site which are proposed as natural stone. All roofing material will be a natural slate and given the rising nature of the site this will be a critical component of the scheme.

- 5.2.11 The main area of concern is with the apartment building to the far north end of the site. At three storeys of this is higher than the adjacent Derby Home and the apartment building to the east (these are two storeys). Storey Hall is three storeys in height. The apartment block would be almost 12 metres to the ridge when measured at its greatest height with the car parking beneath. Visually the front elevation works, albeit feels quite institutional. From the rear (which is where the scheme would be visible from Haverbreaks and Ashton Road) the proposal feels a little lifeless and whilst shares some synergies with the adjacent apartment blocks given the level changes has the potential to dominate. The applicant has, however, dropped the level of the site in this location to mitigate some of the impact and undertaken some subtle changes to the scheme which can be supported by officers. The applicant has included reconstituted stone on this elevation in lieu of render that was originally proposed. A natural stone would be more sympathetic, but the applicant is reticent.

- 5.3 **Consideration 3: Highway Matters** NPPF Chapter 9 paragraphs 108-111: Promoting Sustainable Transport and Chapter 12 paragraph 127: Achieving well-design places; Development Management (DM) DPD policies DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, DM63: Transport Efficiency and Travel Plans; DM64: Lancaster District Highways and Transport Masterplan; Strategic Policies and Land Allocations (SPLA) DPD policies T2: Cycling and Walking Network, H6 – Royal Albert and T4: Public Transport Corridors

- 5.3.1 It is widely accepted that the local highway network is constrained, notably around the Boot and Shoe junction on the A6, and the Pointer Roundabout circa 1km from the site. It does need to be remembered, however, that the site is allocated for housing within the Local Plan under Policy H6 which provides for 137 dwelling houses. The policy provides for the following:

- XI. The delivery of a highways scheme which provides safe, suitable and appropriate access arrangements into Ashton Road to the satisfaction of the local highway authority;*
- XII. The incorporation of cycle and pedestrian access with strong and positive linkages to the existing network including improvements to cycling and pedestrian links from the site into Lancaster City Centre, particularly improving linkages both along Ashton Road and Lancaster Canal;*
- XIII. The provision of sufficient levels of open space in accordance with the most up-to date evidence in relation to the quantitative and qualitative needs for the locality. Requirements will also be expected to take account of accessibility issues and should be delivered in accordance with the requirements set out in Policy DM27 of the Development Management DPD;*
- XIV. Proposals should include opportunities for the use of ultra-low emission vehicles through the provision of suitable and appropriate charging points*

The scheme provides for improvements to Pathfinders Drive, increasing its width to 5.5 metres to connect onto Ashton Road. This is the same arrangement that was found acceptable on planning application 17/01074/HYB. There is no objection from the County Council as Highway Authority on this arrangement and therefore the scheme can adhere to criteria XI. Internally there is general support from the Highway Authority though they have requested that the divergent footways at plots 1-3 and 60-63 should be amended to along the roadside. Whilst officers understand the stance of the County, officers recommend this acts as a green corridor and in design terms should be commended, albeit does not conform to standard design guidelines. The Highway Authority also requires service strips around the carriageways of 0.5m widened to 1 metre for street lighting, and the applicant is amenable to this. There is disagreement between the applicant and the Highway Authority regarding a footway along the access road serving plots 6-14. The applicant has suggested that this is shared surface serving 19 dwellings. Further discussions are ongoing between the parties and observations will be reported to Committee as to whether without the inclusion of a footway this leads to a highway safety concern. Some concerns have also been raised by the City Council's waste management officer with respect to the layout and their amended observations are requested.

- 5.3.2 A detailed transport statement undertaken by Mouchel was undertaken for the 2017 application (17/01074/HYB) and the applicant's transport assessment is based on the 2014 and 2017 data collected and analysis. The resolved to be approved 2017 consent provides for 77 dwellings. The applicant has not undertaken a formal assessment of the highway network given the highway network has shown a drop in background traffic levels (according to the Department for Transport – annual average data traffic counts). This is not a surprise as that was one of the intended purposes of the completion of the Bay Gateway. There was significant modelling undertaken in 2017, though the Highway Authority has not asked this to be re-visited as part of this application. From a purely capacity perspective they raise no objection to the scheme. Whilst only a consultee, and its ultimately the responsibility of the council, officers agree that since the Bay Gateway was opened in 2016 there has been less traffic utilising the main A6 corridor. Furthermore, any additional traffic counts in the last 9 months would have been distorted by Covid-19 related restrictions.
- 5.3.3 Parked cars outside the cottages along Ashton Road restrict highway movement. In 2017, it was concluded that the on-street parking would cause some minor delay to the cars and buses using this route but would not be severe in terms of its impact on the highway safety for the future traffic flows. There has been no formal request made to use the development land as additional parking for residents on Ashton Road, and in many ways given terrain levels this would be problematic anyway. If, for instance, the Ashton Road route was to be chosen as a Bus Rapid Transport route (as part of the Transport Masterplan for Lancaster) then the Highway Authority would examine whether the NHS car parks could be utilised for residents and such like, or approach the developer. In any event it would be a controversial proposal given these residents have enjoyed parking outside their homes for many years, and in some ways the parked cars do act as a traffic calming device. The Lead Officer at County on their Transport Masterplan was consulted on the proposals, but no response was forthcoming. It is considered that with the financial contribution towards improvements for pedestrian and cycle provision that criteria XII can be met.
- 5.3.4 Little has been proposed by the applicant to increase the attractiveness of the site to be used by cyclists. This has been highlighted within responses to this application from members of the public and DYANMO. The response from the Highway Authority does not specify any works that are needed in this regard (i.e. increasing the footway on the along Pathfinders Drive to be used as a shared cycle/pedestrian route). However, they do request £77,000 for improvements to the Pointer Roundabout. The scheme at the Pointer Roundabout is still in the design stage and monies from this scheme would dovetail with the scheme on the gyratory system that has been funded by the Housing Infrastructure Fund (HIF). It is envisaged that the scheme will provide enhanced pedestrian and cycle provision and proposed to be implemented by December 2021. These works are not fully funded by the LCC Safety Programme and therefore the monies here would allow for the scheme to be deliverable. This would have benefit not only to this scheme but also the wider network. The bus service has been under threat for a number of years, though still operates. It is a subsidised service and therefore it is recommended to secure the money for the continuation of the service and should it not be needed within a 5 year period the monies be provided towards affordable housing in the district.
- 5.3.5 Open space has been provided on the site and this exceeds the quantum required by policy, though no on-site play equipment has been proposed. It is, however, considered a more logical solution to expand the existing play provision at Cedars which at its furthest location from the site is 650 metres. This was endorsed on previous applications on this site, and whilst in principle this works, one would need to cross the A588 though there are crossings from Pathfinders Drive and by having a pedestrian cycleway on the southern boundary allows a second point of connection here. There is a pathway which is proposed from plot 5 to the proposed amenity area which passes the Orchards. The NHS has raised concern with this pathway but with landscaping it is considered that there will not be harm caused as a result of this. Amendments to the pathway are required and can be addressed by condition.
- 5.3.6 The site will be reliant on private car journeys, but a condition is recommended to ensure electric vehicle charging points are incorporated into dwelling houses. No response from the Council's Air Quality Officer has been received to the application and with this it is assumed there is no objection on air quality grounds. A condition will be attached with a requirement for vehicle charging points to be included (this would allow XIV to be met).

- 5.4 **Consideration 4: Flood Risk and Drainage Matters** (NPPF: Chapter 14 paragraphs 150 and 153 (Planning for Climate Change) and paragraphs 155-163 and 165 (Planning and Flood Risk); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water); Strategic Policies and Land Allocations (SPLA) DPD Policies H6 – Royal Albert Fields and SP8 (Protecting the Natural Environment); Strategic Flood Risk Assessment (October 2017); Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (PAN) (2015))
- 5.4.1 The application has been subject to pre-application discussions with the Lead Local Flood Authority (LLFA) and United Utilities (UU). Whilst there was concern originally with the application, the applicant has addressed these concerns throughout the application process. There has been infiltration testing undertaken at site in August 2019, which revealed that the site was unsuitable for infiltration, and given there is no watercourse on site the only other viable solution is to discharge to the combined sewer on Ashton Road. The figure that has been agreed collectively between the LLFA and UU is 16.6 litres per second. Whilst this figure does sound high, this is below the Qbar (mean annual flood flow) at all return periods. There is no objection from the LLFA on the understanding the developer implements the development in accordance with the submitted plans, although UU has asked for a pre-commencement condition. The site is quite steep and therefore attenuation will be provided in the form of geo-cellular baskets and oversized pipes, and the developer has proposed run off rates that will match or better the existing greenfield run off rates for all return periods. As with many schemes of this nature the applicant is proposing that surface water proposals will remain within the control of a management company. The same is true for the foul water arrangements. The individual plot drainage will be the responsibility of the future homeowners and therefore private.
- 5.4.2 The South Lancaster Flood Action Group (FLAG) has raised an objection on the basis of the management and maintenance of the proposal could lead to flooding over time. They raise very valid points given the key to effective drainage structure is indeed its associated maintenance, and to ensure it operates effectively when there is a flood event. The case officer shares FLAG's position that SuDS should be considered as critical infrastructure, and a robust system for their lifelong management should be in place throughout their lifecycle. A concern they raise relates to exceedance flows towards the eastern element of the site adjacent to the De Vitre cottages and the LLFA has been asked to comment on this. A verbal update will be provided to Councillors as a response is awaited. It is recommended that a planning condition is imposed to ensure that the management and maintenance is undertaken. It is with regret that the scheme is likely to remain private, but adopted policy does not prescribe that the drainage infrastructure has to be indeed adopted by UU.
- 5.5 **Consideration 5: Cultural Heritage** (National Planning Policy Framework paragraphs 184-202, Strategic Policies and Land Allocation, Development Management DPD Policy DM37 Development affecting listed buildings, Policy DM39 The setting of designated heritage assets, DM41 Development affecting non-designated heritage or their settings and Policy DM42 Archaeology)
- 5.5.1 Derby Home is Grade II* curtilage listed, which is associated with the former Royal Albert Hospital (Grade II*). The development is also within the setting of other Grade II Listed Buildings, including the former agricultural buildings associated with Royal Albert Farm and Storey Home. The site is also immediately adjacent to De Vitre terraces and collection of buildings along Ashton Road, which are considered to be Non-Designated Heritage Assets (NDHAs).
- 5.5.2 The conversion of Derby Home to residential accommodation was established by application reference 17/01074/HYB (although whilst within the proposed housing allocation (H6) is not referenced within the policy). Since that time the building has fallen into further disrepair. Officers support the conversion of the building into apartments which would help contribute to the long-term use of the asset. The interior is of low significance, but the main concern is how the conversion would affect the character and appearance of the external elevations. Given the state of the building new windows, roofing and doors would all be required and these can be controlled via planning conditions. The Conservation Officer has no objection to the applicant's proposals and furthermore the case officer supports the intervention to bring this building back into a use to secure its long-term future.

- 5.5.3 Historically, the former hospital complex and associated farm buildings were situated in a rural landscape which potentially provided therapeutic benefits to the patients. This setting has been diminished by suburban development to the east of Ashton Road and modern hospital buildings behind the farm. The proposal is for 54 dwellings within the currently rural landscape which surrounds these designated and non-designated heritage assets.
- 5.5.4 The development of the site would not directly impact the designated heritage assets (apart from the conversion of Derby Home) but would erode the wider rural setting of the listed hospital and ancillary buildings, which is associated with its historic development. In addition, there is some inter-visibility between the site and the heritage assets. Due to dense vegetation and mature trees this is, however, limited to views of the farm buildings (Grade II), Derby Home (curtilage listed) and the non-designated heritage assets along Ashton Road. The development of the site would lead to moderate level of harm to the setting and significance of the designated and non-designated heritage assets, but it is considered that some of this harm could be mitigated by landscape buffer zones between adjacent heritage assets and the housing development.
- 5.5.5 Historic England raises no objection to the proposal and this is a view shared by the County Archaeologist who recommends a planning condition for a building survey of Derby Home prior to development. The Conservation Team are mildly supportive of the proposals, given the proposed works to Derby Home. Overall, the proposed development would lead to less than substantial harm to the setting and significance of surrounding designated and non-designated heritage assets. However, the retention and conversion of Derby Home will be a public benefit which would help preserve some of the significance of the building and association with Royal Albert Hospital (Grade II*), and therefore securing its delivery will be critical.
- 5.6 **Consideration 6: Natural Environment** (NPPF: Chapter 15 paragraph 170 and 174-177 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies H6- Royal Albert Fields ; Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity), DM45 (Protection of Trees, Hedgerows and Woodland))
- 5.6.1 Earlier iterations of the scheme involved extensive tree loss and the applicant has amended their proposals to retain the majority of the trees which they intended to remove around Derby Home. The trees are not only important from a biodiversity perspective, but they also contribute to the setting of Derby Home, and in particular assist with some screening of the site beyond. Concerns were raised regarding the positioning of some of the dwellings along the western boundary and how close these were to the trees which are prominent on the skyline. Some minor modifications to the scheme have occurred by pulling the units away from this boundary. The Tree Officer raises no objections to the development. Whilst no concern has been raised by the Tree Officer, the applicant's drainage proposal appears to be conflict with their proposed landscaping plans. The area above Derby Home is shown to retain the trees, despite a 197m² geo-cellular tank being proposed. The two appear incompatible, and clarification and modification are therefore required.
- 5.6.2 An ecological appraisal has been submitted in support of the scheme and the application site is not designated for its nature conservation value and, apart from bats, is considered unlikely to support any specially protected or priority species (albeit badgers may exist). Small areas of broadleaved woodland, selected trees and lengths of hedgerow will be affected by the scheme as is noted above, although landscaping proposals involve new planting of significant numbers of new trees, shrubs and hedgerows. The dominant habitat on the site, and the habitat which will be most affected by the proposals, is agricultural grassland (pasture).
- 5.6.3 A bat survey is submitted in support of the scheme (August 2019) and Derby Home does support a small bat roost. Due to the threat that bats may be harmed, under the terms of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended), a licence will be required from Natural England. The local planning authority will need to have regard to Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 and must consider:
- That the development is 'in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment;
 - That there is 'no satisfactory alternative'; and,

- That derogation is 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'.

5.6.4 With respect to point i) the wider site is allocated for development and is in the public interest to maintain an adequate supply of housing and to encourage development in sustainable locations that accord with local and national planning policy requirements. Whilst not referred by the applicant there is significant benefit in bringing a curtilage listed building back into use. It is also the case that the central government has indicated that sustainable housing developments that accord with the Development Plan could be said to meet the public interest test. In addition, the council is unable to identify a 5 year housing land supply, and this scheme would contribute to open market housing needs (bringing economic and social benefits) and given the potential harm to bats is low, officers consider that on balance this element of the test is passed.

5.6.5 The only realistic alternative is to leave Derby Home vacant. Officers consider that the weight attached to bringing a curtilage listed building back into use weighs heavily in support, which the Framework endorses. With this in mind it is considered that other than the 'do nothing' approach (which would be detrimental to the regeneration of the site and the building falling further into a state of disrepair) that the council has had due regard to the Regulations and consider that sufficient information has been supplied to enable part ii to be passed.

5.6.6 With respect to part iii, Greater Manchester Ecology Unit has noted that the roost found is small and of a relatively common bat species. It is considered unlikely to be a breeding roost. Mitigation for any possible disturbance to bats will be straightforward. In their view it is considered that the third test can be satisfied and no overall objections on the grounds of harm to bats and concludes that a protected species licence is likely to be granted by Natural England for this development. Planning conditions are recommended regarding improvements to the biodiversity value of the site and a further bat survey to be carried out.

5.6.7 Natural England (NE) raise no objection to the proposal and whilst the site is allocated for housing within the Local Plan, have highlighted that the council as the competent authority must undertake a Habitats Regulations Assessment. This will be undertaken and shared with NE for comment. In any event the site is removed from Morecambe Bay where the principle concern is associated with the recreational disturbance on the costal designated site. There are no direct pathways from the site to the Bay though in accordance with Policy H6 a homeowner pack is proposed to be conditioned for future residents to be aware of.

5.7 Consideration 7: Education Provision (Development Management DPD Policies DM1 New residential development and meeting housing needs, DM58 infrastructure delivery and funding)

5.7.1 As with previous applications on this site, there has been concern raised with respect to education provision locally. The County Council has confirmed in November 2020 there needs to be a contribution of £161,432.25 (their earlier response suggested £193,481.28) towards the delivery of 7 secondary school places. However, they have neglected to suggest where and therefore clarification is required. They have advised that there is sufficient capacity within the local primary school network, with the closest schools at Scotforth St Pauls, Bowerham CP and St Bernadettes all operating within capacity in 2025. Education is an infrastructure requirement and subject to being satisfied on the project named by the County, can be endorsed. However, should it not be needed within a 5 year period the monies be provided towards affordable housing in the district.

5.8 Consideration 8: Open Space provision (Development Management DPD Policies DM27 Open space, sports and recreational facilities, Appendix D of the DM DPD July 2020)

5.8.1 Early iterations of the scheme provided on face value in excess of the required open space. However, it was convoluted and unusable to a degree. Following negotiation there is now a central area of open space at 1000m², and this could be used informally, and could be a small kickabout area for future residents. There is also open space to the west of Derby Home and close to De Vitre Cottages (amounting to circa 2000²). The public realm officer had requested 1235m². Plots around the open space all have direct views now which helps with the natural surveillance. There is also amenity space towards the rear to Derby Home and adjacent to the De Vitre Cottage.

- 5.8.2 No play equipment has been proposed on the site. On a scheme of this nature with this number of units the council would generally insist on an equipped play area. If a site masterplan had been developed, this could have addressed this issue between the two landowners but a financial contribution has been proposed to address this instead. This will go towards an improvement to the equipped play area off Spruce Avenue and towards the playing fields.
- 5.8.3 On balance, there is considered sufficient on site open space, and this has been improved as part of the application process, and secondly via the payment of a commuted sum to cater for the improvements to the existing facilities on Spruce Avenue at £70,000 together with improvements to the playing pitches at the Royal Albert Playing Fields at £80,000. On this basis, the scheme complies with Policy H6 XIII.
- 5.9 **Consideration 9: Air Quality Matters** (National Planning Policy Framework Paragraphs 103 and 181; Development Management DPD Policies DM21 Air Quality Management and Pollution; Strategic Policies and Land Allocations DPD Policy EN9 Air Quality Management Area.)
- 5.9.1 The site is not located within any Air Quality Management Area (AQMA), but given the level of traffic anticipated from the development and the proximity to both the city centre and Galgate AQMAs, an Air Quality Assessment (AQA) has been undertaken. The AQA addresses air quality impacts during construction and the operational stages of development.
- 5.9.2 An updated Air Quality Assessment was submitted in October 2020, and this includes a damage cost analysis which highlights that there is a need for a site wide travel plan, car club promotion, and provision of cycle vouchers, in addition to the usual electric vehicle charging points and low emission boilers. It could be said these are basic matters that all developments should provide and that is correct but in the absence of a robust air quality action plans it is not possible to direct monies towards identified mitigation.
- 5.9.3 No observations from the Air Quality Officer have been received. However, the applicant has presented a robust assessment, informed by their Transport Assessment and the commitment to a Travel Plan that would reduce traffic over time, which in turn reduces anticipated emission levels from the development. Overall, it is considered that the proposal would not conflict with the Development Plan or the NPPF in respect of air quality.
- 5.10 **Consideration 10: Reducing Carbon Emissions** (Development Management DPD Policy DM30 Sustainable Design)
- 5.10.1 The scheme proposes a travel plan, financial contribution to the local bus service, provision of electric vehicle charging points and financial contributions towards upgrades to the Pointer Roundabout. In addition to this the applicants have suggested that they can reduce the energy demand of the proposed development by 16% when compared to current Building Regulations Part L via the fabric first approach. Officers do understand there will be an uplift to Building Regulations Part L in 2020 with an uplift in fabric standards. This is likely to consist of double or triple glazing and very high fabric insulation. Current and future Building Regulations will form the minimum requirements and will have to be adhered to by the development industry. These regulatory energy efficiency standards should not need improvement via planning policy, though as with the current review of the Local Plan, adapting to climate change is a critical component of the Local Plan. This is welcomed, and can be secured by planning condition should Councillors determine to support the scheme.
- 5.10.2 Matters relating to site contamination have been assessed by the Council's Contaminated Land Officer recommending the imposition of standard site investigation conditions. The applicant's assessment highlights the need for additional surveys and these can be conditioned. There will be circa 200 people employed during the construction phase of the development comprising of contractors and subcontractors and a condition is recommended detailing an Employment and Skills Plan. It is recommended a condition is imposed removing permitted development rights to ensure that garden spaces and parking arrangements are acceptable.

6.0 Conclusion and Planning Balance

- 6.1 The proposal will make a small but valuable contribution towards the supply of market housing in South Lancaster. The area will be the principle area of growth over the next decade. As of November 2020, the council cannot demonstrate a deliverable 5-year housing land supply. Whilst there have been concerns expressed by local residents, officers are satisfied that the application site is sustainably located with good access to public transport provision, and to a lesser extent local services and facilities. Despite the landscape and visual harm identified, given the terrain of the site, through the landscaping proposals and the provision of open space this will positively contribute to the design quality of the scheme. A significant benefit of the proposal is bringing back Derby Home back into use given it is listed and has been unoccupied for at least 2 decades.
- 6.2 The access, internal road arrangements and off-site highway works are matters necessary to make the development acceptable. The impacts on air quality are capable of being mitigated, and the design and standard of amenity of the development accords with provisions of the development plan. The site is not at risk of flooding, and despite concerns to the contrary, the development can drain in a sustainable manner without leading to a risk of flooding, assuming a robust management and maintenance plan is adopted. There are a number of conditions required to ensure the standard of development meets the aims and objectives of the Local Plan. Neutral weight is given to these considerations.
- 6.3 Weighing heavily against the proposal is the localised visual impacts resulting from the development and the erosion of pastureland to a housing estate. Regardless how sensitively the site is designed the change is inevitably going to lead to harm. Critically no affordable housing is provided by the scheme and therefore this is a significant weakness of the proposal. Officers are, however, continuing discussion with the applicants on this matter.
- 6.4 The balancing exercise in this case remains a 'tilted balance' which means planning permission must be granted unless the adverse impacts would significantly and demonstrably outweigh the benefit when assessed against the Framework as a whole. The site is allocated for housing within the SPLA, and given the amendments made during the application process, this means the adverse impacts identified to the landscape character of the area would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. On this basis officers recommend that the scheme is supported by Councillors.

Recommendation

That Planning Permission **BE GRANTED** subject to the signing of the Section 106 Agreement to secure:

- Affordable Housing (to be confirmed);
- Education contribution of **£161,432.25** for seven secondary school places (if not spent, diverted to affordable housing provision);
- Open space off-site contribution of **£80,000** towards the Royal Albert Playing Fields and **£70,000** towards the extension of the Play Area at the Cedars;
- Highways Contribution of **£100,000** towards the Lancaster – Knott End bus service and **£77,000** towards the Pointer Roundabout Improvements (if not spent, diverted to affordable housing provision);
- Derby Home to be built out in accordance with approved plans and an approved timetable; and
- Long term maintenance of landscaping, open space and non-adopted drainage and highways and associated street lighting.

and the following conditions:

Condition no.	Description	Type
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1	Timescales 3 years	Control
2	Approved Plans	Control
3	Drainage scheme	Pre-commencement
4	Access Detail to be agreed	Pre-commencement
5	Employment skills plan	Pre-commencement
6	Contamination Assessment	Pre-commencement
7	Updated AIA and Tree Protection Measures	Pre-commencement
8	Level 3 Building Recording Derby Home (Only on Derby Home)	Pre-commencement
9	Boundary Details	Above ground
10	Homeowner Packs (Ecology Mitigation)	Above ground
11	Scheme for cycle provision and refuse	Above ground
12	Offsite Highway Works	Above ground
13	Electric Vehicle Charging Points	Above ground
14	NDSS and M4(2) Standards	Above ground
15	Building Materials	Above ground
16	Drainage Management Proposals	Above ground
17	Landscaping Implementation and ongoing aftercare	Above ground
18	Hours of construction	Control
19	Provision of access and turning facilities	Control
20	Finished Floor and Site Levels	Control
21	Development in accordance with Energy Statement	Control
22	Removal of Permitted Development Rights	Control
23	Development in accordance with submitted Travel Plan	Control
24	Development in accordance with submitted Air Quality Mitigation details	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	A6
Application Number	19/01569/LB
Proposal	Listed building application for the removal of the side extension and external staircase, construction of a pitched roof to existing dormer, installation of a roof light and replacement rainwater goods, construction of a new entrance in existing window opening to the side, new window openings to all elevations, removal of doorway opening on the first floor and construction of a new doorway opening and ramp to form new front entrance and construction of internal partition walls, and provision of new slate roofing
Application site	Derby Home, Pathfinders Drive, Lancaster, Lancashire
Applicant	Oakmere Homes
Agent	Mr Peter Whittingham
Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval

1.0 Application Site and Setting

1.1 Derby Home was designed and built in 1912-13, and is a stone built rectangular structure of a domestic Gothic style beneath a gauged slate gable roof. The rectangular core of the building is a storey and a half high with an additional storey with a habitable projecting eastern wing and a modern single-story structure to the south. The building has been terraced into the slope on its western edge and a part subterranean cellar has been created beneath the northern half of the building. The proposal is situated in the proximity of seven listed buildings and due to its historic connection and association with Royal Albert Hospital (Grade II*), Derby Home is considered to be curtilage listed. The wider site location is referred to in greater detail in the Committee report for planning application 19/01568/FUL.

2.0 Proposal

2.1 Listed building consent is sought for the conversion of Derby Home into 8 residential apartments. Externally the changes will involve the demolition of a flat roof extension on the south facing elevation, including the current external staircase at the southern edge of the eastern elevation. There is a present timber infill within the northern elevation which is also proposed to be demolished. Replacement windows are proposed, and there will be a need for replacement stonework in some locations. Internally there will be some subdivision to facilitate the development and this would involve the demolition of some internal sub-divisions and the construction of new ones.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. Those most pertinent are noted below:

Application Number	Proposal	Decision
19/01568/FUL	Erection of 54 dwellings, 1 3-storey building comprising 8 2-bed apartments and conversion of Derby Home to 8 apartments, regrading of land, creation of parking areas, internal roads including associated upgrading works to Pathfinders Drive, footpaths, drainage infrastructure and provision open space	Pending Consideration
17/01076/LB	Listed Building application for the conversion of Derby Home into six apartments (C3)	Approval subject to applicant entering into Section 106 on the associated full application – still to be issued.

4.0 Consultation Responses

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

Consultee	Response
Conservation Officer	No objection to the proposals. With respect to the conversion of Derby Home, they consider there would be a degree of harm caused by the subdivision. However, this would be less than substantial. Overall they support the applicant's proposals.
Historic England	No observations to make on the planning application.
National Amenity Societies	No observations received to the proposal.
Lancashire County Specialist Advisory Service Archaeology	No objection though recommends that the building is subject to a Level 3 standard survey.

4.2 No representations have been received directly in relation to this listed building application, though there has been a number of representations received in respect of 19/01568/FUL as noted within its associated Committee report.

5.0 Analysis

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

Preserving the future of the Grade II* Derby Home (Development Management DPD Policy DM37 Development affecting listed buildings, DM39 - The setting of Designated Heritage Assets, DM42 Archaeology, National Planning Policy Framework Section 16 – Conserving and Enhancing the Historic Environment)

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

- 5.1.2 The scheme seeks permission to remove the existing flat roof extension to the south elevation (which has in principle already the benefit of listed building consent for its removal), including the timber extension to the north elevation and the stairs on the front elevation are also proposed to be removed. No window detail has been proposed, though it is expected new windows, which should be timber, are incorporated. Whilst this is less than ideal it is considered that this issue can be addressed by means of planning condition. This is a view shared by the Conservation Officer.
- 5.1.3 Internally there will be a degree of harm associated with the subdivision of Derby Home, though this would be less than substantial harm and a building record condition would help assist in mitigating some of the harm caused by the subdivision (which the Conservation Officer and the County Archaeologist supports). Derby Home has been boarded for some time, and no internal access was made available for its assessment in 2019, but as part of earlier proposals on this site the assessment was able to utilise previous surveys.
- 5.1.4 There will be some harm due to the subdivision, but the conversion will involve the removal of the modern extension on the principle elevation, therefore, better revealing the aesthetic value of the building and fundamentally contributing to its long term use and conservation. Planning conditions are recommended concerning the stonework repair, building materials (to include window, door, stone samples, rainwater goods and flue and vent details) together with any replacement roofing material, and a Level 3 building record analysis to be undertaken.
- 5.1.5 On balance, it is considered that there will be harm caused to Derby Home, though this would amount to less than substantial harm. It is considered that the development would amount to less than substantial harm but this is outweighed by the public benefits associated with restoring this curtilage listed building and bring it back into use and it is considered that the development complies with Policies DM37, DM39 and DM42 of the Development Management DPD.

6.0 Conclusion and Planning Balance

- 6.1 The Local Planning Authority is supportive of the conversion of Derby Home which retains heritage value on several levels and, as such, is considered to be of district/local heritage significance. Whilst its conversion and retention are silent within Policy H6 of the SPLA element of the Local Plan, officers are pleased to see it come forward for conversion. The exterior of Derby Home largely retains its original appearance and has some visual connection with the adjacent listed buildings. Whilst internally in poor condition, the original layout and character of the ground floor spaces appears to have been retained and the function of each space can be understood.
- 6.2 The proposed development will involve the renovation and consolidation of a building that has been derelict for an extended period of time, and as a result its condition has deteriorated, and therefore the proposed development would ensure the long term survival of the building, albeit altered for the foreseeable future.

Recommendation

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

Condition no.	Description	Type
1	Standard Timescale 3 year	Control
2	Approved Listed Building Plans	Control
3	Agreement of materials to be utilised	Pre-commencement
4	Level 3 building recording survey	Pre-commencement
5	Stonework Repair Methodology	Pre-commencement
6	Detail of the ramp access to the front elevation	Pre-commencement

Agenda Item	A7
Application Number	20/00613/FUL
Proposal	Erection of 16 affordable residential dwellings and 2 residential buildings comprising a total of 4 affordable apartments, with associated parking and hard landscaping
Application site	Cohousing Site, Land adjacent to Forge Lane, Halton
Applicant	Mr Charles Ainger
Agent	Mr Gillies MacPhail
Case Officer	Mr David Forshaw
Departure	No
Summary of Recommendation	Approval

1.0 Application Site and Setting

- 1.1 This 0.45 hectare site is located between Forge Lane and Mill Lane approximately 350 metres south of the centre of Halton. The site is currently unused but was previously part of the Halton Mills site and most recently used as a haulage yard. It contains hard standings, bare ground, a small brick building and overgrown areas. The site was included as part of the wider Halton Mills mixed use, employment led allocation in the last Local Plan. In the adopted Strategic Policies and Land Allocations DPD the site is allocated as part of the wider rural housing site.
- 1.2 Immediately to the east is land also forming part of the allocation. This is subject of planning application 20/00614/FUL for a 20 unit over 55s senior housing scheme and included on this agenda for consideration by the Committee. To the north, across Forge Lane is a residential development under construction; to the west is an existing housing development on Town End Way and to the south on the opposite side of Mill Lane are existing houses facing the site.
- 1.3 Forge Lane, from which vehicular access and parking is to be gained at the northern end is currently unadopted. The owner of the road and County Highways confirm the adoption process is underway. Adoption cannot be guaranteed but all works on Forge Lane will have to be agreed by the owner and carried out to County Highways' standards. The fact Forge Lane is privately owned is not a material consideration.
- 1.4 The site slopes down from north to south by approximately 2 metres. It is level with Forge Lane at the northern boundary and approximately 2m above the level of Mill Lane at the south.
- 1.5 Part of the site is in a mineral safeguarding area. A belt of protected trees on the site runs near the eastern boundary. Public footpaths FP1 and FP2 run along Mill Lane beyond the southern boundary. A small part of the site is at low risk of surface water flooding. Parts of Mill Lane adjacent to the site are within flood zone 2 and in areas at risk of up to 1 in 30 year surface water flood event.

2.0 Proposal

- 2.1 This proposal is for 20 affordable dwellings and is being brought forward by a partnership between Lune Valley Community Land Trust and South Lakes Housing. The housing mix is as follows:
- 13 units for affordable rent: 4 1-bed flats; 5 2-bed houses; 2 3-bed houses and 2 4-bed houses
 - 7 units for shared ownership: 3 2-bed houses and 4 3-bed houses (the shared ownership will be 45% of open market value)
- 2.2 There will be 5 terraced blocks and one pair of semi-detached houses. All blocks are aligned north/south with east/west aspects giving front elevations an outlook into the centre of the site. Parking is proposed on both the Forge Lane and Mill Lane frontages with all 31 spaces directly accessible from the road carriageways. No vehicles will access into the site except for maintenance, delivery and emergency vehicles. Each house will have its own private garden space at the rear. The central area will be communal space with hard and soft landscaping and seating areas.
- 2.3 Materials will be dark roof tiles, white render and masonry at the ends near the external roads and matching roof tiles but walls finished with timber cladding and muted render (pale gold, terracotta) in the centre of the site.
- 2.4 The buildings will be constructed using the PassivHous principles to create almost zero carbon, energy efficient homes. Homes to this standard use 80% less energy for heating than Building Regulation compliant developments through minimising heat loss and optimising solar gain.

3.0 Site History

- 3.1 There is significant planning history for the wider former Halton Mills site. The following are relevant to this site:

Application Number	Proposal	Decision
14/01350/FUL	Erection of 20 residential dwellings with associated access road	Approved
14/00713/VLA	Variation of legal agreement on 00/00920/OUT and subsequent renewal consent 05/01432/OUT	Pending
07/00783/REM	Reserved Matters application for the erection of a managed workspace building, comprising 44 adaptable B1 work units/studios with associated cafe, lounge, meeting rooms, car parking and landscaped grounds	Approved
05/01432/OUT	Renewal of application 00/00920/OUT for proposed redevelopment including demolition of existing mill, erect houses, industrial units, construct new access and provision of associated open space and landscaping	Approved
04/01301/REM	Reserved Matters application for the erection of 47 houses and 27 apartments, associated access road and play area	Approved
04/01299/REM	Reserved Matters application for erection of two industrial buildings to replace existing accommodation at Town End Mill	Approved
00/00920/OUT	Outline application for proposed redevelopment including demolition of existing Mill, erection of houses, industrial units, construction of new access and provision of associated open space and landscaping	Approved

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection. Standard conditions required
LLFA	Drainage acceptable in principle. Standard conditions required
CSTEP	No objections to the Employment Skills Plan

United Utilities	No objection
Fire Service	Advice given
Police	Advice given
County Education	A contribution of £33,290 towards two primary school places is needed and potential for a further £25,080 contribution towards a secondary place
Strategic Housing	Supports the proposal
Waste Recycling Officer	Bin carry distances exceed the suggested 25m distance which can create a significant problem on days when multiple bins are collected
Public Realm	No contributions for off-site open space being sought
Environmental Health	Dust mitigation and electric vehicle charging points conditions required

4.2 Two responses from one member of the public have been received. This is from the owner of Forge Lane who states that he has funded repairs to the private road over many years but the developer should now contribute until the road is adopted. He is working with County Highways to have the road adopted and it is hoped this will be complete by the end of the year. In the meantime, any works to the road must be agreed with him first and a condition is requested that no development can commence until the road is adopted.

5.0 Analysis

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

1. Principle of development
2. Layout and design
3. Impact on neighbours
4. Highways and parking
5. Ecology
6. Flood risk and drainage
7. Air quality
8. Mineral safeguarding
9. Viability and s106

5.2 **Principle of Development** SPLA DPD Policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, H2: Housing Delivery in Rural Areas of the District; 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 Even though the previous planning permission for housing has lapsed, as the site is allocated for housing in the Strategic Policies and Land Allocations DPD the principle of its development is established.

5.2.2 This scheme has been supported by Lancaster City Council since its conception both financially through the 'Community Housing Fund' and physically through officer time and resources. The City Council was awarded just over £700,000 from the £163m Government Community Housing Fund in 2017 and this particular scheme was inspired to progress because of the money made available. Subsequently a £267,000 grant was approved last year for pre-development costs and more recently, the Community Land Trust (CLT) alongside Halton Senior Cohousing, was awarded £375,000 from commuted sums in order to purchase the land required for development.

5.2.3 The development will provide 13 properties for direct allocation to those on the City Council housing register ensuring they will meet the local need, prioritising households who live in and around Halton. The community-led development will better assist the Council in meeting its own statutory duties as well as meeting the needs of people with disabilities. The new homes will be developed and managed by a socially responsible and accountable registered provider, working in close partnership and collaboration with Lancaster City Council, Lune Valley CLT and the wider community. The affordable homes provided will stay affordable in perpetuity.

5.2.4 The scheme will provide Passivhaus homes which will support the Council's aim to be a carbon neutral district by 2030. Overall, the proposal is acceptable in principle.

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

5.3.1 The north/south alignment enables best use to be made of the site and deal with the slope. Therefore, no frontage development facing Forge Lane and Mill Lane is provided. However, this adds variety to the overall street scenes and enables the residents' focus to be turned onto the communal space. Activity to Forge Lane and Mill Lane is provided by the parking areas and wide openings in the centre of the site which provide pedestrian access between the two roads. Furthermore, the gable ends are broken up by secondary windows and use of render and timber cladding. The layout design enables greater separation between the houses and existing protected trees to the east and existing housing to the west while maximising density. The provision of a central pedestrian priority area and private gardens to each dwelling provides an acceptable setting for the development.

5.3.2 The blocks of dwellings are all two storey and appear of appropriate scale and size for the site and surroundings. All internal space is 5% over the Nationally Described Space Standards. Materials complement adjacent developments adding variety to the local area. It is considered the layout and design meet policy requirements.

5.4 **Impact on Neighbours** DMDPD Policy DM 29; Key Design Principles

5.4.1 The interface distances with existing houses on Town End Way meet standard requirements given the difference in finished floor levels. The proposed houses will be approximately 1.35m higher than rear facing houses on Town End Way with a separation of 23m. Where the proposed houses will face the gable ends of Town End Way properties the separation just exceeds the required 12m. The proposed houses are gable on to Mill Lane and Forge Lane with secondary windows to habitable rooms. The distance to properties on Mill Lane does not meet standard given the difference in levels. As these are secondary windows a condition requiring obscure glazing can be imposed that will not impact significantly on residents using those rooms. There is no overlooking issue with houses on the opposite side of Forge Lane under construction by Story Homes. The rear elevations of houses on the eastern blocks will look towards the adjacent over 55s Co-housing development but screening is provided by the existing belt of protected trees and that development faces north/south. No mutual overlooking or loss of privacy will occur due to the trees and different orientation of the two developments.

5.5 **Highways and Parking** DMDPD Policy DM 62: Vehicle Parking Provision

5.5.1 The site is in a sustainable location close to the centre of Halton, bus stops and cycleway into Lancaster. Cycle storage is provided for every dwelling. Parking standards require a maximum of 39 spaces based on the number of bedrooms. However, it is acknowledged that social housing sites generate lower car ownership. The proposed 31 spaces are acceptable in this case, providing 2 disabled and 1 car club. The parking layout with spaces directly accessed off the highway are not likely to result in loss of spaces for existing residents.

5.6 **Ecology** (DMDPD Policy DM44 The Protection and Enhancement of Biodiversity)

5.6.1 The site primarily consists of common and widespread habitats with no wider value. The applicant's ecology report does not highlight presence of any protected species or habitats. No evidence of bats was found in the building. No development should take place during the bird breeding season (March to August inclusive) unless absence of breeding birds is proven. Ecological enhancement measures can be dealt with by conditions.

5.7 **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)

5.7.1 The site is in flood zone 1 with only a small part at low risk of surface water flooding and that area will be used for gardens. The surface water drainage system could either use infiltration or attenuation methods and the final design requires further percolation testing to be carried out. Foul water will connect to the existing system. United Utilities and the LLFA are content with this approach and request standard conditions for the final design to be approved.

5.8 **Air Quality** (DMPD Policy 31: Air Quality Management and Pollution)

5.8.1 During the construction phase, implementation of good practice dust control measures should result in any impact on air quality as not significant. Once the development is fully occupied impacts from traffic emissions should be negligible. Environmental Health agrees with the air quality assessment and request a condition for dust mitigation, but as this is covered by other legislation no such condition can be imposed. Environmental Health also recommend two electric vehicle charging points are provided to both parking areas. Details of the number and location can be dealt with by a condition.

5.9 **Mineral Safeguarding** (Minerals and Waste Local Plan Policy M2; NPPF paragraphs 205-206)

5.9.1 Having had full regard to the requirements of these policies, it is considered that given the lack of housing land supply across the District there is an overriding need for the development which outweighs the need to avoid sterilisation of the mineral resource. In any case it is considered that pursuing extraction of the minerals as part of the development would not be appropriate in this location given the proximity to residential properties.

5.10 **Viability and S106**

5.10.1 County Education has asked for a contribution of £33,290 for primary school places and a potential further £25,080 for a secondary school place. In response, a viability report has been submitted by the applicant to demonstrate why any such contribution would render the development unviable and undeliverable. The detailed appraisal is considered to be reasonable and credible.

5.10.2 The development relies on grant funding from the City Council and Homes England and a loan from South Lakes Housing. The total development cost is increased for this development due to the 100% affordable provision, construction costs providing additional internal space for every dwelling and meeting the Passivhaus standards and abnormals from cut and fill to deal with the slope, soft ground and possible contamination.

5.10.3 In the absence of an appointed contractor the Net Present Value of the project at 35 years (the appraisal period) is a negative, meaning the project makes a loss. However, once a contractor is appointed savings should be possible to bring the figure to nil (i.e. break-even). The proposed education contributions will almost double the losses; an additional cost that is unlikely to be recouped through value engineering which will make this development unviable.

5.10.4 Therefore, in the interests of delivering a 100% affordable scheme that meets an identified local housing need through a highly sustainable and energy efficient construction method, it is considered the request for education places is not pursued with the developer.

6.0 Conclusion and Planning Balance

6.1 This is a development the City Council has supported to date. The specific layout and design and likely impacts have been assessed and should not give rise to any adverse effects. The proposal as a whole complies with all development plan policies.

Recommendation

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

Condition no.	Description	Type
1	3 year timescale	Standard
2	Approved plans	Standard
3	Surface water drainage details	Pre-commencement
4	Foul drainage system	Pre-commencement
5	Site access details and provision	Pre commencement
6	Contaminated Land	Pre-commencement

7	Arboricultural Implications Assessment, including Tree Protection Measures	Pre-commencement
8	Employment Skills Plan	Pre-commencement
9	Material samples, including boundary treatments	Above ground
10	Landscaping details	Above ground
11	Surface water management and maintenance	Pre-occupation
12	Provision and protection of visibility splays	Pre-occupation
13	Construction and details of management and maintenance of private roads	Pre-occupation
14	Details and provision of cycle stores	Pre-occupation
15	Details and provision of electric vehicle charging points	Pre-occupation
16	Provision of bin stores	Pre-occupation
17	Obscure glazing in gables facing Mill Lane	
17	Ecological mitigation measures	Ongoing compliance
18	Approved floor levels	Ongoing compliance
20	Bird breeding season	Ongoing compliance
21	Separate drainage system	Ongoing compliance
22	National Described Space Standards and M4(2) Accessibility Standards	Ongoing compliance
23	100% affordable housing provision	

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	20/00614/FUL
Proposal	Erection of 4 dwellings, a block of 16 self-contained flats and a shared ancillary accommodation building for the residents over the age of 55, with associated access, internal roads and parking areas
Application site	Senior Cohousing, Land adjacent to Forge Lane, Halton
Applicant	Mr Coates
Agent	Mr Christopher Coates
Case Officer	Mr David Forshaw
Departure	No
Summary of Recommendation	Approval

1.0 Application Site and Setting

- 1.1 This 0.34 hectare site is located between Forge Lane and Mill Lane approximately 350 metres south of the centre of Halton. The site is currently unused and overgrown but was previously developed. The site was included as part of the wider Halton Mills mixed use employment led allocation in the last Local Plan. In the adopted Strategic Policies and Land Allocations DPD the site is allocated as part of the wider rural housing site.
- 1.2 Immediately to the west is land also forming part of the allocation. This is subject of planning application 20/00613/FUL for a 20 unit affordable housing scheme and included on this agenda for consideration by the Committee. To the north, across Forge Lane is a residential development under construction; to the east on the opposite side of Forge Lane are existing commercial premises and to the south on the opposite side of Mill Lane are existing houses facing the site.
- 1.3 Forge Lane, from which vehicular access and parking is to be gained is currently unadopted. The owner of the road and County Highways confirm the adoption process is underway. Adoption cannot be guaranteed but all works on Forge Lane will have to be agreed by the owner and carried out to County Highways' standards. The fact Forge Lane is privately owned is not a material consideration.
- 1.4 The site slopes down from north to south. It is level with Forge Lane at the northern boundary but the site does not fall as steeply as Forge Lane as the road turns south to where it meets Mill Lane. At its southern end the site sits approximately 2.5 metres above the level of Mill Lane.
- 1.5 Part of the site is within a mineral safeguarding area. A belt of protected trees on the site runs near the western boundary. Public footpaths FP1 and FP2 run along Mill Lane beyond the southern boundary. Parts of Mill Lane adjacent the site is within flood zone 2, which just extends slightly onto the site.

2.0 Proposal

- 2.1 The proposal is for a senior (residents must be over 55 years old) Co-Housing scheme comprising a total of 20 dwellings. Six of these (30%) will be affordable made up of four discounted market flats

(discounted to 70% of market value in perpetuity) and two affordable rented flats. There will be a terrace of four 2-bed 2 storey houses at the southern end of the site and 16 apartments in a 2 and 3 storey block fronting Forge Lane at the northern end. There will be 12 1-bed and 4 2-bed apartments. Between the blocks is a communal garden containing footpaths, bin stores and cycle stands. Also proposed is a single storey detached “common house” building providing communal laundry, socialising, kitchen and dining facilities for residents and a twin bed guest room with en-suite for visitors.

- 2.2 8 communal car parking spaces are proposed, each independently accessed directly from Forge Lane on the northern boundary. Vehicle access to the site is from Forge Lane to the north but will only be for bin collection, emergency and delivery vehicles. Additional pedestrian access is proposed from Forge Lane to the east and Mill Lane to the south.
- 2.3 Senior Cohousing is for residents who want to live as an active participant in a group of similar aged people who sign up to agreed values. Although residents have their own home, these homes are clustered around the common house and grounds with its shared space and amenities run by the residents. Future residents have been involved in the design stages of the project and are committed to living in this manner in Halton. They have set up a non-profit company to carry out this development.
- 2.4 The buildings will be constructed using the PassivHous principles to create almost zero carbon, energy efficient homes. Homes to this standard use 80% less energy for heating than Building Regulation compliant developments through minimising heat loss and optimising solar gain.

3.0 Site History

- 3.1 There is significant planning history for the wider former Halton Mills site. The following are relevant to this site:

Application Number	Proposal	Decision
15/00510/OUT	Outline application for the erection of a nursing home and creation of a new vehicular access	Approved
14/00713/VLA	Variation of legal agreement on 00/00920/OUT and subsequent renewal consent 05/01432/OUT	Pending
07/00783/REM	Reserved Matters application for the erection of a managed workspace building, comprising 44 adaptable B1 work units/studios with associated cafe, lounge, meeting rooms, car parking and landscaped grounds	Approved
05/01432/OUT	Renewal of application 00/00920/OUT for proposed redevelopment including demolition of existing mill, erect houses, industrial units, construct new access and provision of associated open space and landscaping	Approved
05/00153/OUT	Renewal of outline permission for demolition of existing buildings, erection of industrial units (classes B1 and B2) and live/work units (classes C3 and B1), construction of new access, improve road and landscaping	Approved
04/01301/REM	Reserved Matters application for the erection of 47 houses and 27 apartments, associated access road and play area	Approved
04/01299/REM	Reserved Matters application for erection of two industrial buildings to replace existing accommodation at Town End Mill	Approved
01/01128/OUT	Outline application for demolition of existing buildings, erection of industrial units (Classes B1 and B2) and live/work units (Classes C3 and B1), construction of new access, improve road and landscaping	Allowed on appeal
00/00920/OUT	Outline application for proposed redevelopment including demolition of existing Mill, erection of houses, industrial units, construction of new access and provision of associated open space and landscaping	Approved

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection to revised plans subject to conditions
LLFA	Details acceptable in principle. Standard drainage conditions required
United Utilities	No objection
Fire	Advice provided
Police	Advice provided
CSTEP	Wishes to have input to the final ESP when a contractor is appointed.
Strategic Housing	Supports the proposal
Tree Officer	Further details of overspill parking spaces and tree protection required
Public Realm	No off-site contribution for open space sought
Contaminated Land Officer	Further site investigation needed

4.2 A response from one member of the public has been received. This is from the owner of Forge Lane who states that he is working with County Highways to have the road adopted and it is hoped this will be complete by the end of the year. In the meantime, any works to the road must be agreed with him first and a condition is requested that no development can commence until the road is adopted.

5.0 Analysis

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

1. Principle of development
2. Layout and design
3. Impact on neighbours
4. Highways and parking
5. Flood risk and drainage
6. Ecology
7. Air quality
8. Minerals safeguarding

5.2 **Principle of Development** SPLA DPD Policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, H2: Housing Delivery in Rural Areas of the District; 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 As the site is allocated for housing in the Strategic Policies and Land Allocations DPD the principle of its development is established.

5.2.2 Strategic Housing has written in support of the proposal, stating: *“This scheme has been supported by Lancaster City Council since its conception both financially through the ‘Community Housing Fund’ and physically through officer time and resources. The City Council was awarded just over £700,000 from the £163m Government Community Housing Fund in 2017 and this particular scheme was inspired to progress because of the money made available. Lancaster City Council provided an initial feasibility grant of £15,000 in 2018 to test out the viability of the scheme, and then in 2019 a further grant of £160,000 was awarded towards pre-development costs.*

Lancaster City Council is very supportive of community-based housing projects of this nature, especially when they include a 30% supply of affordable housing. The Council recognises the need for new affordable housing supply in the district and it is therefore a stated key strategic priority in both the emerging Homes Strategy and the recently approved Local Plan.

The Lancaster Strategic Housing Market Assessment (SHMA) 2018 identifies an annual imbalance of 376 affordable dwellings across Lancaster each year to 2027/28, including 19 per annum within

the Lancaster Fringes sub-area which includes Halton. Data from this and the Arc4 housing needs survey 2019 evidence the need for more affordable homes in Halton as well as a desire among the over 55s to live communally. The scheme proposed, through the Senior Co-Housing Ltd Allocation Policy, will ensure that 2 rental properties will be used to meet local need, prioritising households who live in and around Halton.”

- 5.2.3 Policy DM3 requires 30% of units to be affordable on brownfield sites in the rural east area which is met by the 6 affordable units being proposed. Therefore, the proposal is acceptable in principle.
- 5.3 **Layout and Design** DMDPD DM29: Key design principles; DM30: sustainable design; NPPF section 12
- 5.3.1 Layout and design: The layout and design has been informed through consultation with future residents from the local area. Locating the residential buildings at the northern and southern boundaries maximises provision of the vehicle free central shared garden areas and location of the single storey common house shared facility. The design has been developed with the Council's planning service through two levels of pre-application engagement. The submitted Design and Access Statement states the design is a specific response to the site, adopting a modern approach which would not detract from the Halton Conservation Area. A modern design was also necessary to meet the required sustainable standards.
- 5.3.2 House Terrace: The two storey terrace of four houses at the southern end of the site faces inward, presenting rear elevations and gardens to Mill Lane. During pre-app discussions outward facing dwellings were suggested to provide an active frontage to Mill Lane. However, the block of 4 terraced houses will be situated approximately 3m above the level of Mill Lane which limits the effect of providing frontage development. Furthermore, the resident led design proposes them inward facing to realise the key design factor of Cohousing to have the front doors of the new houses facing the shared central gardens and common house to encourage social interaction. Additional landscape planting will be added to the steep bank down to Mill Lane to help soften the rear elevations and garden areas visible from Mill Lane. The terrace will be constructed of grey/black roof tiles, stone coloured buff brick, with the addition of grey/green horizontal woodgrain boarding on the front elevation and painted timber fenestration.
- 5.3.3 Apartment Block: The apartment block is mainly 3 storey stepping down to two storey wings at right angles at either end. The Forge Lane elevation includes front doors to all flats with the upper floors served by covered walkways which presents an active frontage. In the centre of the block will be an enclosed lift and staircase projecting furthest forward towards the road clad in grey/green vertical timber boarding. This will be set back approximately 5.5m from the back of pavement and will be screened from long views to the west by the existing protected tree belt. The rear elevation contains patio doors for the ground floor flats and balconies to upper floors. Materials match the house terrace of grey/black roof, buff brick and grey/green timber boarding.
- 5.3.4 Common House: This will be a single storey pitched roof building with the appearance of a residential bungalow constructed of buff brick under a grey tiled roof. It will be sited near the eastern boundary with the rear elevation facing Forge Lane. The embankment down to Forge Lane will be landscaped with additional planting.
- 5.3.5 Of the 20 units, 16 will exceed National Described Space Standards and all the units will have access to an additional 110m² of communal facilities in the common house including laundry and a guest bedroom. The 1 bed flats are National Described Space Standards plus 4.5%, the 2 bed flats meet National Described Space Standards and the 2 bed houses are National Described Space Standards plus 10%. In all, the layout and design is acceptable and meets the requirements of policies DM29 and 30.
- 5.4 **Impact on Neighbours** DMDPD Policy DM 29; Key Design Principles
- 5.4.1 There are existing houses on the opposite side of Mill Lane south of the site. These will be at a 2.8m lower floor level than the proposed terrace of 4 houses. The window to window separation will be 26.7m which complies with DM29 requirements. To further mitigate the impact of the new dwellings being at a higher level, additional planting will be provided on the embankment sloping down to Mill Lane which will filter views of them.

5.4.2 The proposed development to the west, also reported on this agenda under application 20/00613/FUL, has two storey dwellings backing onto this site but separated by the protected trees. That development layout provides all houses with west/east facing aspects which will not result in mutual overlooking with this proposed development which has north/south facing aspects.

5.4.3 To the north of Forge Lane opposite the proposed apartment block a housing site is under construction by Story Homes. The nearest dwellings on that development will be gables facing this site with no direct facing habitable room windows. Furthermore, those gables will be approximately 27m from the apartment block.

5.4.4 To the east of the site on the opposite side of Forge Lane are commercial premises. All interface distances will be met and the development will have no adverse impact on any existing or proposed dwellings.

5.5 **Highways and Parking** DMDPD Policy DM 62: Vehicle Parking Provision

5.5.1 The site is in a sustainable location about 0.5km from the River Lune Cycleway (accessed via Mill Lane and the bridge over the river) and a frequent bus service that serves the village. Pedestrian links will be possible through the Story Homes site linking the site to the community centre and further bus stops on High Road. Communal space for 47 cycles will be provided, which is in compliance with the adopted standards.

5.5.2 As residents will be over 55, the applicant considers 75% will be retired and entitled to free bus travel. The applicant intends to restrict the amount of car use and car parking to promote sustainable travel. A similar model has been successful at Forgebank (the co-housing development further east) supported by car sharing and a car club. The proposed level of car parking reflects this intended control and provides for 8 spaces which will be split into 4 for residents' private vehicles; 2 for car club vehicles and 2 for visitors. Two electric vehicle charging points will be provided. Other residents will not be allowed to keep a car on the public highway within 2km the site and this will be enforced through the lease. However, this cannot be enforced through any planning mechanism so at the request of County Highways an additional area of overspill parking for 4 vehicles has been identified. This area will only be provided if the need arises and can be conditioned. These spaces are close to the protected trees but with the use of appropriate construction techniques and permeable surfacing the trees should be adequately protected. On the basis of the car club/sharing initiatives, cycle storage provision, sustainable location and ability to provide overspill parking County Highways has no objections. Use of car club/sharing initiatives will be secured through the s106.

5.6 **Ecology** (DMDPD Policy DM44 The Protection and Enhancement of Biodiversity)

5.6.1 The site primarily consists of rank neutral grassland which has formed on the disturbed ground in recent years. The applicant's ecology report does not highlight presence of any protected species or habitats. Rabbits are present and although common receive some protection. Therefore, they should be responsibly cleared from the site prior to commencement of development. No development should take place during the bird breeding season (March to August inclusive) unless the absence of breeding birds is proven. Ecological enhancement measures can be dealt with by conditions.

5.7 **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)

5.7.1 The site is at a very low risk of flooding and no formal flood risk assessment is required. An indicative draft drainage plan has been submitted with the application. The drainage options depend on further information to be gained on the existing systems and ground investigation. Surface water discharge route and rates will need to be agreed. Foul water will be discharged into the existing sewer network in Mill Lane. United Utilities and the LLFA have no objections to the principle of the strategy. Relevant conditions will require submission of final solutions for approval prior to commencement of development.

5.8 **Air Quality** (DMPD Policy 31: Air Quality Management and Pollution)

5.8.1 The applicant's air quality assessment states with mitigation measures during construction the

impacts from dust are considered to not be significant. Annual background concentrations of pollution are expected to be below their respective objectives and therefore the location is suitable for residential use. Finally, due to the travel initiatives to be used, including electric vehicle charging points, road traffic emissions are not likely to have a significant impact on local air quality.

5.9 **Mineral Safeguarding** (Minerals and Waste Local Plan Policy M2; NPPF paragraphs 205-206)

5.9.1 Having had full regard to the requirements of these policies, it is considered that given the lack of housing land supply across the District there is an overriding need for the development which outweighs the need to avoid sterilisation of the mineral resource. In any case it is considered that pursuing extraction of the minerals as part of the development would not be appropriate in this location given the proximity to residential properties.

6.0 Conclusion and Planning Balance

6.1 This is a highly sustainable and innovative proposal which will meet a specific identified local need through both the market and affordable housing. It complies with development plan policies and there are no objections raised to any element of the scheme. It can be carried out without adverse impact if appropriate mitigation measures are secured through conditions and a s106 legal agreement.

Recommendation

That Planning Permission Consent **BE GRANTED** subject to completion of a s106 agreement securing the following:

- 30% affordable housing provision
- Residents must be 55 years of age or older
- Provision of a Management Company to manage and maintain open space, landscaping and other land and infrastructure that would not be adopted by public bodies.
- Provision of residents’ car club and car sharing initiatives

and the following conditions:

Condition no.	Description	Type
1	3 year timescale	Standard
2	Approved plans	Standard
3	Surface water drainage details	Pre-commencement
4	Foul drainage system	Pre-commencement
5	Site access details and provision	Pre commencement
6	Contaminated Land	Pre-commencement
7	Arboricultural Implications Assessment, including Tree Protection Measures	Pre-commencement
8	Employment Skills Plan	Pre-commencement
9	Submission of additional car parking details (with associated tree information)	Pre-commencement (of these specific works)
10	Material samples, including boundary treatments	Above ground
11	Landscaping details	Above ground
12	Surface water management and maintenance	Pre-occupation
13	Provision and protection of visibility splays	Pre-occupation
14	Construction and details of management and maintenance of private roads	Pre-occupation
15	Details and provision of cycle stores	Pre-occupation
16	Details and provision of electric vehicle charging points	Pre-occupation
17	Provision of bin stores	Pre-occupation
18	Ecological mitigation measures	Ongoing compliance
19	Approved floor levels	Ongoing compliance
20	Bird breeding season	Ongoing compliance
21	Separate drainage system	Ongoing compliance

22	National Described Space Standards and M4(2) Accessibility Standards	Ongoing compliance
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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	A9
Application Number	14/00713/VLA
Proposal	Variation of legal agreement on 00/00920/OUT and subsequent renewal consent 05/01432/OUT to vary the terms of the Fourth Schedule concerning affordable housing in relation to the applicant's land only, remove the requirements to obtain covenants from future land owners to restrict vehicular use over Mill Lane between points A and B (as set out in the Third Schedule) and to discharge the obligations relating to public open space and the provision of the industrial buildings.
Application site	Halton Mill, Mill Lane, Halton, Lancashire
Applicant	Halton Mills Ltd / Town End Way No.1 Limited
Agent	Mr David Hall
Case Officer	Mrs Jennifer Rehman
Departure	N/A
Summary of Recommendation	Approve

(i) Procedural Matters

This application was previously reported to the Planning and Highways Regulatory Committee on 5 June 2015. The Committee report is attached as a background paper to this report. The recommendation to vary the original s106 legal agreement was supported by the Committee, subject to the variations being executed by way of a Deed of Variation to the s106 legal obligation. For various reasons this Deed of Variation has not been completed. The application is being reported back to the Planning Regulatory Committee, as the terms in respect of the affordable housing obligations have changed since the Committee resolution in June 2015.

1.0 Application Site and Setting

1.1 The land relating to the original legal agreement and its associated planning permission is known as Halton Mills, situated between the River Lune and Low Road in Halton village. Despite years of stalled development, the Halton Mills complex is now largely redeveloped predominantly comprising residential development with some employment development. Most of the site's redevelopment does not relate to the original planning permission, though the site that is the subject of this application does.

1.2 The site relates to land between Forge Lane and Mill Lane. It also includes Mill Lane and land to the south of Mill Lane that comprises open space including an equipped play area. The land between these two roads has been developed out for housing, including apartments, based on the original outline and reserved matters approvals relating to the original redevelopment proposals for the wider Halton Mills complex. The employment land approved and required by the original proposals has also been developed and has been occupied for many years now. Land immediately to the east of the site in question remains undeveloped, but has been the subject of subsequent planning permissions for housing (now lapsed) and is currently the subject of two pending planning applications for residential development being advanced by Lune Valley Community Land Trust and

Halton Senior Cohousing Ltd (which are being reported to this Committee). The far eastern part of the Halton Mills complex was successfully developed by Lancaster Co-housing in around 2012. After that, Barratt Homes developed two small parcels of land between the River and Mill Lane. The new Local Plan allocates the subject site and the adjacent undeveloped sites for housing.

2.0 Proposal

2.1 The applicant has made an application under Section 106A of the Town and Country Planning Act to discharge and modify the legal agreement that relates to the site's comprehensive redevelopment including demolition of existing Mill, erection of houses, industrial units, construction of new access and provision of associated open space and landscaping pursuant to outline planning permission 00/00920/OUT and the subsequent renewal permission.

2.2 For the avoidance of doubt, the applicant, Halton Mills Limited was dissolved in December 2018. However, this application, which was received before the company was dissolved, still needs to be determined and is now supported by Town End Way No.1 Limited.

2.3 A summary of the main terms of the original legal agreement are as follows:

1. No occupation of any dwelling until the building to replace Elro Products (Lancaster) Limited has been erected and available for use;
2. To obtain a covenant from any future owner of any of the land not to use that section of Mill Lane between points A and B (narrow section of Mill Lane) to access and egress the land;
3. To provide at least 17.5% of the total dwellings on the land as Affordable Housing to be disposed to an Approved Person at no more than 80% of the open market value of the dwelling;
4. Provision of public open space and maintained either in accordance with a scheme approved by the Council to provide for future management and maintenance if retained by the Owners or after a period of 12 months to transfer the public open space to the Council with a maintenance contribution; and
5. Provision of industrial buildings within 18 months of development commencing on site.

2.4 The applicant acquired a small part of the wider Halton Mills complex in 2012 and subsequently implemented the extant consent for residential development within the central core of the complex. Prior to the submission of this application, the applicant had originally explored providing the affordable housing based on the terms of the original legal agreement. However, recognising the shortfalls in the original legal agreement and the fact that it did not provide a type of affordable housing that the Council now regards suitable, the applicant engaged with the local planning authority to consider suitable, alternative mechanisms to deliver the affordable housing requirements associated with the development.

2.5 In summary, the proposed application seeks to modify the existing agreement as follows:

1. Provide an off-site contribution in lieu of on-site affordable housing in relation to the applicant's land only.
2. To complete Mill Lane to adoptable highway standards with the costs of such off-set against the agreed affordable housing contribution.
3. Remove the obligation in relation to obtaining a covenant from any future owner of any land not to use a section of Mill Lane to access and egress the site.
4. Discharge the obligations in relation to the industrial buildings.
5. Discharge the obligation in relation to the provision of public open space.

2.6 The Planning and Highways Regulatory Committee has previously resolved to vary the original legal agreement in relation to each of the points above. Full details of this are set out in the early Committee report provided as a background paper. To avoid unnecessary duplication, this additional addendum report shall focus on the changes since this resolution in relation to the affordable housing provisions only.

3.0 Site History

3.1 The table below provides an updated (and relevant) planning history associated with the site, including more recent planning consents associated with the adjoining site to the east:

Application Number	Proposal	Decision
00/00920/OUT	Outline application for proposed redevelopment including demolition of existing Mill, erection of houses, industrial units, construction of new access and provision of associated open space and landscaping.	Approved
05/00562/REM	Erection of two new B1/B2 commercial units	Approved
05/01305/FUL	Amendments to elevations to housing scheme approved as 04/01301/REM	Approved
05/01432/OUT	Renewal of application 00/00920/OUT for proposed redevelopment including demolition of existing mill, erect houses, industrial units, construct new access and provision of associated open space and landscaping	Approved
04/01301/REM	Reserved Matters application for the erection of 47 houses and 27 apartments, associated access road and play area	Approved
14/01350/FUL	Erection of 20 residential dwellings with associated access road.	Approved (now lapsed)
15/00510/OUT	Outline application for the erection of a nursing home and associated access	Approved (now lapsed)
20/00613/FUL	Erection of 16 affordable residential dwellings and 2 residential buildings comprising a total of 4 affordable apartments, with associated parking and hard landscaping.	Pending Consideration
20/00614/FUL	Erection of 4 dwellings, a block of 16 self-contained flats and a shared ancillary accommodation building for the residents over the age of 55, with associated access, internal roads and parking areas	Pending Consideration

4.0 Consultation Responses

4.1 Under s106A of the Town and Country Planning Act, there is no requirement to publicise the proposed amendments to the agreement. Notwithstanding this, when the application was reported in June 2015, some comments had been received from the Council's Strategic Housing Officer and Lancashire County Council as the Highway Authority. Whilst the Case Officer has maintained dialogue with the Strategic Housing Officer and the County Council in respect of the affordable housing obligation there have been no formal or material changes to the original comments received.

5.0 Analysis

5.1 Consideration 1 – Previous Recommendation and the Legal Agreement (NPPF paragraphs 54, 56 - 57 (Planning Obligations) and paragraphs 59-62 of Section 5 (Delivering a Sufficient Supply of Homes) policy H2 (Housing Delivery in Rural Areas of the District) of the SPLA DPD and policies DM3 (Delivery of Affordable Homes), DM27 (Open Space, Sports and Recreational Facilities), DM 58 (Infrastructure Delivery and Funding) and DM60 (Enhancing Accessibility and Transport Linkages) of the DM DPD)

5.1.1 The key assessment is whether the proposed variations to the legal agreement meet the requirements of sub-paragraph 6 of S106A, which states where an application is made to modify an Agreement, the authority may determine:-

- That the planning obligation shall continue to have effect without modification;
- If the obligation no longer serves a useful purpose, that it shall be discharged; or
- If the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

5.1.2 The original recommendation (provided as a background paper) addresses each of the proposed changes against the above tests under each of the relevant schedules of the legal agreement. This

report does not intend to repeat the recommendations where the material considerations and the proposal remain unchanged and acceptable. Instead a summary is set out below:

S106 Schedule reference and proposal.	Legal Agreement Terms	Recommendation
Paragraph 1, Third Schedule. To discharge the obligation.	No occupation of any dwelling until the building to replace Elro Products (Lancaster) Limited has been erected and available for use	No change from original recommendation (see paragraphs 7.9, 7.10 of background paper). Obligation to be discharged.
Paragraph 2, Third Schedule. To remove the obligation.	To obtain a covenant from any future owner of any of the land not to use that section of Mill Lane between points A and B (narrow section of Mill Lane) to access and egress the land;	Paragraph 7.11 of the background paper sets out the applicant's case that the obligation is not enforceable and therefore no longer serves a useful planning purpose. The planning update ahead of the 15 June 2015 Planning and Highways Regulatory Committee sought delegation back to the Head of Planning Services awaiting legal interpretation on the matter. No formal comments from our legal services were received. Further details on this matter are set out in the report below.
Paragraph 1, Fourth Schedule. To remove the existing obligation and to replace with new clauses to provide an off-site financial affordable housing contribution in lieu of on-site provision.	To provide at least 17.5% of the total dwellings on the land as Affordable Housing to be disposed to an Approved Person at no more than 80% of the open market value of the dwelling;	The principle of accepting an off-site affordable housing contribution remains unchanged and acceptable (see paragraph 7.13 of the background paper). The Planning and Highways Regulatory Committee previously resolved to approve the application based on an off-site affordable housing contribution of £345,000. This was to be offset against the agreed highway costs (£143,439) (see paragraphs 7.17 – 7.21 of the background paper) leaving an affordable housing contribution, totalling £201,561. The application is being reported back to the Planning Regulatory Committee because the applicant's offer has been revised downwards. Further details on this matter are set out in the report below.
Paragraphs 2 -5, Fourth Schedule. To discharge paragraph 2 (provision of POS) and to vary the remaining terms to for the management and maintenance of the existing POS.	To provide public open space in accordance with local plan policy and a phasing scheme to be agreed with the Council. Upon completion of each phase to maintain the POS for 12 months and thereafter transfer the POS to the Council and to agree a contribution towards future maintenance for a period of 10 years.	No change from the original recommendation (see paragraph 7.15 of the background paper). As the provision and future maintenance of public open space around and forming part of a development remains integral to proper planning, the obligation continues to serve a useful purpose. However, it would serve that purpose equally well (if not better in the current circumstances) with the proposed modifications to the agreement. Vary the agreement to secure long-term maintenance of the POS without transfer of such land to the Council.
Paragraph 7, Fourth Schedule. To discharge this obligation.	Provision of industrial buildings within 18 months of development commencing on site.	No change from original recommendation (see paragraphs 7.16 of background paper). Obligation to be discharged.

5.2 Consideration 2 - Paragraph 2, Third Schedule Removal of Covenant to prevent use of Mill Lane

5.2.1 The legal agreement requires the owner to obtain a covenant from any future owner of any of the land (subject to the application) not to use the narrow section of Mill Lane between Station Road (Halton Bridge) and the applicant's parcel of land comprising the Town End development for the purpose of vehicular access and egress. Full details of the applicant's case is set out in paragraph 7.11 of the background paper. The latest resolution was to delegate this matter back to the Head of Services to await legal interpretation on this matter. Legal advice has been received indicating that the covenant could be unlawful if on the facts it is not necessary to make the development acceptable in planning terms.

5.2.2 The applicant contends the issue is the enforceability of the obligation and its overall value in planning terms. Regulation 122 of the Community Infrastructure Levy Regulations 2010 provides one of the main tests. This plainly states that a planning obligation may only constitute a reason for granting planning permission if the obligation is:-

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

5.2.3 It is unclear how the obligation came to be imposed within the legal agreement, as it is not set out in the Planning and Highways Regulatory Committee report or minutes for either the original planning application or the 2015 renewal application. Notwithstanding this, Officers understand there were concerns at the time of determination over the comprehensive redevelopment of the wider Halton Mills complex as a whole and the risk of general use of the western, narrow section of Mill Lane. This, however, was largely addressed as part of the original application with a new much larger junction onto Low Road. Overall, the anticipated traffic impacts potentially using the narrow section of Mill Lane is less than originally envisaged via the original development proposals (fewer dwellings) and perhaps less now than at the time officers reported this application back in 2015. The reason for this is two-fold. Firstly, most of the traffic from the development would utilise the main access via Forge Lane onto Low Road. Secondly, now that the Bay Gateway has opened, most traffic from Halton wishing to access the strategic road network (particularly if traveling north) will now utilise the new junction to the motorway network off Halton Road rather than crossing Halton Bridge at Denny Beck. On this basis, the need to have a restrictive covenant to prevent vehicular use over this small section of Mill Lane by future owners of the land is arguably unreasonable. The removal of this covenant would not render the development unacceptable and therefore it does not meet the tests set out in Regulation 122 of CIL 2010, nor does it serve a useful planning purpose. The removal of this obligation (in relation to the applicant's land only) can be removed from the legal agreement.

5.3 Consideration 3 - Paragraph 1, Fourth Schedule of s106 Affordable housing Contribution

5.3.1 Paragraph 7.13 of the background paper sets out the acceptance over the principle of allowing a commuted sum in lieu of on-site provision. This remains unchanged even in the context of the newly adopted Local Plan, policy DM3 of the DM DPD. Between the last resolution and now, the developer has completed the development and is now largely occupied.

5.3.2 The development of the site in question has been protracted and its ownership has changed on several occasions. This has led to several complications affecting progress with the pending application to vary the legal agreement, matters pertaining to the s38 road adoption process agreement (a separate matter with the County Council) and commercial difficulties for the developer and owner of the land. There have been lengthy negotiations between the applicant and officers and our respective solicitors. The outcome is a reduced affordable housing contribution, equating to £141,218. This is around £60,000 less than previously agreed and reported. The shortfall is, in part, a consequence of additional highway costs, additional costs to acquire Mill Lane and the open space land from the Bank of Ireland (to complete the Deed under the terms of the previous resolution), changes in ownership and funding available and the delay in resolving this matter.

5.3.3 The previous owner of the land (Halton Mills Ltd) was wound up but did retain some funds for the purposes of finalising this matter (both the commitment to provide an affordable housing contribution and securing the adoption of Mill Lane). Whilst the previous recommendation (paragraph 7.21 of the background paper) made it clear that any additional costs to bring the roads to adoptable standard must be borne by the developer, officers are informed by the respective solicitors that there simply

are no additional funds available to cover everything. It is worth recalling that the approach adopted here was exceptional and one vested in the public interest – to support the completion of the Halton Mills complex and to address matters of public concern that had been ongoing over a period of now almost 20 years (since the original approval and 8 years since the applicant commenced development on the site), including the state of the estate road network. Subsequently, Officers recommend that the reduced figure should be accepted. This presents the best-case scenario to deliver a reasonable contribution to affordable housing locally. It also provides opportunities to secure the long-term maintenance of Mill Lane (through the highway adoption process) and the provision, management and maintenance of the open space associated with the development.

5.3.4 It is understandable that there will be some concern about the risk of further delays and the failure to complete the Deed. To offer some reassurances, the reduced affordable housing offer has been provided in good faith (via legal representations) setting out that the owner is keen to dispose of the matter as far as they are able to do so. Officers have also being informed that in the last 6 months there has been positive steps forward in respect of the road adoption process too, with their s38 application made to the County Council with both professional and legal fees paid. The applicant has also undertaken all necessary remedial works required by the Highway Authority. On this basis, there is clearly a commitment to secure the s38 agreement to enable the roads to be adopted. Whilst not a direct planning matter, it has relevance here, and it is a significant step forward compared to when the application was last reported. Given the development is largely complete, Officers also recommend that the trigger for the payment of the affordable housing contribution is upon completion of the Deed or a very short period thereafter.

6.0 Conclusion and Planning Balance

6.1 The original recommendation to support the applicant’s proposals in relation to the affordable housing provisions were based on exceptional circumstances, which remain valid and unchanged (see paragraph 9.1 of the background paper). A further five years since the Committee’s resolution and the status of the roads within the Halton Mills complex remain an ongoing challenge. However, it is positive to note that in the last six months there have been very positive steps forward in respect of the roads being put forward for adoption. The Council is undoubtedly left in an uncomfortable position whereby the contribution towards affordable housing has been reduced by almost £60,000. Whilst this is hugely disappointing, the reduced funds will still make a positive contribution to supporting the delivery of alternative affordable housing schemes locally. Arguably, this is the optimum outcome that can be achieved given the complexities of the site and the length of time the matter has been negotiated. The other proposed changes to the legal agreement are reasonable with betterment provided in respect of the variations to the open space maintenance provisions. The Committee is recommended to support the proposed variations to the legal agreement.

Recommendation

In accordance with S106(A) of the Town and County Planning Act, Officers recommend that the proposed application to modify and discharge the terms of the original agreement in relation to the applicant’s land only can be supported, subject to the changes set out below being executed by a legal of a Deed of Variation.

Paragraph 1, Third Schedule - to remove (discharge) this clause.
Paragraph 2, Third Schedule - to remove this clause.
Paragraph 1, Fourth Schedule - to remove this clause and to replace with new clauses to provide an off-site financial affordable housing contribution in lieu of on-site provision totalling £141,218.
Paragraphs 2 -5, Fourth Schedule - to remove clause 2 (provision of POS) and to vary clauses 3-5 to ensure the POS is retained, managed and maintained by a Management Company.
Paragraph 7, Fourth Schedule - to remove (discharge) this obligation.
Additional clauses to be included requiring (best endeavours) the applicant to put Mill Lane forward for adoption under s38 of the Highways Act.

Background Paper

5 June 2015 Planning Committee Agenda Item 10 – Application 14/00713/VLA Halton Mill, Mill Lane, Halton

Agenda Item A7	Committee Date 5 th June 2015	Application Number 14/00713/VLA
<p style="text-align: center;">Application Site</p> <p style="text-align: center;">Halton Mill Mill Lane Halton Lancashire</p>	<p style="text-align: center;">Proposal</p> <p>Variation of legal agreement on 00/00920/OUT and subsequent renewal consent 05/01432/OUT to vary the terms of the Fourth Schedule concerning affordable housing in relation to the applicants land only, remove the requirements to obtain covenants from future land owners to restrict vehicular use over Mill Lane between points A and B (as set out in the Third Schedule), to vary the terms relating to public open space and maintenance and discharge the obligations relating to the provision of the industrial buildings.</p>	
<p style="text-align: center;">Name of Applicant</p> <p style="text-align: center;">Halton Mills Ltd</p>	<p style="text-align: center;">Name of Agent</p> <p style="text-align: center;">Mr David Hall</p>	
<p style="text-align: center;">Decision Target Date</p> <p style="text-align: center;">2 October 2014</p>	<p style="text-align: center;">Reason For Delay</p> <p style="text-align: center;">Awaiting information from the applicant and subsequent negotiations in respect of the proposed contribution.</p>	
<p>Case Officer</p>	<p>Mrs Jennifer Rehman</p>	
<p>Departure</p>	<p>Departs from planning policy in respect of the affordable housing.</p>	
<p>Summary of Recommendation</p>	<p>Approval (subject to a revised affordable housing figure being agreed and the exact wording/legal mechanisms to deliver the proposed changes to the existing obligation also being agreed, drafted and signed). Recommendation seeks delegation back to Officers.</p>	

1.0 The Site and its Surroundings

- 1.1 This site forms part of the wider Halton Mills complex located between Low Road and the River Lune on the southern edge of the main built up part of Halton village. The site is accessed off Low Road onto Forge Lane (or Mill Lane via Station Road). Halton Mills previously occupied a cotton factory and flour mill (dated 1844-5) and has for a number of years (before the proposals for comprehensive redevelopment) been used predominately for industrial purposes. The site redevelopment commenced in 2005-6 but soon fell into commercial difficulty leaving the site in a state of flux for some considerable time. More recently we have seen development commence again and new residential proposals approved which are currently being implemented. The site now consists of housing sites (under construction and occupied), an area of public open space including an equipped play area, two modern industrial/business units, a long established business (Out of the Woods) and the Co-Housing development. There are only two remaining parcels of land undeveloped. These comprise of land to the west of the Mill complex (former fisheries building) and land to the west of the industrial units, though an application for its redevelopment has now been submitted.

- 1.2 The Development Plan for the district identities Halton as a rural settlement and Halton Mills specifically as an allocated employment site. The site is also located partly within the village conservation area, straddles all flood zones (1, 2 and 3), sits alongside the River Lune Biological Heritage State, contains protected trees and has two public rights of way running through the site (running west to east).
- 1.3 Land currently controlled by the applicant relates to the central core of the Halton mills complex which is enclosed by the internal loop road system of Forge Lane and Mill Lane.

2.0 The Proposal

- 2.1 The applicant has made an application under Section 106A of the Town and Country Planning Act to discharge and modify the legal agreement that relates to the sites comprehensive redevelopment including demolition of existing Mill, erection of houses, industrial units, construction of new access and provision of associated open space and landscaping pursuant to outline planning permission 00/00920/OUT and the subsequent renewal permission.
- 2.2 The planning permission for the redevelopment of Halton Mills was subject to a legal agreement covering the following:
- No occupation of any dwelling until the building to replace Elro Products (Lancaster) Limited has been erected and available for use;
 - To obtain a covenant from any future owner of any of the land not to use that section of Mill Lane between points A and B (narrow section of Mill Lane) to access and egress the land;
 - To provide at least 17.5% of the total dwellings on the land as Affordable Housing to be disposed to an Approved Person at no more than 80% of the open market value of the dwelling;
 - Provision of public open space and maintained either in accordance with a scheme approved by the Council to provide for future management and maintenance if retained by the Owners or after a period of 12 months to transfer the public open space to the Council with a maintenance contribution; and,
 - Provision of industrial buildings within 18 months of development commencing on site.
- 2.3 The applicant acquired part of the wider Halton Mills site in 2012 and has since implemented the extant consent for residential development within the central core of the complex. The developer has explored providing the affordable housing based on the terms of the existing agreement but has not been successful. A discount of only 80% of the open market value does not produce genuinely affordable properties and as a consequence the applicant now seeks to modify the agreement. The applicant has had pre-application discussions including with the Strategic Housing Officer principally concerning the affordable housing obligations and the shortcomings of the existing agreement.

The application seeks to modify the existing agreement as follows:

- Provide an off-site contribution in lieu of on-site affordable housing in relation to the applicants land only;
- Discharge the obligations in relation to the industrial buildings;
- Remove the obligation in relation to obtaining a covenant from any future owner of any land not to use a section of Mill Lane to access and egress the site, in relation to their land only, and;
- Remove the obligation in relation to public open space as it is outside the applicant's land ownership.

In addition to the above, the applicant recognises that one of the main constraints remaining on the complex relates to the current condition and road status of Forge Lane and Mill Lane – neither are adopted at this stage, though Forge Lane is built to adoptable standards. The applicant is prepared to (and is already in discussions with the land owner of Mill Lane) to acquire this land and bring it up to adoptable standards with the appropriate legal agreements with the County Council (Section 38 Highway Act). In this regard the proposal seeks to impose an additional obligation and off-set such cost against the off-site affordable housing contribution. This principle of adopting this approach was discussed informally at the Planning Committee Briefing on the 12th September 2014. The purpose of the briefing was to discuss options to secure improvements to the roads and their status and to seek direction from Members that the proposed approach was reasonable in principle - in order to

allow such negotiations to continue. Members at the Briefing were generally supportive of the proposed option.

3.0 Site History

3.1 Halton Mills has a large and complex planning history, compounded by the commercial difficulties experienced on site and the land being subdivided with numerous land owners. Halton Mills was envisaged to have been comprehensively redeveloped under two separate outline permissions; one covering the western part of the site (which covers the sites now in question) and the other covering the eastern part of the site. In order to keep matters as straight forward as possible, the most relevant planning history is reported in the table below:

Application Number	Proposal	Decision
00/00920/OUT	Outline application for proposed redevelopment including demolition of existing Mill, erection of houses, industrial units, construction of new access and provision of associated open space and landscaping.	Approved
05/00562/REM	Erection of two new B1/B2 commercial units	Approved
05/01305/FUL	Amendments to elevations to housing scheme approved as 04/01301/REM	Approved
05/01432/OUT	Renewal of application 00/00920/OUT for proposed redevelopment including demolition of existing mill, erect houses, industrial units, construct new access and provision of associated open space and landscaping	Approved
04/01301/REM	Reserved Matters application for the erection of 47 houses and 27 apartments, associated access road and play area	Approved
14/01350/FUL	Erection of 20 residential dwellings with associated access road.	Pending Consideration
15/00510/OUT	Outline application for the erection of a nursing home and associated access	Pending Consideration

4.0 Consultation Responses

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

Consultee	Response
Legal	No objections
Environmental Health	No objections
Strategic Housing	Due to the specific circumstances presented, no objections to the proposal for an off-site contribution in lieu of on-site provision.
Conservation	At the time of compiling this report no comments have been received.
County Highways	LCC Highways have confirmed that the applicant's highway costs to bring Mill Lane up to adoptable standards are reasonable.

5.0 Neighbour Representations

5.1 At the time of compiling this report, a total of 6 letters of representation have been received with only 2 raising formal objections. A summary of the comments are noted below:

- General support – the current unadopted roads are a problem to residents and busienseses at Halton Mills, and no alternative solution is likely;
- Some concerns expressed in relation to the removal of the covenants preventing use of the narrow section of Mill Lane and maintenance of the public open space when this is land outside the control of the applicant;

- Given poor sightlines and conflicts between vehicles, pedestrians and cyclist along the narrow section of Mill Lane to the junction with Station Road, it would be sensible to retain the opportunity to close this road if the legal rights of way associated with existing businesses on site were ever relinquished;
- Suggestions have been put forward that the Council should purchase the POS from the current land owner and maintain this as envisaged under the original planning application.
- Mixed use development on the site has been fulfilled by Wenning House (multiple office space), Riverside House (B1 unit) and conversion of the Mill on the Co-housing site to mixed office/workshops.
- The Parish Council discussed the application and supported the proposal but found that other developers should be making similarly proportionate contributions towards the road adoptions. The Parish Council requested the City Council purchase the open space and if the off-site affordable housing contribution is not ring-fenced the contribution be allocated to the Parish for community projects.
- Objections on the grounds that there should be no obstruction and closing off of any part of Mill Lane as existing businesses rely on this route and have legal rights of way over it.

6.0 Principal National and Development Plan Policies

6.1 The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 14). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph 12 – Development Plan as starting point for decision making

Paragraph 17 – 12 core land-use planning principles

Paragraph 49 – Delivering housing and creating sustainable communities (affordable housing)

Paragraph 73-74 – Open Space and well-being of communities

Paragraphs 187-190 – Decision-taking and pre-application engagement

Paragraphs 204-205 – Planning Obligations

Paragraphs 215-216 - Policy weighting of existing and emerging development plan planning policy.

6.2 Lancaster District Core Strategy

MR 1 – Planning Obligations

SC1 – Sustainable Development

SC4 – Meeting the District's Housing Need

6.3 Development Management DPD

DM26 – Open spaces

DM41 – New Residential Development

6.4 Saved Lancaster District Local Plan

EC4 – Rural Employment Site - Halton Mills

EC7 – Halton Mills Employment Opportunity Site

6.5 Emerging Land Allocations DPD

Policy OPP4 – Halton Mills

6.6 Planning Guidance

Meeting Housing Needs SPD

National Planning Practice Guidance

7.0 Comment and Analysis

7.1 The primary consideration of this application is whether or not the existing obligation no longer serves a useful planning purpose. To determine this, consideration is paid to the nature of the approved development and the implication of the applicant's proposal on each of the obligations set out in the original Agreement.

- 7.2 S106A of the Town and County Planning Act 1990 states:-
(1) A planning obligation may not be modified or discharged except –
a. By agreement between the appropriate authority and the person or persons against whom the obligation is enforceable; or
b. In accordance with this section and section 106B.
- 7.3 There is no agreement (or so that the LPA are aware) between the applicant and others whom the obligation is also enforceable against therefore the application is not being pursued under section 106A (1a). It is, however, pursued under S106A (1b). The applicant has served the appropriate notices on others whom the obligation is enforceable against.
- 7.4 Sub-paragraph 3 of S106A, states that a person whom a planning obligation is enforceable may, at any time after the expiry of the relevant period, apply to the appropriate authority for the obligation-
(a) to have the effect subject to such modifications as may be specified in the application or
(b) to be discharged.
- 7.5 Sub-paragraph 6 of S106A, states that where an application is made to modify the Agreement, the authority may determine:-
a. That the planning obligation shall continue to have effect without modification;
b. If the obligation no longer serves a useful purpose, that it shall be discharged; or
c. If the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.
- 7.6 The applicant has sought to discharge some of the obligations set out in the original agreement and to modify others. The original outline planning application was considered against policies EC4 and EC7 of the Lancaster District Local Plan. This required that the development of the Halton Mills site be for a mixed commercial and residential use within the existing developed footprint of the site and that the development should be comprehensive. Policy EC7 allows for limited extensions to the built area to provide for improvements to the access and the retention or expansion of an existing employer at the site. The policy also requires that any development incorporates provision for improvements to the site access, the removal of dereliction and contamination and that employment should remain as the dominant use of the site as a whole. This original outline application did not include the all of the land covered by the policy allocation (all of Halton Mills). The eastern part of the site comprising the former Luneside Engineering buildings/land did not form part of the outline permission relevant to this case. In essence the allocated site was sub-divided into two sections with outline consents sought separately for the east and western parts of the site. Subsequently, comprehensive development of the whole site was not pursued but at the time of the local planning authority's consideration of the outline application for the western part of the site (relevant to this case), it was contended that the lack of comprehensive development could not be substantiated as the proposals did not prejudice the redevelopment of the eastern part of the site.
- 7.7 The outline consent sought a mixed use residential and commercial scheme with the formation of a new access onto Low Road. To secure an appropriate mix of uses, a planning obligation was considered necessary to make the development acceptable in planning terms. These obligations are set out above in section 2.0. The substantive test for the local planning authority to consider is whether the obligation no longer serves a useful purpose or that, if it does, that purpose could be equally served by a modified obligation.
- 7.8 For clarity and greater understanding, the following section of this report covers each of the terms set out in the Agreement and the implications of the applicant's proposal.
- 7.9 **THE OBLIGATIONS:**
THE THIRD SCHEDULE
1) *Not to allow occupation of any dwelling erected on the Land until the building notated 1 notated on the submitted plan or as subsequently, approved as reserved matters as replacement accommodation for Elro Products (Lancaster) Limited has been erected and is available for use.*
2) *To obtain a covenant from any future owner of any of the Land not to use that Section of Mill Lane between points A and B on the Plan attached to this Deed for the purposes of vehicular access to egress from the Land.*

- 7.10 The industrial unit required under this schedule was provided and occupied by Elro Products albeit in a revised location agreed under the reserved matters application. This building is no longer occupied by Elro Products but remains in employment use. This obligation no longer serves a useful purposes in that the obligation has been met and can therefore be discharged.
- 7.11 The applicant contends that section 2 of this schedule is unenforceable and should therefore be removed. The outline application sought a new access off Low Lane due to the limited visibility at the junction of Mill Lane and Station Road. This access has been implemented and provides the principal vehicular access point for traffic accessing and egressing the wider Halton Mills complex. Access along Mill Lane towards Station Road is not physically prohibited (i.e. with barriers) due to legal rights of access along Mill Lane towards Station Road for some existing businesses on the complex. Contrary to some of the public representations, the applicant does not seek to impose additional restrictions in relation to the use of the narrow section of Mill Lane (marked A-B on the Plan attached to the obligation) or prevent these legal rights of access to continue. The applicant appears to simply question the enforceability of such an obligation and thus whether the obligation still serves a useful planning purpose. It is apparent that access/egress from the site to Station Road is not ideal and that in the majority of cases visitors, residents, workers of Halton Mills will use the access direct onto Low Road. Access across Mill Lane will in the majority of cases will be traffic wishing to use Halton Bridge and Denny Beck Lane. The outline permission considered that any increase in traffic towards Halton Bridge would be relatively small in relation to that already generated by the existing village. The scale of development controlled by this obligation is now less than what was originally envisaged (as new development on site has been pursued under separate planning applications) and so the need for the covenant is perhaps questionable. Officers are in negotiations with our legal services regarding the enforceability of this obligation. A verbal update will be provided.
- 7.12 *FOURTH SCHEDULE*
- 1) *To provide at least 17.5% of the total dwellings erected on the Land as Affordable Housing and to transfer the Affordable Housing to an Approved Person*
 - 2) *To provide Public Open Space within the Development on the Land*
 - 3) *To layout and landscape the Public Open Space in phases in accordance with a scheme to be submitted and approved in writing by the Council and such scheme to provide for the future management and maintenance if the Public Open Space is to be retained by the Owners*
 - 4) *To provide Informal Open Space in accordance with a scheme to be submitted and approved in writing by the Council*
 - 5) *Upon completion of each phase of landscaping of the Public Open Space and Informal Open Space the Owner shall maintain for a period of 12 months and at the end of 12 months transfer to the Council.*
 - 6) *Upon transfer the Public Open Space and Informal Open Space pay the Council a maintenance contribution (equivalent to ten years).*
 - 7) *Provision and phasing of the delivery of industrial buildings notated on the submitted plan attached to the Obligation*
- 7.13 The applicant is implementing the extant approval for 47 houses and 27 apartments. Of these a total of 13 units would need to be provided as affordable units based on the terms of the existing obligation. The affordable housing requirements set out in the existing obligation are not such that the Council would support today – policy has evolved since then and discounted dwellings are not a tenure the Council supports. In this particular situation, given the location of the site (rural settlement) and current marketing prices of the units, a 20% discount of the market price does not produce genuinely affordable dwellings. Council policy seeks developers to enter into partnership with Registered Providers to provide and manage a mix of rented and intermediate properties – preference being social rented and shared ownership tenures. The applicant has tried to engage with Registered Providers operating in the area but has regretfully failed to secure any commitment from a Registered Provider. Concerns informally expressed to the applicant were the lack of detail in the Agreement about the type of affordable units to be delivered if transferred to the Register Provider; concerns over taking some flatted accommodation in a larger block (service charges and management issues) and the fact that if discounted by only 20% the properties would not be genuinely affordable. Following discussions with Council Officers, it was accepted that an off-site financial contribution towards affordable housing in the district would in this particular set of circumstances be an appropriate solution. This remains the opinion of the Council's Strategic Housing Officer. Subsequently, the principle of a commuted sum in lieu of on-site affordable housing

provision is considered acceptable provided that the contribution is equivalent to the number/cost of delivering the on-site provision. Whilst this is not wholly compliant with policy DM41 of the DM DPD or the Meeting Housing Needs SPD, Officers are satisfied that in this case sufficient evidence has been provided to demonstrate that delivering the on-site affordable housing provision as required by the existing terms of the Agreement is not likely to be forthcoming and that securing a contribution towards affordable housing would be a reasonable.

- 7.14 The applicant has offered a contribution to the sum of £307,000. There are some concerns over the robustness of the information provided and the methodology used to calculate the contribution and so Officers are currently negotiating a revised figure. It is slightly difficult as the Council does not have an adopted methodology for calculating contributions for schemes above the thresholds set out in the SPD (more than 4 dwellings). However, the methodology provided in the SPD is a good and reasonable starting point. If this methodology was applied to the development being carried out a figure of £585,606 would be required. That said, this figure is not representative of the terms of the existing obligation and so if some adjustments are made, officers contend an appropriate contribution should be somewhere above £344,200 and below £450,000. Officers are waiting for the applicant to submit a revised offer in order to satisfy officers that an appropriate contribution suitably equivalent to the provision of on-site affordable housing required by the terms of the existing Agreement. Members shall be verbally updated on this matter. Notwithstanding the precise figure the principle of varying the original terms of this schedule in relation to the applicant land are accepted.
- 7.15 The Public Open Space at the time of receiving the application did not fall within land controlled by the applicant and as such the existing terms (2-6 noted above) of the Agreement were considered necessary to remain in force, though it is acknowledged that the Public Open Space has been provided on the site and voluntarily maintained by the applicant. However, during the consideration of the application the applicant has been in discussions with the Bank of Ireland who own Mill Lane and the public open space (land between the two Barratt Home sites). These discussions have been essential to facilitate options in relation to highway adoptions (see below paragraph 7.18). The applicant has now confirmed to officers that they will be acquiring all the land from the Bank of Ireland including the public open space. Subsequently, as they will be owners of the land where the public open space has been provided, they would be obligated by the terms of the existing Agreement. Subsequently, the applicant has confirmed that they prepared to modify the legal agreement to secure the public open space in perpetuity and for it to be managed and maintained by a management company rather than the existing terms remaining which would place an obligation on the Council to take on the POS if the developer transferred the land and offered a maintenance contribution. Members will be aware that the Council does not wish to take on new POS and so the varied obligation is a betterment from the existing terms and is something that can be accepted.
- 7.16 Sub-paragraph 7 of the Fourth Schedule (provision of industrial buildings) has been complied with and as such could be satisfactorily discharged in accordance with s106A of the Act.
- 7.17 *ADDITIONAL OBLIGATIONS*
Following many years of the site laying vacant and development stalling, more recently the redevelopment of the complex has gathered momentum. The applicants have contributed towards this along with Lancaster Co-housing and Barratt Homes. However, there remain some areas undeveloped or in a state of flux as a consequence predominately of the commercial difficulties experienced on site and land ownership. One of the main stumbling blocks now appears to relate to the status of the internal road network with both Forge Lane and Mill Lane remaining in private hands. Forge Lane has been constructed to adoptable standards but remains unadopted and is owned by one of the existing businesses on site. Mill Lane on the other hand is in a poor condition and not yet completed to an adoptable standard. Officers understand this road remains in the hands of the administrative receivers, but in any case not the applicant. However, the applicant has committed to purchase the land (Mill Lane) from the existing owner and bring the roads to adoptable standard provided the cost for doing so is deducted from the affordable housing contribution. This is not an approach the Council would usually seek to encourage, particularly in the absence of a full viability appraisal and under an application to vary the legal agreement. However, in light of the scale of the redevelopment of Halton Mills it is contended that there is significant public benefit in securing formal adoption of the roads by Lancashire County Council.
- 7.19 Officers have been in discussions with Lancashire County Council for some time about the mechanism to deliver formal adoption of the roads on site. In fact, there was discussion over this

very issue when the Council considered and determined the Barratts development on the Halton Mills complex (14/00200/FUL). At this time it was considered sensible and reasonable to expect all the land owners to make fair, proportionate and reasonable contributions to resolve this issue separate from the planning system. At this time, one potential route was thought to be via a Private Street Works Code under the Highway Act. However, this would require all the land owners being supportive of the Private Street Works Code and making fair contributions. Given the multiple ownerships on the site it was accepted that this would not be resolved quickly. Following the determination of the Barratt's scheme, Officers continued to engage with the County Council to establish the best and most practical ways forward to resolve the current status of the internal road network. Upon receipt of this application, officers sought advice from the Highway Authority about the potential options available to resolve the current status of roads on Halton Mills. This advice provided 3 main options. The first being a Private Street Works Code (section 205 to 218 of the Highways act 1980). This approach would need agreement of all affected landowners to dedicate the land as highway. It transpired that the owners of Mill Lane (thought to be the Duchy at the time) would not be able to consent to the Private Street Works Code as a consequence of the way the Duchy had acquired land limiting their freedom to use the land for any purpose other than selling it on to a new owner. Subsequently, taking this approach would inevitably be a lengthy process and one with an uncertain outcome. The second option would be for one of the existing developers to purchase the affected land (Mill Lane) and make up the road under a Section 38 Agreement (under the Highway Act), which is a standard approach. In principle the Highway Authority recommended this approach as giving best certainty to adopt the highways. However, this was on a without prejudice basis to the principle of allowing the developer to offset such costs against other obligations. The final option was for the roads to remain in private ownership. This was not considered an approach that would favour local support. Equally, due to the fact that the site is now in multiple ownership and is not a comprehensive scheme it would be difficult for a single management company to take the maintenance and management of the road network.

7.20 In light of this advice, the proposal put forward by the applicant does offer a potential solution to the situation, albeit one that is not strictly policy compliant. Subsequently, a briefing note was prepared and discussed at a briefing for planning committee where officers sought direction from the Members present whether or not to continue negotiations along the lines set out above (the applicant's proposal). It was considered that the proposal offered a potential solution to one of the remaining stumbling blocks on site and found that there was public interest and community benefit in advancing the applicants proposal.

7.21 In terms of the highway costs submitted by the applicant (to the sum of £143,439) to complete the works required for road adoption (this does not include the cost to purchase the land) the Highway Authority has confirmed the costs are reasonable. If Members support the applicant's proposals to off-set these highway costs against the affordable housing contribution, this would be the figure used in any such calculation. Notwithstanding this, any additional costs arising from the s38 Agreement would have to be borne by the developer as these costs are an estimate for the purposes of agreeing the affordable housing contribution. Similarly, such costs do not account for the applicant purchasing the land or granting any necessary easements. It would be essential to ensure in any s106 that in accepting that these costs be off-set against their affordable housing contribution, that the developer is legally obligated to enter into and complete a s38 Agreement with the County Council for Mill Lane. Any new obligation inserted into the Deed (or in the event this option is not legally feasible a unilateral undertaking offered by the applicant) it is contended that such an obligation would not place an additional burden on others whom the obligation is enforceable against.

8.0 Planning Obligations

8.1 The above section of the report sets out the applicant's proposed modifications to the existing agreement. The following are accepted:

- Modifying the existing agreement with an off-site contribution in lieu of on-site provision. The final figure is yet to be agreed.
- POS obligations to be modified to secure the provision of POS and equipped play area to be managed and maintained by the owner or appointed management company once the applicant obtains ownership of this land.
- Discharging the obligations relating to the provision of the industrial buildings.

The planning balance is whether it is appropriate for the developer to off-set their affordable housing contribution with costs to bring Mill Lane up to adoptable standards. If it is agreed, this can only be achieved once the applicant owns the land. One option could be for the applicant to enter into a Section 111 Agreement which is effectively an agreement to enter into a Section 106 as soon as the land is purchased and owned by the applicant (the same issue applies to the POS).

Officers are still assessing the legal enforceability of the obligation relating to the restrictive use of Mill Lane between points A and B on the plan attached to the existing obligation. A verbal update will be provided.

9.0 Conclusions

9.1 There are exceptional circumstances here that have led officers to accept this approach put forward. Such circumstances relate to the commercial difficulties the site has faced over the past fifteen years, multiple owners on site limiting the ability to secure road adoptions via a Private Street Works Code and the fact that there is public support to bring the roads up to an adoptable standard. The Highways Authority have also considered various other options to secure the roads are adopted and recommend to the local planning authority that this is one option with the most certainty. If Members felt it was not appropriate to off-set the highway works against the affordable housing contribution, officers will need to agree to a revised affordable housing contribution with the applicant (not offsetting the highway costs) and could then grant a Deed of Variation as set out in the proposal section of this report but without the inclusion of any reference to road adoptions. This would be perfectly reasonable. The only potential implication would be that the developer may not purchase Mill Lane or the POS and that the roads and POS could remain in private hands and not be maintained. For the community of Halton Mills this would be very disappointing but in planning terms not necessarily unacceptable. Should Members support the approach put forward, the application would need to be delegated back to the Chief Officer for the legal agreement(s) to be drafted and signed by the applicant (either a s111 or a s106).

Recommendation

In accordance with S106 (A) of the Town and County Planning Act, Officers recommend that the proposed application to modify and discharge the terms of the original agreement in relation to the applicant's land only can **BE GRANTED** subject to resolving the outstanding matters.

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

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

Lancaster City Council has made the decision in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure developments that improve the economic, social and environmental conditions of the area.

For the reasons stated in the report, the proposal departs from the Development Plan. However, taking into account the other material considerations which are presented in full in the report, it is considered that these outweigh the provisions of the Development Plan, and in this instance the proposal can be considered favourably.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this 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.

Background Papers

None

Agenda Item	A10
Application Number	20/00676/VCN
Proposal	Reserved matters application for the demolition of the existing farm buildings and the erection of 21 dwellings with associated access and landscaping (pursuant to the variation of conditions 2, 7, and 8 on reserved matters application 18/01589/REM to amend the soft landscaping strategy and the removal of condition 3 to remove the requirement for the attenuation pond)
Application site	Site of former Warton Grange Farm, Farleton Close, Warton, Lancashire
Applicant	Bleasdale
Agent	HPA Chartered Architects
Case Officer	Mr David Forshaw
Departure	No
Summary of Recommendation	Approval

(i) **Procedural Matters**

This application relates to the development of the housing site at the former Warton Grange Farm which was originally approved by the Planning and Highways Regulatory Committee. This application seeks to vary conditions attached to Reserved Matters consent 18/01589/REM by amending the approved plans and documents and removing one condition completely. An application to amend drainage of a smaller part of the site is also included on this agenda (20/00609/VCN). An amendment to the bin stores relating to that same smaller part of the development is also included on this agenda (20/00350/VCN).

1.0 Application Site and Setting

1.1 The application relates to the residential development of the former Warton Grange farm, south of Main Street and south west of Farleton Close. The development has commenced to provide a total of 25 dwellings accessed from Farleton Close.

1.2 The trees on the site are subject to a Tree Preservation Order (TPO no.600) which was served in 2017 to protect trees around the periphery of the wider farm complex following the grant of outline planning permission for residential development (15/00847/OUT). The site falls within the Arnside & Silverdale Area of Outstanding Natural Beauty (AONB); is designated as a Countryside Area; and lies within Flood Zones 2 and 3. Although it benefits from flood defences which exclude the site from Flood Zone 3b, it remains within Zone 3a. The site is also partially within the 1 in 30 year, 1 in 100 year, and 1 in 1000 year surface water flooding areas. There is a secondary river (surface level drain) extending south from the site.

1.3 The site is approximately 360m south of Warton Crag which is a designated Regionally Important Geological Site, and in part is a Biological Heritage Site, Nature Reserve, Ancient Woodland and a Site of Special Scientific Interest (SSSI). It is also subject to Limestone Pavement Orders. There is also a Scheduled Ancient Monument located on Warton Crag. Closer to the site is a Grade II listed

building at 5 Main Street. Morecambe Bay is located approximately 650m to the west and is designated as a SSSI; Special Protection Area (SPA); Special Area of Conservation (SAC); and, Ramsar Site.

2.0 Proposal

2.1 The applicant wishes to amend three of the conditions attached to the Reserved Matters consent 18/01589/REM and remove a further condition completely. The amendments relate to two issues: surface water drainage and raising of levels to create more usable garden space which will result in the loss of a number of protected trees.

2.2 Surface water drainage: The initial drainage strategy at outline stage was to drain the whole site to the north east with attenuation through a balancing pond prior to discharge into the existing watercourse. By the Reserved Matters stage the layout had altered and a revised drainage strategy was approved which discharges storm water to a watercourse to the south west of the site through below ground attenuation under the roads within the centre of the site. Therefore, the original attenuation pond is not needed and this application seeks to remove the condition requiring details of the pond to be submitted and approved.

2.3 Raising Garden Levels: Site levels have previously been agreed with the Environment Agency as part of the Flood Risk Assessment mitigation measures. The applicant considers that the raised floor levels of plots 16 to 21 requires a commensurate raising of overall ground levels in the gardens of these properties. However, in order to achieve sufficient level garden areas material will need to be tipped in the location of 14 protected trees. Therefore, this application seeks approval to substitute an amended landscaping strategy and arboricultural report to deal with removal of the trees, raising of levels and a replacement tree planting scheme.

3.0 Site History

3.1 A number of relevant applications relating to redevelopment of the former farm complex have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
20/00937/VLA	Variation of legal agreement attached to planning permissions 15/00847/OUT and 18/01603/FUL to amend the affordable housing provision	Pending
20/00609/VCN	Erection of 4 dwellings with associated access and landscaping (Pursuant to the variation of condition 7 on planning permission 18/01603/FUL to amend the surface water drainage scheme)	See item on this agenda
20/00075/DIS	Discharge of conditions 7 and 15 on approved application 15/00847/OUT	Pending
20/00350/VCN	Erection of 4 dwellings with associated access and landscaping (Pursuant to the variation of condition 2 on planning permission 18/01603/FUL to amend the internal layout and provide for refuse stores)	See item on this agenda
18/01603/FUL	Erection of 4 dwellings with associated access and landscaping	Approved
18/01589/REM	Reserved matters application for the demolition of the existing farm buildings and the erection of 21 dwellings with associated access and landscaping	Approved
15/00847/OUT	Outline application for the demolition of the existing farm buildings and the erection of up to 23 dwellings with associated access and landscaping	Approved

4.0 Consultation Responses

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

Consultee	Response
GMEU	No objection
AONB Partnership	No objection providing the replacement planting will adequately screen the development
Environment Agency	No objection
Tree Officer	Trees should be retained unless change to the ground level is justified
LLFA	The changes have no flood risk implications.

4.2 An objection from one member of the public has been received stating:

- Object to the removal of the pond
- The pond was necessary to manage flood water and nothing has changed
- Building up the ground increases chances of flooding of neighbouring houses.

5.0 Analysis

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

- Whether removal of the need for the attenuation pond is acceptable in terms of drainage and ecology
- Whether sufficient justification exists for raising garden levels and removal of protected trees

5.2 Removal of the attenuation pond (DMDPD Policies DM33: Development and Flood Risk; DM34: Surface Water Run-off and Sustainable Drainage; DM44: Protection and enhancement of Biodiversity)

5.2.1 The revised drainage strategy has been subject to pre-application negotiations with United Utilities and the LLFA. United Utilities has confirmed that the revised strategy is acceptable (also reported in Committee report for 20/00609/VCN) and the LLFA confirms the pond is not required for flood risk mitigation. Therefore, the pond is not required as part of the overall drainage strategy for the site since the discharge point and rate and consequential attenuation has altered.

5.2.2 The pond was never intended to provide ecological mitigation. As the GMEU states the pond was “never a significant element of the ecological mitigation for the site as the habitats lost were primarily scrub, with no negative impacts on any waterbodies.”

5.2.3 Therefore, there is no longer any reason to require provision of the attenuation pond under condition 3 of 18/01589/REM.

5.3 Raising of Garden Levels (DMDPD Policies DM44: Protection and Enhancement of Biodiversity; DM46: Development and Landscape Impact; DM45: Trees, Hedgerows and Woodland)

5.3.1 The starting point for consideration is whether justification exists for development that will lead to loss of protected trees in the AONB. Having a level rear garden whilst desirable is not essential. There are many examples of gardens being terraced or having different angles of slopes to maximise usability, especially for families. The revised Arboricultural Impact Assessment (AIA) includes cross sections of the gardens showing as approved and as proposed. The biggest issue appears to be the step down between the dwellings and back gardens. The solution is to raise the level of the whole of each garden to provide an almost uniform slope for its length. In order to grade the land in such a way additional distance is needed which extends the raising into the location of the trees. It is considered that use of terracing could achieve flatter steps along the length of the approved gardens that would make the step up to the houses and retain usable gardens.

5.3.2 The submitted Soft Landscaping strategy states: ‘A woodland TPO does not stipulate that the owner or future owners are required to replant any loss of trees, instead relies on natural reseeded. Screening on this basis will take a long time to be established and provide any building cover, should any of the trees fail.’

The Tree Officer considers this is not totally accurate, as if a tree is removed because it is dead or

has become dangerous the landowner does have to replant. The only difference being that the tree does not have to be planted in the same place. The legislation states that:

'In respect of trees in a woodland it shall be sufficient for the purposes of this section to replace the trees removed, uprooted or destroyed by planting the same number of trees—

- (a) on or near the land on which the trees removed, uprooted or destroyed stood, or*
- (b) on such other land as may be agreed between the local planning authority and the owner of the land,*

and in such places as may be designated by the local planning authority.'

Therefore, the Tree Officer does not accept that this justifies removing the trees and re-planting, effectively starting again. The Tree Officer's opinion is that the protected trees should be retained unless justification exists for their removal.

5.3.3 The impact of the loss of the trees must be assessed. Plots 16 to 21 are situated at the southern boundary of the site with open fields behind leading to Millhead. The protected trees form a belt rear of these plots screening the development from the open fields and the wider AONB. Once felled and until replacements grow sufficiently there will undoubtedly be a period of time when the development will be much more visible and have a greater impact on the AONB. The AONB Partnership supports the tree replacement scheme and does not have any objection as long as the replacement planting will adequately screen the development.

5.3.4 The submitted AIA assesses the trees as semi mature with a small number of juveniles. The maximum height of the trees is 12 metres. Three have been found to be unsuitable for inclusion in a residential development. It is proposed to remove 14 trees and replace in an overall 4:1 ratio and heavy standard ratio of 2:1. The AIA states this will provide effective mitigation for the tree removals and an overall improvement in the on-site stock. It is accepted that the replacement trees are adequate for those to be lost.

5.3.5 Although the replacement planting scheme is suitable mitigation for loss of the 14 trees it is considered inadequate justification for the removal of otherwise healthy protected trees in the AONB.

5.4 Planning conditions

5.4.1 An approval under Section 73 of the Act effectively results in the grant of a new stand-alone consent. Therefore, all the original planning conditions have been reviewed to ensure they remain necessary and relevant. Where such conditions continue to meet the tests for imposing conditions, they will be replicated. Following the grant of consent, the applicant has submitted a discharge of condition application to partially satisfy condition 4 (details of materials and lighting). This condition will be reworded as a result. Condition 1 (time limit to commence) is no longer relevant as the development has started and will not be replicated. Condition 3 will be removed if this application is approved. The other original conditions shall remain as originally drafted.

6.0 Conclusion and Planning Balance

6.1 Removal of condition 3 relating to details for the attenuation pond is acceptable. It is neither required for drainage purposes nor ecological mitigation. Amendment of three conditions relating to details for raising of garden levels in plots 16 to 21 and removal of protected trees is not acceptable due to the lack of robust justification.

Recommendation

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

Condition no.	Description	Type
1	Approved plans	Standard
2	Submission of details	Above Ground
3	Vehicular access	Prior to occupation

4	Provision of garage/parking	Prior to occupation
5	Approved soft landscaping	First planting season
6	Approved Tree Works, protection scheme	Ongoing
7	Removal of Permitted Development Rights	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	A11
Application Number	20/00350/VCN
Proposal	Erection of 4 dwellings with associated access and landscaping (Pursuant to the variation of condition 2 on planning permission 18/01603/FUL to amend the internal layout and provide for refuse stores)
Application site	Site of Former Warton Grange Farm, Farleton Close, Warton, Lancashire
Applicant	Steve Bleasdale
Agent	HPA Chartered Architects
Case Officer	Mr David Forshaw
Departure	No
Summary of Recommendation	Approve

(i) Procedural Matters

This application relates to a development on part of the wider housing site at the former Warton Grange Farm which was originally approved by the Planning and Highways Regulatory Committee. This application seeks to vary a condition attached to planning permission 18/01603/FUL by replacing an approved plan relating to location of bin stores at the terrace of four houses. Amendments relating to drainage and landscaping affecting this and the wider site are also included on this agenda (20/00609/VCN and 20/00676/VCN).

1.0 Application Site and Setting

- 1.1 The site is for the development of a terrace of four houses located at the former Warton Grange Farm, immediately to the south/south east of Farleton Close. It is part of the wider redevelopment site totalling 25 houses, including this development.
- 1.2 The trees on the site are subject to a Tree Preservation Order (TPO no.600) which was served in 2017 to protect trees around the periphery of the wider farm complex following the grant of outline planning permission for residential development (15/00847/OUT).
- 1.3 Further to the north and west, across Farleton Close and Mill Lane, there are a number of existing residential properties.
- 1.4 The site falls within the Arnsdale & Silverdale Area of Outstanding Natural Beauty (AONB); is designated as a Countryside Area; and lies within Flood Zones 1, 2 and 3. Although it benefits from flood defences which exclude the site from Flood Zone 3b, it remains within Zone 3a. The site is also partially within the 1 in 100 year and 1 in 1000 year surface water flooding areas, but is in an area defined as being less than 25% susceptible to groundwater flooding.
- 1.5 The site is approximately 360m south of Warton Crag which is a designated Regionally Important Geological Site, and in part is a Biological Heritage Site, Nature Reserve, Ancient Woodland and a Site of Special Scientific Interest (SSSI). It is also subject to Limestone Pavement Orders. There is

also a Scheduled Ancient Monument located on Warton Crag. Closer to the site is a Grade II Listed building at 5 Main Street. Morecambe Bay is located approximately 650m to the west and is designated as a SSSI; Special Protection Area (SPA); Special Area of Conservation (SAC); and Ramsar Site.

2.0 Proposal

- 2.1 The approved scheme for the terrace of four houses relied on external access to the rear gardens of the two middle houses through the garden of the end property. This would be the route for taking bins kept in the rear gardens to the collection point. However, bins could alternatively be kept at the front of the houses. It is proposed to build two separate bin stores for each of the two middle properties (plots 23 and 24) at the end of the terrace, next to plot 25 and the parking area. This would negate the need for storage of bins in their rear gardens or at the front.
- 2.2 The bin stores would be enclosed by timber hit and miss fencing and matching gates measuring 1.8m x 0.96m x 1.8m high. The finish will be a mid brown stain to match that approved for similar fencing throughout the site.
- 2.3 No trees would be affected and no other changes to the layout are proposed.

3.0 Site History

- 3.1 A number of relevant applications relating to redevelopment of the former farm complex have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
20/00937/VLA	Variation of legal agreement attached to planning permissions 15/00847/OUT and 18/01603/FUL to amend the affordable housing provision	Pending
20/00676/VCN	Reserved matters application for the demolition of the existing farm buildings and the erection of 21 dwellings with associated access and landscaping (pursuant to the variation of conditions 2, 7, and 8 on reserved matters application 18/01589/REM to amend the soft landscaping strategy and the removal of condition 3 to remove the requirement for the attenuation pond)	See item on this agenda
20/00609/VCN	Erection of 4 dwellings with associated access and landscaping (Pursuant to the variation of condition 7 on planning permission 18/01603/FUL to amend the surface water drainage scheme)	See item on this agenda
20/00075/DIS	Discharge of conditions 7 and 15 on approved application 15/00847/OUT	Pending
18/01603/FUL	Erection of 4 dwellings with associated access and landscaping	Approved
18/01589/REM	Reserved matters application for the demolition of the existing farm buildings and the erection of 21 dwellings with associated access and landscaping	Approved
15/00847/OUT	Outline application for the demolition of the existing farm buildings and the erection of up to 23 dwellings with associated access and landscaping	Approved

4.0 Consultation Responses

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

Consultee	Response
Natural England	No comment
AONB Partnership	No objection

Environment Agency	No objection
County Highways	No objection
Fire Safety	Advice given
Waste and Recycling Officer	No objection

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

5.0 Analysis

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

- Visual impact
- Design and location for refuse collection

5.2 Visual Impact (DMDPD Policies DM29: Key Design Principles; DM46: Development and Landscape Impact; Arnside & Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document (DPD) (Adopted March 2019) AS02: Landscape; AS08: Design

5.2.1 The bin stores are small relative to the terrace of four houses and will be discretely located alongside the gable end close to a proposed hedgerow and rear of the parking area. The timber material is appropriate for this location in the AONB. The parking area and access to it will only be used by residents and visitors to the four houses and the landowner of farmland to the rear.

5.2.2 There will be no adverse impact on the AONB (no objections have been received from the AONB Partnership) or the local area.

5.3 Design and location for refuse collection

5.3.1 Each store will hold three bins and the Waste and Recycling Officer confirms they will accommodate the size and type of bins collected at present. It is pointed out that the number and style of bins may change in the future, but this is not a reason to refuse this proposal.

5.4 Planning conditions

5.4.1 An approval under Section 73 of the Act effectively results in the grant of a new stand-alone planning permission. Therefore, all the original planning conditions have been reviewed to ensure they remain necessary and relevant. Where such conditions continue to meet the tests for imposing conditions, the conditions will be replicated. Following the grant of planning permission, the applicant has submitted a discharge of condition application to partially satisfy the original condition 3 (materials) and this will be reworded as a result. Condition 1 (time limit to commence) is now not relevant as the development has started and does not need to be re-imposed. Original condition 2 (now to be condition 1) shall be reworded to include the revised plans. The other original conditions shall remain as originally drafted.

6.0 Conclusion and Planning Balance

6.1 The proposal is minor and will have no outward impact on the AONB or local residents.

Recommendation

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

Condition no.	Description	Type
1	Approved plans	Control
2	Details to be submitted	Above ground
3	Electric Vehicle Charging Points	Above ground
4	Soft landscaping and tree works	Compliance with condition timings

5	Access and parking	Prior to Occupation
6	Drainage	Ongoing compliance
7	Implement in accordance with FRA	Ongoing compliance
8	Soil importation	Ongoing compliance
9	Unforeseen contamination	Ongoing 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	A12
Application Number	20/00609/VCN
Proposal	Erection of 4 dwellings with associated access and landscaping (Pursuant to the variation of condition 7 on planning permission 18/01603/FUL to amend the surface water drainage scheme)
Application site	Site of Former Warton Grange Farm, Farleton Close, Warton, Lancashire
Applicant	Bleasdale
Agent	HPA Chartered Architects
Case Officer	Mr David Forshaw
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

This application relates to a development on part of the wider housing site at the former Warton Grange Farm which was originally approved by the Planning and Highways Regulatory Committee. This application seeks to vary a condition attached to planning permission 18/01603/FUL by amending the surface water drainage system. Amendments relating to drainage and landscaping affecting the wider site are also included on this agenda (20/00676/VCN). An amendment to the bin stores relating to this part of the development is also included on this agenda (20/00350/VCN).

1.0 Application Site and Setting

- 1.1 The site is for the development of a terrace of four houses located at the former Warton Grange Farm, immediately to the south/south east of Farleton Close. It is part of the wider redevelopment site totalling 25 houses, including this development.
- 1.2 The trees on the site are subject to a Tree Preservation Order (TPO no.600) which was served in 2017 to protect trees around the periphery of the wider farm complex following the grant of outline planning permission for residential development (15/00847/OUT).
- 1.3 Further to the north and west, across Farleton Close and Mill Lane, there are a number of existing residential properties.
- 1.4 The site falls within the Arnsdale & Silverdale Area of Outstanding Natural Beauty (AONB); is designated as a Countryside Area; and lies within Flood Zones 1, 2 and 3. Although it benefits from flood defences which exclude the Site from Flood Zone 3b, it remains within Zone 3a. The site is also partially within the 1 in 100 year and 1 in 1000 year surface water flooding areas, but is in an area defined as being less than 25% susceptible to groundwater flooding.
- 1.5 The site is approximately 360m south of Warton Crag which is a designated Regionally Important Geological Site and in part is a Biological Heritage Site, Nature Reserve, Ancient Woodland and a Site of Special Scientific Interest (SSSI). It is also subject to Limestone Pavement Orders. There is also a Scheduled Ancient Monument located on Warton Crag. Closer to the site is a Grade II Listed

building at 5 Main Street. Morecambe Bay is located approximately 650m to the west and is designated as a SSSI; Special Protection Area (SPA); Special Area of Conservation (SAC); and Ramsar Site.

2.0 Proposal

- 2.1 Condition 7 attached to planning permission 18/01603/FUL states the development should be drained on separate foul and surface water systems in accordance with a specified approved scheme. This scheme has been subject of further negotiation with United Utilities resulting in a revision which amends the discharge rate and removes the need for an attenuation pond.
- 2.2 The initial drainage strategy at the outline stage for the main part of the development site was to drain the whole site to the north east with attenuation through a balancing pond prior to discharge into the existing watercourse. By the reserved matters stage the layout had altered and a revised drainage strategy was approved which discharges storm water to a watercourse to the south west of the site through below ground attenuation under roads within the centre of the site. Therefore, the original attenuation pond is not needed.
- 2.3 This application seeks approval to amend the approved plan to that reflecting the updated drainage scheme.

3.0 Site History

- 3.1 A number of relevant applications relating to redevelopment of the former farm complex have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
20/00937/VLA	Variation of legal agreement attached to planning permissions 15/00847/OUT and 18/01603/FUL to amend the affordable housing provision	Pending
20/00676/VCN	Reserved matters application for the demolition of the existing farm buildings and the erection of 21 dwellings with associated access and landscaping (pursuant to the variation of conditions 2, 7, and 8 on reserved matters application 18/01589/REM to amend the soft landscaping strategy and the removal of condition 3 to remove the requirement for the attenuation pond)	See item on this agenda
20/00350/VCN	Erection of 4 dwellings with associated access and landscaping (Pursuant to the variation of condition 2 on planning permission 18/01603/FUL to amend the internal layout and provide for refuse stores)	See item on this agenda
20/00075/DIS	Discharge of conditions 7 and 15 on approved application 15/00847/OUT	Pending
18/01603/FUL	Erection of 4 dwellings with associated access and landscaping	Approved
18/01589/REM	Reserved matters application for the demolition of the existing farm buildings and the erection of 21 dwellings with associated access and landscaping	Approved
15/00847/OUT	Outline application for the demolition of the existing farm buildings and the erection of up to 23 dwellings with associated access and landscaping	Approved

4.0 Consultation Responses

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

Consultee	Response
United Utilities	No objection

LLFA	Agree to the surface water system discharging at a slightly higher rate in order to get the system adopted by United Utilities
Fire Safety Officer	Advice given

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

5.0 Analysis

5.1 The only consideration in the assessment of this application is to ensure the drainage strategy remains appropriate and will not cause an increased risk of flooding either on or off site. Relevant policies are DMDPD policies DM33: Development and Flood Risk and DM34: Surface Water Run-off and Sustainable Drainage.

5.1.1 United Utilities has been involved in negotiations with the applicant's drainage consultant prior to the application being submitted and UU has confirmed the details as submitted are acceptable.

5.1.2 The LLFA also accepts the run off rate is acceptable and raises no objection.

5.2 Planning conditions

5.2.1 An approval under Section 73 of the Act effectively results in the grant of a new stand-alone planning permission. Therefore, all the original planning conditions have been reviewed to ensure they remain necessary and relevant. Where such conditions continue to meet the tests for imposing conditions, they will be replicated. Following the grant of planning permission, the applicant has submitted a discharge of condition application to partially satisfy condition 3 (details of materials). This condition will be reworded as a result. Condition 1 (time limit to commence) is no longer relevant as the development has started and will not be replicated. Condition 7 will be varied to reflect the amended drainage details if this application is approved. The other original conditions shall remain as originally drafted.

6.0 Conclusion and Planning Balance

6.1 The revised drainage details are acceptable and therefore it is recommended that the relevant condition can be varied.

Recommendation

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

Condition no.	Description	Type
1	Approved plans	Standard
2	Details to be submitted	Above Ground
3	Electric Vehicle Charging Points	Above ground
4	Soft landscaping and tree works	Compliance with condition timings
5	Access and parking	Prior to Occupation
6	Drainage	Ongoing
7	Implement in accordance with FRA	Ongoing
8	Soil importation	Ongoing
9	Unforeseen contamination	Ongoing
10	Construction management plan	Ongoing
11	Ecological mitigation	Ongoing
12	Removal of PD rights	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	A13
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. It was reported to October’s Planning Regulatory Committee, but subsequent to that meeting there have been further Covid-related restrictions announced by central government meaning that this year’s event will not go ahead, so before the decision was issued the applicant is understandably seeking to amend the approved dates.

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 and vary condition 2 to change operation dates of the observation wheel so they tie in with the dates of the ice rink. The dates would be:

- o 20 November 2021 to 9 January 2022
- o 19 November 2022 to 8 January 2023
- o 18 November 2023 to 7 January 2024
- o 23 November 2024 to 12 January 2025
- o 22 November 2025 to 10 January 2026

Construction shall commence no sooner than 12 days before the above start dates and dismantling and restoration shall be completed within 8 days of the above end dates.

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, but have subsequently been agreed. 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. 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 to reflect both Lancashire's and Cumbria's school holiday dates and to effectively push back the 5 consented annual events by one year following the cancellation of this winter's event due to Covid-19. 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 alongside the ice rink during future events. 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. Further to damage to the Listed fabric within the square during the dismantling of the ice rink last year, the risk assessment and methodology has been amended to reduce the risk of damage occurring 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	Compliance
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	Compliance
13	Method statement and risk assessment for the protection of the Queen Victoria Memorial and stone balustrade during the construction and dismantling phases	Compliance
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	A14
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. It was reported to October's Planning Regulatory Committee, but subsequent to that meeting there have been further Covid-related restrictions announced by central government meaning that this year's event will not go ahead, so before the decision was issued the applicant is understandably seeking to amend the approved dates.

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.

2.3 The dates would be:

- 20 November 2021 to 9 January 2022
- 19 November 2022 to 8 January 2023
- 18 November 2023 to 7 January 2024
- 23 November 2024 to 12 January 2025
- 22 November 2025 to 10 January 2026

Construction shall commence no sooner than 12 days before the above start dates and dismantling and restoration shall be completed within 8 days of the above end dates.

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. To help prevent this, the Risk Assessment (required by conditions 3 and 4) has been updated and agreed, which puts further measures in place to protect the steps.
- 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 and the changes to the dates, similar conditions will be imposed, though they will be updated to reflect the amended dates and method statement to ensure that lessons are learnt and the historic fabric can be adequately protected during future events (2021-22 to 2025-26).

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. Further to damage to the Listed fabric within the square during the dismantling of the ice rink last year, the risk assessment and methodology has been amended to reduce the risk of damage occurring 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	Compliance
4	Protection of the stone steps to the Queen Victoria Memorial	Compliance
5	Details of the fencing and hoardings	Compliance
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	Compliance

	the area prior to commencement and after the event (each year)	
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Background Papers

None

Agenda Item	A15
Application Number	20/00704/FUL
Proposal	Erection of a bus shelter
Application site	Bus Stop at Hard Knott Rise, Back Lane, Carnforth, Lancashire
Applicant	Councillor Paul Gardner
Agent	N/A
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Approval

(i) **Procedural Matters**

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

1.0 Application Site and Setting

- 1.1 The site which forms the subject of this application is a small area of grass verge at Hard Knott Rise adjacent to an existing bus stop on the public footpath along Back Lane on the eastern edge of Carnforth. The grass verge is located to the front of residential properties along Hard Knott Rise. A separate access path separates the grass verge from the front boundaries of the dwellings.
- 1.2 Numbers 1-4 Hard Knott Rise front Back Lane and are bungalow style properties largely occupied by elderly residents. The nearest dwelling is set back from the application site by approximately 10 metres. These properties are within the Gummers Howe Walk/Highfield Road, Hard Knott Rise sheltered housing scheme provided by Lancaster City Council.
- 1.3 The bus stop serves the no.13 route between Warton and Kirkby Lonsdale which passes through Carnforth town centre. The site is within a Pipeline Consultation Zone Slyne/Whasset Distribution (outer zone) and within a Flood Zone 2 area. The M6 motorway runs parallel to Back Lane approximately 100 meters to the east.

2.0 Proposal

- 2.1 The application has been submitted on behalf of Carnforth Town Council and proposes the installation of a bus shelter on the grass verge adjacent to the existing bus stop, which is on the public footpath.
- 2.2 The shelter will be 2.3 metres high with a footprint of 2.5 metres by 1.3 metres with an integrated seating perch. The shelter will comprise a steel profile frame and anti-vandal mesh glazing and will be sited on a concrete plinth.

3.0 Site History

3.1 There is no planning history associated with this site.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objections
Property Services	No objections
Cadent Gas	No objections - it does not appear the proposed works will directly affect the above pipeline. Comments to be provided as advice to the applicant.
British Pipeline Agency	Neither supports nor objects to the proposal - not aware that any of BPA Pipelines apparatus falls within the vicinity of the site.
Electricity Northwest	Neither supports nor objects to the proposal – comments to be provided as advice to the applicant.
Parish Council	No comments received

4.2 No public comments have been received.

5.0 Analysis

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

1. Principle of Development and Background to Submission
2. Design and Streetscene Impacts
3. Highway Matters
4. Residential Amenity
5. Flood Risk

5.2 **Consideration 1 – Principle of Development and Background to Submission** NPPF Section 2: Achieving sustainable development

5.2.1 The submission has come forward from Carnforth Town Council who have been asked by residents of Hard Knott Rise about the possibility of the provision of a bus shelter at the bus stop in question. The stop is used by the elderly group of people living on Hard Knott Rise and Gummers Howe Walk. The residents made the request for a shelter to offer some protection during inclement weather conditions.

5.2.2 The proposal is thought to be reasonable and will play some part in encouraging the use of public transport. It is therefore considered that the scheme is acceptable in principle.

5.3 **Consideration 2 - Design and Streetscene Impacts** NPPF Section 12: Achieving well-designed places; Development Management (DM) DPD policies DM26: Public Realm and Civic Space and DM29: Key Design Principles

5.3.1 The proposed shelter will be sited on a shallow concrete plinth and comprise a simple cantilever design which is an anti-vandal bus shelter that requires limited maintenance. Any necessary upkeep of the shelter will be undertaken by Carnforth Town Council who already maintain four other shelters within Carnforth. The applicant has advised that the framework of the shelter will have a dark blue paint finish. This is comparable to similar bus shelters in the town and it is considered that the design and appearance of the bus shelter will have no adverse impacts on the streetscene.

5.4 **Consideration 3 - Highways Matters** NPPF Section 9: Promoting Sustainable Transport and Section 12: Achieving well-designed places; Development Management (DM) DPD policy DM60: Enhancing Accessibility and Transport Linkages

5.4.1 The highway along Hard Knott Rise is utilised by significant numbers of Heavy Goods Vehicles (HGVs) traveling to and from the Back Lane quarry to access the M6 at Junction 35. The Highway Authority is satisfied that the shelter will be set sufficiently back from the kerb line (approximately 2.6 meters) in order to prevent the risk of strike from passing HGVs. The Highway Authority has also advised that as part of the off-site highway works associated with a nearby scheme (19/01141/VCN for a car showroom on Leapers Wood Road, Carnforth), this bus stop will be upgraded with accessibility compliant raised kerbing.

5.5 **Consideration 4 - Residential Amenity** NPPF Section 8: Promoting healthy and safe communities and Section 12: Achieving well-designed places; Development Management (DM) DPD policy DM29: Key Design Principles

5.5.1 The bus stop is situated within the highway pavement approximately 13.5 metres away from the nearest dwelling on Hard Knott Rise. The shelter will be sited close to the bus stop towards the northern end of the grass verge and will be offset from the nearest residential property which is located some 11 metres away to the west. It is considered that due to the scale and lightweight appearance of the structure, the proposal will have no adverse impacts on nearby residential amenity by way of overbearing impacts.

5.6 **Consideration 5 - Flood Risk** NPPF Section 14: Meeting the challenge of climate change, flooding and coastal change; Development Management (DM) DPD policy DM33: Development and Flood Risk

5.6.1 Given the location of the site within an area identified as Flood Zone 2, a Flood Risk Assessment was provided with the application. The site for the shelter will have an impermeable base but as the site is within the permeable grass verge this will act as a soakaway. It is considered that due to the relatively small footprint of the development and profile of the shelter the proposal is unlikely to cause significant retention of water or impede the flow of any flood water.

6.0 Conclusion and Planning Balance

6.1 The scheme has come forward from Carnforth Town Council in a bid to address the needs of residents in the vicinity of the site. It is concluded that the proposal is acceptable in terms of design and appearance. The scheme is considered to accord with the provisions of the Development Plan is therefore recommended for approval.

Recommendation

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

Condition no.	Description	Type
1	Standard 3-year timescale	Control
2	Development to be carried out in accordance to approved plans	Control
3	Shelter to be finished and maintained in RAL Colour Code - 5002 Marine Blue	Control

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

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
19/00772/OUT	Moorside Farm, Grimeshaw Lane, Quernmore Outline application for the change of use of an agricultural barn to a dwelling (C3) for Mr Richard Bethell (Lower Lune Valley Ward 2015 Ward)	Application Withdrawn
19/01581/FUL	Land North Of 27 Coach Road, Warton, Lancashire Erection of one 2-bed dwelling with associated landscaping, re-grading of land and creation of a new access point for Mr Graham Orr (Warton Ward 2015 Ward)	Application Refused
20/00033/DIS	14 Damside Street, Lancaster, Lancashire Discharge of conditions 3,4,6,7 and 9 on approved application 17/01563/FUL for AHB Property Holdings Ltd (Bulk Ward 2015 Ward)	Split Decision
20/00034/DIS	14 Damside Street, Lancaster, Lancashire Discharge of conditions 4 and 6 on approved application 17/00702/VCN for AHB Property Holdings Ltd (Bulk Ward 2015 Ward)	Application Permitted
20/00083/DIS	55 Caton Green Road, Brookhouse, Lancaster Discharge of conditions 3 and 4 on approved application 19/00090/FUL for Miss Joanne Inman (Lower Lune Valley Ward 2015 Ward)	Split Decision
20/00085/DIS	Intack Farm, Littledale Road, Littledale Discharge of condition 3 on approved application 18/01313/CU for Mrs Kelly Hey (Lower Lune Valley Ward 2015 Ward)	Application Refused
20/00098/DIS	Brookhouse Old Hall, Brookhouse Road, Brookhouse Discharge of conditions 3, 5D and 5H on approved application 18/00035/LB for Mr Horner (Lower Lune Valley Ward 2015 Ward)	Application Permitted
20/00099/DIS	Brookhouse Old Hall, Brookhouse Road, Brookhouse Discharge of condition 3 on approved application 18/00034/FUL for Mr Horner (Lower Lune Valley Ward 2015 Ward)	Application Permitted
20/00106/DIS	Nether Highfield, Park Lane, Halton Discharge of condition 3 on approved application 19/00667/LB for Mr Thomas Bowring (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
20/00113/FUL	1 Bronte Cottages, Long Level, Cowan Bridge Erection of a replacement single storey rear extension, demolition of existing garage and erection of a replacement garage and erection of a detached garden building for Mr & Mrs Martin Jebb (Upper Lune Valley Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

20/00114/LB	1 Bronte Cottages, Long Level, Cowan Bridge Listed building application for replacement of stone surrounds to window and door openings, replacement of existing timber window frames, alterations to existing window opening to form a doorway, repointing to front elevation, installation of external lights and erection of a single storey rear extension for Mr & Mrs Martin Jebb (Upper Lune Valley Ward 2015 Ward)	Application Refused
20/00115/DIS	394 Marine Road East, Morecambe, Lancashire Discharge of condition 3 on approved application 19/01605/FUL for paul harrison (Poulton Ward 2015 Ward)	Application Permitted
20/00125/DIS	Wrayton Hall Farm, Back Lane, Wrayton Discharge of condition 3 on approved application 20/00474/FUL for Mr & Mrs Ashton (Upper Lune Valley Ward 2015 Ward)	Application Permitted
20/00131/DIS	Kingsway Retail Park, Caton Road, Lancaster Discharge of condition 5 on approved application 07/00005/REM for Mr James Peeling (Bulk Ward 2015 Ward)	Application Permitted
20/00136/FUL	Field Adjacent To Woodlands View, Over Kellet, Lancashire Erection of one dwelling (C3) with associated access and regrading of land for Mr Denis Towers (Kellet Ward 2015 Ward)	Application Permitted
20/00402/OUT	Bank Barn, Crag Road, Warton Outline application for the erection of 2 dwellings for Mr P Edmondson (Warton Ward 2015 Ward)	Application Refused
20/00449/FUL	9 The Rise, Bolton Le Sands, Carnforth Construction of a dormer extension to the front elevation for Mr And Mrs Hall (Bolton And Slyne Ward 2015 Ward)	Application Permitted
20/00464/REM	Land At Middleton Towers Leisure Club, Natterjack Lane, Middleton Reserved matters application for the erection of 8 dwellings (C3) for Mr John Ward (Overton Ward 2015 Ward)	Application Permitted
20/00498/FUL	89 Bowerham Road, Lancaster, Lancashire Retrospective application for the demolition of garage and retention of a single storey rear extension and dormer extension to the rear elevation for Mr. J. King (John O'Gaunt Ward 2015 Ward)	Application Permitted
20/00567/FUL	12 Phoenix Street, Lancaster, Lancashire Erection of a second floor rear/side extension for Z Mister (Bulk Ward 2015 Ward)	Application Permitted
20/00671/FUL	Overton Bowling Club Pavilion, Middleton Road, Overton Erection of a single storey infill extension to southwest side elevation and construction of a decking area for Mr Clarke (Overton Ward 2015 Ward)	Application Permitted
20/00690/FUL	65 Morecambe Road, Morecambe, Lancashire Erection of a single storey rear extension for Yun Fang Chen (Torrisholme Ward 2015 Ward)	Application Permitted
20/00701/FUL	14 Burlington Grove, Morecambe, Lancashire Erection of a single storey rear extension, erection of a detached garage and removal of chimney to the side elevation for Mrs Susan Murfin (Bare Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

20/00715/LB	17 - 19 Euston Road, Morecambe, Lancashire Listed building application for the removal of signage, nightsafe and ATM to the front elevation and associated stone and mortar repairs for Barclays (Poulton Ward 2015 Ward)	Application Permitted
20/00756/ADV	Trimpell Sports And Social Club, Out Moss Lane, Morecambe Advertisement application for the display of non-illuminated sponsor boards around cricket field, football/rugby pitch and the bowling green for Trimpell (Westgate Ward 2015 Ward)	Application Permitted
20/00757/FUL	Trimpell Sports And Social Club, Out Moss Lane, Morecambe Erection of a replacement stand and dugout on the football/rugby pitch for Trimpell (Westgate Ward 2015 Ward)	Application Permitted
20/00759/PLDC	32A Silverdale Road, Yealand Redmayne, Carnforth Proposed Lawful Development Certificate for the installation of a replacement pillar and removal of post for Mr Tim Walker (Silverdale Ward 2015 Ward)	Lawful Development Certificate Granted
20/00767/FUL	Perry Moor, Old Moor Road, Wennington Erection of an extension to existing agricultural building for covered handling/feed area for Mr James McKinstry (Lower Lune Valley Ward 2015 Ward)	Application Permitted
20/00771/FUL	Nat West Bank, 68 - 70 Church Street, Lancaster Removal of one external ATM and reinstatement of wall for NatWest Group Plc (Castle Ward 2015 Ward)	Application Permitted
20/00772/LB	Nat West Bank, 68 - 70 Church Street, Lancaster Listed building application for removal of one external ATM and reinstatement of wall for NatWest Group Plc (Castle Ward 2015 Ward)	Application Permitted
20/00785/FUL	32 Clougha Avenue, Halton, Lancaster Construction of a dormer extension to the front and rear elevations and erection of single storey front and rear extensions for Mr. & Mrs. D. Hoswell (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
20/00814/FUL	81 Hest Bank Lane, Hest Bank, Lancaster Erection of single storey rear and front extensions and construction of two dormer extensions to the front elevation for Mr. & Mrs. P. Graham (Bolton And Slyne Ward 2015 Ward)	Application Permitted
20/00824/FUL	29 Pennine View, Glasson Dock, Lancaster Erection of a boundary wall for Mrs Alison Stevenson (Ellel Ward 2015 Ward)	Application Refused
20/00826/FUL	13 Bentham Road, Lancaster, Lancashire Erection of a first floor side extension and construction of a pitched roof over existing porch/garage for Mr Jeff Pilkington (Scotforth East Ward 2015 Ward)	Application Permitted
20/00831/FUL	21 China Street, & The Workshop Back Sun Street, Lancaster Change of use of The Workshop to an office, alterations to windows and doors, construction of an extension to existing roof, installation of a heat/cool unit and associated hard landscaping for Mr Michael Brennan (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

20/00843/FUL	Perry Moor, Old Moor Road, Wennington Demolition of attached garage, erection of a 2 storey side extension and construction of a front porch for Helen McKinstry (Lower Lune Valley Ward 2015 Ward)	Application Permitted
20/00853/VCN	Land At Grid Reference 350819 464830, Low Road, Halton Reserved matters application for the erection of 76 dwellings with associated landscaping (pursuant to the variation of condition 2 on Reserved Matters consent 18/01117/REM to reposition the garage at plot 15 and to include additional boundary fencing between the site and the rear of 4 and 6 Forgewood Drive) for Mr Martin Nugent (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
20/00863/FUL	1 Lea Lane, Heysham, Morecambe Erection of two storey and single storey rear extension for Mr. M. Barker (Heysham South Ward 2015 Ward)	Application Refused
20/00864/FUL	51 Lymm Avenue, Lancaster, Lancashire Erection of a single storey rear extension and retrospective application for retention of detached outbuilding for Mr. A. Dixon (Skerton West Ward 2015 Ward)	Application Permitted
20/00867/FUL	7 Slyne Road, Morecambe, Lancashire Demolition of existing rear porch and car port and erection of a single storey side and rear extension and construction of a dormer extension to rear elevation for Mr Stuart Clarke (Torrisholme Ward 2015 Ward)	Application Permitted
20/00869/FUL	19 Carr Wood Gardens, Galgate, Lancaster Erection of summerhouse for Mrs Daniella Martin (Ellel Ward 2015 Ward)	Application Permitted
20/00892/OUT	Moorside Farm, Grimeshaw Lane, Quernmore Outline application for the change of use of agricultural buildings to a dwellinghouse (C3) and installation of drainage infrastructure for Mr Richard Bethell (Lower Lune Valley Ward 2015 Ward)	Application Permitted
20/00893/FUL	38 Beaumont Place, Lancaster, Lancashire Demolition of existing garage and erection a single storey outbuilding for Miss Emma Kierzek (Skerton East Ward 2015 Ward)	Application Permitted
20/00897/LB	Watson House, Whitebeck Lane, Priest Hutton Listed building application for the removal of partition walls, removal of door, installation of replacement window, blocking up and alterations to existing openings, alterations to cill levels and creation of new openings for Mr and Mrs Andrew Foulds (Kellet Ward 2015 Ward)	Application Permitted
20/00902/FUL	15 St Margarets Road, Bolton Le Sands, Carnforth Demolition of conservatory and erection of a single storey rear extension and side porch for Mr and Mrs Ryan (Bolton And Slyne Ward 2015 Ward)	Application Permitted
20/00921/FUL	Sparling Barn, Green Lane, Halton Retention and relocation of an air source heat pump and associated pipework for Mr M Clarkson (Halton-with-Aughton Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

20/00926/FUL	2 Bloomfield Park, Carnforth, Lancashire Erection of a single storey rear extension for Mr and Mrs Night (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
20/00938/FUL	New House Farm, Lancaster Road, Slyne Erection of a replacement rear conservatory for Dr Wendy Craig (Bolton And Slyne Ward 2015 Ward)	Application Permitted
20/00941/FUL	59 Copy Lane, Caton, Lancaster Erection of a single storey rear extension and a first floor side extension for Ms Nicola Meldrum (Lower Lune Valley Ward 2015 Ward)	Application Permitted
20/00949/FUL	53 Parkfield Drive, Lancaster, Lancashire Erection of a part single part two storey side extension, single storey rear extension and erection of a two storey extension to the front elevation for Ray And Julie Starr (Scotforth West Ward 2015 Ward)	Application Permitted
20/00965/FUL	33 Vincent Street, Lancaster, Lancashire Erection of a first floor extension to the rear for Mr Andrew Spenceley (John O'Gaunt Ward 2015 Ward)	Application Permitted
20/00970/FUL	14 Fieldsend, Heysham, Morecambe Demolition of existing conservatory, erection of a single storey rear and side extension and a first floor side extension for Mr and Mrs Smith (Heysham South Ward 2015 Ward)	Application Permitted
20/00976/FUL	32 Manor Road, Slyne, Lancaster Erection of replacement detached garage for Mr and Mrs Woolfall (Bolton And Slyne Ward 2015 Ward)	Application Permitted
20/00983/FUL	6 Trent Close, Morecambe, Lancashire Erection of single storey front extension for Mr & Mrs G. Hicks (Skerton West Ward 2015 Ward)	Application Permitted
20/00991/FUL	27 Bailey Lane, Heysham, Morecambe Construction of a dormer extension to the rear elevation and balcony to the side elevation for Mr.&Mrs. Livesey (Heysham Central Ward 2015 Ward)	Application Refused
20/00994/FUL	88 Buckingham Road, Morecambe, Lancashire Erection of a first floor side extension for Mr. & Mrs. C. Fishwick (Harbour Ward 2015 Ward)	Application Refused
20/00998/FUL	7 Westbourne Road, Warton, Carnforth Demolition of existing rear extension and side porch and erection of a two storey rear/side extension, construction of dormer extensions to the front elevation and alterations to the rear dormer for Mr Peter Walker (Warton Ward 2015 Ward)	Application Permitted
20/00999/FUL	8 Anthony Road, Lancaster, Lancashire Demolition of existing outbuilding and erection of a single storey rear extension for Mr N Smith (Castle Ward 2015 Ward)	Application Permitted
20/01008/FUL	Glendare, Hillcrest Avenue, Bolton Le Sands Conversion of garage to additional living accommodation, erection of a first floor side/rear extension and construction of a balcony and external staircase to the rear elevation for Mr John Wignall (Bolton And Slyne Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

20/01010/FUL	Royal Lancaster Infirmary, Ashton Road, Lancaster Demolition of existing physiotherapy building, boiler house and chimney and erection of an energy centre with external flue stack for Mr M Hampton (Scotforth West Ward 2015 Ward)	Application Permitted
20/01022/FUL	37 Heysham Mossgate Road, Heysham, Morecambe Erection of a boundary wall for Mrs Gemma Bartlett (Heysham South Ward 2015 Ward)	Application Permitted
20/01023/FUL	10 Sun Street, Lancaster, Lancashire Relevant demolition of existing link extension and erection of a single storey link extension, change of use of offices (E) to student accommodation comprising 5 studios (C3), installation of 2 new doors in existing window opening at rear and side, erection of external staircase in rear yard and erection of a wall and gate to the rear for Ashton Homes Lancashire Ltd Michael Harrison (Castle Ward 2015 Ward)	Application Refused
20/01024/LB	10 Sun Street, Lancaster, Lancashire Listed building application for the demolition of existing link extension and erection of replacement single storey link extension, erection of an external staircase in rear yard, infill of window to the side, installation of 2 new doors in existing window opening to rear and side, removal of stone stack to outrigger, installation of replacement roof, rooflight, rainwater goods and windows, re-rendering of external walls and construction of internal walls and suspended ceilings and erection of a wall and gate to the rear for Ashton Homes Lancashire Ltd Michael Harrison (Castle Ward 2015 Ward)	Application Refused
20/01026/FUL	Gunnerthwaite Farm, Locka Lane, Arkholme Retrospective application for the erection of an extension to existing agricultural storage building and creation of an area of hardstanding for Mr And Mrs Barker (Kellet Ward 2015 Ward)	Application Permitted
20/01031/FUL	2 St Nicholas Lane, Bolton Le Sands, Carnforth Erection of a detached double garage and installation of 1.8m high secure fencing and sliding gate to west boundary for Mr Nigel Berry (Bolton And Slyne Ward 2015 Ward)	Application Withdrawn
20/01044/AD	Hawes Villa, Moss Lane, Silverdale Agricultural Determination for the erection of an agricultural storage building for Fiona and Stephen Lawton (Silverdale Ward 2015 Ward)	Deemed Consent
20/01061/FUL	36 Church Hill Avenue, Warton, Carnforth Construction of a dormer extension to the rear elevation and alterations to the existing chimney for Mr & Mrs M & V Wilson (Warton Ward 2015 Ward)	Application Permitted
20/01063/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
20/01089/FUL	33 Colchester Avenue, Lancaster, Lancashire Erection of a front porch, installation of two window to the North side elevation and sliding door to the rear for Mr Ian Coates (John O'Gaunt Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

20/01092/AD	Land To The East Of Jeremy Lane And South Of The Canal, Glasson Dock, Lancashire Agricultural Determination for the erection of a farm storage building for Mrs Beverley Morgan (Ellel Ward 2015 Ward)	Prior Approval Refused
20/01123/PAD	Former Pump Houses Along River Lune, Rear Of Lune Riverside Park Industrial Estate, Caton Road Prior approval for demolition of three pump houses for Mr Gary Bowker (Bulk Ward 2015 Ward)	Prior Approval Granted
20/01135/PAH	8 Langden Brook Mews, Morecambe, Lancashire Erection of a 4.0 metre deep, single storey rear extension with a maximum roof height of 3.2 metres and a maximum eaves height of 2.8 metres for Mrs Neale (Skerton West Ward 2015 Ward)	Prior Approval Granted
20/01157/PAD	Burrow House, Burrow Heights Lane, Lancaster Prior approval for demolition of two outbuildings for Mr Michael Stainton (University And Scotforth Rural Ward)	Prior Approval Granted
20/01160/NMA	Land East Of Arkholme Methodist Church, Kirkby Lonsdale Road, Arkholme Oakmere Homes ('the applicant') are seeking to amend Condition 7, relating to a surface water drainage scheme, attached to planning application 15/01024/OUT. This non-material amendment application seeks to amend the trigger point at the beginning of the condition and remove the offending tailpiece at the end of the condition. for Oakmere Homes (Kellet Ward 2015 Ward)	Application Refused
20/01166/NMA	Green Pastures, Capernwray Road, Capernwray Non-material amendment to planning permission 19/00595/FUL to alter the approved the landscaping scheme for Mr S Wightman (Kellet Ward 2015 Ward)	Application Permitted
20/01179/AD	Green Pastures, Capernwray Road, Capernwray Agricultural determination for the erection of a storage building and associated track and apron for Mr S Wightman (Kellet Ward 2015 Ward)	Prior Approval Not Required