



**Committee:** PLANNING REGULATORY COMMITTEE

**Date:** MONDAY, 29 JANUARY 2024

**Venue:** MORECAMBE TOWN HALL

**Time:** 10.30 A.M.

## A G E N D A

Officers have prepared a report for each of the planning or related applications listed on this Agenda. Copies of all application literature and any representations received are available for viewing at the City Council's Public Access website <http://www.lancaster.gov.uk/publicaccess> by searching for the relevant applicant number.

### 1 Apologies for Absence

### 2 Minutes

Minutes of meeting held on 8<sup>th</sup> January 2024 (previously circulated).

### 3 Items of Urgent Business authorised by the Chair

### 4 Declarations of Interest

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

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

## Planning Applications for Decision

### Community Safety Implications

In preparing the reports for this agenda, regard has been paid to the implications of the proposed developments on community safety issues. Where it is considered that the proposed development has particular implications for community safety, the issue is fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

## Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to local finance considerations when determining planning applications. Local finance considerations are defined as a grant or other financial assistance that has been provided; will be provided; or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has, will or could receive in payment of the Community Infrastructure Levy. Whether a local finance consideration is material to the planning decision will depend upon whether it could help to make development acceptable in planning terms, and where necessary these issues are fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

## Human Rights Act

Planning application recommendations have been reached after consideration of The Human Rights Act. Unless otherwise explicitly stated in the report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

- |   |   |  |                    |                        |
|---|---|--|--------------------|------------------------|
| 5 | A5 <a href="#">22/00618/FUL</a>                               | <b>Development Land North Of Rectory Gardens Lancaster Road Cockerham</b>  | <b>Ellel Ward</b>  | <b>(Pages 4 - 24)</b>  |
|   |   | Demolition of existing agricultural buildings and erection of 22 dwellings (C3) with associated garages, internal roads and open space |                    |                        |
| 6 | A6 <a href="#">23/01356/LB</a>                                | <b>John O Gaunt 55 Market Street Lancaster</b>   | <b>Castle Ward</b> | <b>(Pages 25 - 28)</b> |
|   |   | Listed building application for the retention of a performance area stage  |                    |                        |
| 7 | A7 <a href="#">23/01459/LB</a>                                | <b>Lancaster Maritime Museum Custom House St Georges Quay Lancaster</b>  | <b>Castle Ward</b> | <b>(Pages 29 - 31)</b> |
|   |   | Listed building application for alterations to form accessible WC and removal of partition wall  |                    |                        |
| 8 | <b>Local Planning Enforcement Plan (LPEP) (Pages 32 - 49)</b> |  |                    |                        |
| 9 | <b>Delegated List (Pages 50 - 58)</b>                         |  |                    |                        |

## **ADMINISTRATIVE ARRANGEMENTS**

### **(i) Membership**

Councillors Sandra Thornberry (Chair), Claire Cozler (Vice-Chair), Louise Belcher, Dave Brookes, Keith Budden, Roger Dennison, Alan Greenwell, John Hanson, Jack Lenox, Sally Maddocks, Joyce Pritchard, Robert Redfern, Sue Tyldesley and Paul Tynan

### **(ii) Substitute Membership**

Councillors Mandy Bannon (Substitute), Martin Bottoms (Substitute), Tom Fish (Substitute), Martin Gawith (Substitute), Paul Hart (Substitute), Colin Hartley (Substitute) and Paul Newton (Substitute)

### **(iii) Queries regarding this Agenda**

Please contact Eric Marsden - Democratic Support: email [emarsden@lancaster.gov.uk](mailto:emarsden@lancaster.gov.uk).

### **(iv) Changes to Membership, substitutions or apologies**

Please contact Democratic Support, telephone 582000, or alternatively email [democracy@lancaster.gov.uk](mailto:democracy@lancaster.gov.uk).

MARK DAVIES,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
LANCASTER, LA1 1PJ

Published on 17<sup>th</sup> January, 2024.

<b>Agenda Item</b>	A5
<b>Application Number</b>	22/00618/FUL
<b>Proposal</b>	Demolition of existing agricultural buildings and erection of 22 dwellings (C3) with associated garages, internal roads and open space
<b>Application site</b>	Development Land North Of Rectory Gardens Lancaster Road Cockerham Lancashire
<b>Applicant</b>	Mr M Whelan
<b>Agent</b>	Mr Jake Salisbury
<b>Case Officer</b>	Mr Andrew Clement
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval, subject to conditions and a Section 106 legal agreement

## 1.0 Application Site and Setting

- 1.1 The site is located to the north of the village of Cockerham, approximately 500 metres to the north of the village primary school (Cockerham Parochial School), and it occupies an existing agricultural building and part of a rectangular parcel of land covering approximately 1.3 hectares. The site previously benefitted from outline consent for 18 dwellinghouses and a new access, however this consent recently expired. The site is bounded by a mature hedgerow along the eastern boundary of the site along A588 Lancaster Road, together with protected trees that are located primarily along the boundaries to the site. To the north are continuing fields and to the south lies a private cul-de-sac road and residential dwellings on Rectory Gardens. The site rises from east up to the west, with the field approximately 20 metres Above Ordnance Datum (AOD) at its lowest part adjacent to Lancaster Road rising to 26 metres AOD on the western extent of the site.
- 1.2 The site is largely unconstrained beyond the existing agricultural building, however there is a public right of way that runs to the west of the site (footpath no. 10). The Old Rectory is a Grade II listed building is located approximately 150 metres to the south of the site. There are a number of trees to the south, east and west of the site that are the subject of Tree Preservation Order No.620 (2017). The site is located within an Aerodrome Safeguarding Area and is within the designated Open Countryside area.

## 2.0 Proposal

- 2.1 This application seeks planning permission for the demolition of the existing agricultural building on site, construction of 22 dwellinghouses, with a site vehicular and walking accesses linking to internal roads. The proposal includes 2 one-bed apartments, 3 detached two-bedroom bungalows, 5 semi-detached two-bedroom houses, 6 detached three-bedroom houses, 4 detached four-bedroom houses with garages, and 2 large detached five-bedroom houses with two storey detached garage outbuildings. The proposal seeks to provide 7 affordable dwellings on site, with the overall housing mix for dwellings on site detailed below:-

- 2 x one-bedroom apartments (both affordable)
- 3 x two-bedroom bungalows (one of which is affordable)
- 5 x two-bedroom semi-detached dwellings (three of which is affordable)
- 6 x three-bedroom detached dwellings (one of which is affordable)
- 4 x four-bedroom detached dwellings
- 2 x five-bedroom detached dwellings

2.2 The proposed properties are to be finished in a mix of natural stone and rendered walls, under a grey slate roof with anthracite grey framed windows and doors. Some of the properties feature timber porches, with a mix of integral garages, detached garages, and off-street parking on driveways and within a communal parking areas to shared surface accessed properties. The proposed site access matches that previously granted through an outline planning permission with access, albeit this permission has since expired due to lack of agreeable reserved matters and no commencement of development within the timeframe stipulated on the consent.

### 3.0 Site History

3.1 The proposal was presented to, and resolved to be approved in May 2023 by, the Planning Regulatory Committee (the full report is appended). Under the scheme of public participation, it was proposed by Councillor Keith Budden and seconded by Councillor Robert Redfern:

“That the application be approved subject to the conditions in the Committee Report.”

Upon being put to the vote, 13 Councillors voted in favour of the proposal with none against and 2 abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to the following Planning Obligations:

- Provision of affordable housing (7 units on site, 4x affordable/social rent, 3x shared ownership tenure);
- Open space provision (on-site amenity green space provision and financial contribution of £10,000 for young persons provision and £22,328.70 for outdoor sports in Cockerham);
- Biodiversity net gain to demonstrate 10% net gain and a Landscape and Ecological Creation and Management Plan showing 30 year management;
- Provision for long term drainage, open space and landscaping/BNG, maintenance and management company; and,
- **Contribution to Education (for two secondary school places) of £49,506 towards the permanent expansion of Ripley St Thomas C of E High School;**

and subject to the following conditions:

1. Timescale for commencement (2 years);
2. Development in accordance with approved plans;
3. Scheme of archaeological work ;
4. Final surface water sustainable drainage strategy (SuDS);
5. Foul water scheme;
6. Finished site and floor levels (including gardens and open space) and M4(2) compliance;
7. Full landscaping and ecological management plan;
8. Ecology mitigation measures;
9. Full energy efficiency measures;
10. Submission of an Employment and Skills Plan;
11. Submission of construction management plan;
12. Submission of construction environmental management plan, including avoiding noise disturbance activities during wintering bird season;
13. Submission of construction surface water management plan;
14. Full details of site access/footway/lighting;
15. Elevations and external treatment material details and samples;
16. Contaminated land – further surveys following recommendations of the report;

17. Boundary and surface treatments, method statement for such works within tree protection fencing area, remove permitted development;
18. Site lighting scheme;
19. Scheme for the full engineering, drainage and construction details of the internal estate roads;
20. Off-site highway works, including pavements and bus shelter;
21. Visibility splays;
22. Sustainable drainage system operation and maintenance manual;
23. Verification report of constructed sustainable drainage system;
24. Obscure glazed openings 18 and 20;
25. Cycle storage details;
26. Waste bin provision details;
27. Homeowner packs ecology;
28. EV charging;
29. Implementation of approved tree protection measures;
30. Provide and control parking provision.

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

Application Number	Proposal	Decision
22/00056/FUL	Demolition of agricultural buildings and erection of 4 dwellings (C3) with associated infrastructure, internal road and landscaping	Refused
22/00029/REM	Reserved matters application for the erection of 18 dwellings with associated landscaping and open space	Refused
17/00723/OUT	Outline application for the erection of 18 dwellings and creation of a new access	Approved

#### 4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees. The following responses have been received from statutory and internal consultees: All responses, other than **County Education**, were received prior to 26<sup>th</sup> May 2023 and are the same as reported to the preceding committee:

Consultee	Response
<b>County Education</b>	<b>Objection</b> , unless financial contributions for two school places through permanent expansion at Garstang Community Academy and/or Lancaster Central High, to the cumulative value of £49,506. Without such a contribution, the development could be considered to be unsustainable.
<b>Parish Council</b>	<b>Objection</b> , insufficient infrastructure in Cockerham to accommodate addition dwellinghouses, and potential road safety issues from proposed access
<b>Lead Local Flood Authority</b>	<b>No objection</b> , operational standards achievable, subject to planning conditions for a Final Surface Water Sustainable Drainage Strategy, Construction Surface Water Management Plan, Sustainable Drainage System Operation and Maintenance Manual and Verification Report of Constructed Sustainable Drainage System, plus informative regarding Ordinary Watercourse (Land Drainage) Consent.
<b>County Highways</b>	<b>Concern</b> regarding lack of swept path information for turning head and parking provision. Requested highway improvements of pavements, lighting, gateway measures to the village, and bus shelter, plus financial contribution to projects across the district.
<b>Greater Manchester Ecology Unit</b>	Require condition for homeowner packs, avoiding tree/hedge removal during nesting bird season and a Landscape and Ecological Management Plan through planning condition
<b>County Archaeology</b>	<b>No objection</b> , subject to a written scheme of investigation and programme of works of geophysical surveys and trial trenching for archaeological remains

<b>Environmental Health</b>	No observation received
<b>Fire Safety</b>	<b>No objection</b> , informative regarding emergency vehicle access and water provision
<b>Engineering Team</b>	No observation received
<b>Waste and Recycling</b>	<b>Concern</b> regarding the distance plots accessed by shared surface accesses will be expected to manoeuvre waste containers in exceedance the suggested 25 metre maximum. Collection points required at the end of each shared surface access point to the internal road network to prevent blocking vehicular and pedestrian access.
<b>Police</b>	No observation received
<b>Natural England</b>	Further information requested for an updated Habitats Regulation Assessment which includes further assessment of the potential disturbance impacts during the construction and operation phases upon functionally linked land. No updated response received on re-consultation on updated Habitats Regulation Assessment
<b>Parachute Centre</b>	<b>No objection</b> , concern regarding road closure during construction
<b>Arboricultural Officer</b>	<b>Objection</b> , due to proximity of dwellinghouses within falling distance of trees, likely to present future conflict with tree retention. Require further details of planting the site edges, within the site and to plot boundaries. Lack of protection of hedging within the site is disappointing.
<b>United Utilities</b>	<b>No objection</b> , subject to details of sustainable surface water drainage and foul drainage schemes
<b>Planning policy and strategic housing</b>	Affordable housing provision and mix are compliant, require tenure split and details for affordable units

4.2 All responses below were received prior to 26<sup>th</sup> May 2023 and are the same as reported to the preceding committee:

**Objections from 30** members of the public have been received, plus the residents of Rectory Gardens, raising the following concerns and reasons for objection:-

- Access from a dangerous road, highway safety from access and additional traffic in Cockerham and impacts upon Cockerham Road, including a listed building Canal Bridge
- Poor footpaths/pavements and walking provision
- Poor public transport locally
- Pollution from car-borne travel
- Lack of infrastructure within the village to accommodate additional dwellings, including school at capacity, no shops, doctors, dentist, inadequate foul drainage and telecoms
- Flooding and surface water runoff
- Ecological impacts, including great crested newts
- Adverse landscape impacts, loss of green space, uprooted hedges and trees
- Harm to appearance/character of the village, cumulative impacts of other housing developments, disproportionate to small village
- Impacts upon neighbour's mental health
- Devalue existing neighbouring properties

## 5.0 Analysis

5.1 The key material planning considerations have been addressed within the Committee report of May 2023 (appended). However, upon drafting the legal agreement following the previous planning committee resolved to approve subject to a s106, County Education raised concern with the contribution secured, and subsequent consultation responses have been received relating to this contribution for consideration. As such, the main issues are:

- The change in direction of education contributions, and Community Infrastructure Levy (CIL) compliance of such contribution

5.2 **The change in direction of education contributions, and Community Infrastructure Levy (CIL) compliance of such contribution** Development Management (DM) DPD policies DM57 (Health

- 5.2.1 County Education had requested 2 secondary school places to mitigate the impact of the proposal in May 2023. This was subsequently reported to planning committee in May 2023, resolved for approval subject to such an obligation being controlled through legal agreement, amongst other legal and conditional requirements. The original consultation response from County Education provided assessment and pupil projections for Ripley St. Thomas CofE High School as the nearest school to the development, but requested a contribution at another, more distant school, or for a completely new school, with no information provided to justify deviating from the nearest school. As the only relevant school and pupil projections within this response was Ripley St. Thomas CofE High School, the contribution was reported, resolved and agreed with the developer to be paid to expansion projects at Ripley St. Thomas CofE High School. Such a contribution would directly mitigate the impact of the development at a school where the number of projected pupils greater than capacity, therefore requiring expansion to accommodate calculated pupil numbers from the proposed development of 2 places. No claim was or is now made for primary school contributions, as the projected number of pupils for the two nearest primary schools is less than the capacity of these schools. As such, a contribution is not necessary to mitigate the impact of the development, calculated to be 9 primary school pupils, as these could be accommodated within existing facilities in schools actively looking to increase student roll numbers during this period.
- 5.2.2 Upon Planning Regulatory Committee approving the application, the agreed position progressed through to arranging the legal agreement to secure such contributions. During this time, County Education and County Legal raised concern that the contribution was not sought nor directed to another more distant school, or a new school. This correspondence also shed new information that the reason for this deviation from the nearest school was that there is no possibility of expanding the nearest school, Ripley St. Thomas CofE High School, which cannot feasibly be expanded due to constraints of this school site. This latter information was only shared following the initial resolution by planning committee, and some months into the arrangement of the legal agreement.
- 5.2.3 Given that the nearest school apparently cannot be expanded to accommodate the secondary school pupils from the development, and given the next nearest schools are only slightly further from the development, the County Education conclusion is agreed in respect of the next nearest schools could be explored and assessed for such a contribution under such scenario. However, despite months of discussions on providing a Community Infrastructure Levy (CIL) compliant contribution, there has been disagreement on the information required to request such monies. For clarity, planning obligations may only constitute a reason for granting planning permission if they meet the following tests of being:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 5.2.4 The latest response received on 10<sup>th</sup> January 2024, removes the new school project, as there appears to be a mutual understanding that such a contribution cannot be made for a school without a specific site location, project, planning permission nor reasonable chance of delivery in the short-term (next several years). However, this latest response from County unfortunately continues with highlighted deficiencies present within original consultation response, despite ongoing discussions on how to address this. Namely, there is no information as to why the contribution cannot be paid to Ripley St. Thomas CofE High School as the nearest school within the formal consultation response. The next nearest secondary schools (such as Lancaster Boys and Girls Grammar Schools) are not assessed within the formal consultation response. The response seeks financial contribution to expand Garstang Community Academy and/or Lancaster Central High, however there are no pupil projections or known capacity issues at either school, despite numerous requests for such information.
- 5.2.5 Unfortunately, given the lack of information within the consultation response, whilst there is a known capacity issue at the nearest school, the contribution sought is to be directed to other, more distant schools, with no formal or sufficient justification as to why this cannot contribute to projects at the nearest school, as progressed and agreed with the developer under the original resolution in May 2023. Furthermore, there is no formal or sufficient justification as to why the next nearest schools



have been discounted and omitted from the County Education assessment. Finally, whilst it is appreciated that young persons from the development will need to be educated locally, there is no information provided to evidence that these cannot be accommodated within the existing facilities at the two schools (Garstang and Central) named for financial contributions, as no information regarding capacity nor pupil projections for either of these named schools has been provided.

5.2.6 Whilst the development will increase the number of young persons within the school catchment area, increasing demand on education facilities, there is no information to suggest that these cannot be accommodated within the existing facilities available at the schools identified to receive monies from the development, due to lack of information within the consultation response from County Education. Without such information, it cannot be concluded that the contribution is necessary to make the development acceptable in planning terms, and therefore cannot be sought through this application process. If, from pupil projections, there will be capacity at Garstang Community Academy and/or Lancaster Central High, then similar to the reasons why primary school contributions are not being sought, neither can it be sought for secondary education. No information has been provided to suggest projected capacity issues at either school, despite multiple requests for such information over the previous several months.

5.2.7 The above is an unfortunate position to reach, particularly given the length of time this has taken to receive the response on 10<sup>th</sup> January 2023. County Education and County Legal would not engage in the contribution secured for projects at Ripley St. Thomas CofE High School, and agreed to be paid by the application, and County Education have failed to provide sufficient information to justify such expenditure further afield. Continuing with this contribution as part of the decision or as suggested within the very recent County Education consultation response would be contrary to guidance regarding planning obligations and the statutory tests of The Community Infrastructure Levy (CIL) Regulations 2010. As such, the proposal is brought back to members of the Planning Regulatory Committee to determine the application with this contribution omitted from the planning obligations progressed as part of the recommendation for approval.

5.2.8 It should be noted that County Education object to the planning application, however it is not considered that the proposal can lawfully seek the contribution recently suggested due to the omissions within the consultation response provided, and a failure to meet CIL compliance requirements. Based on the information available within the formal consultation response, it cannot be concluded that the proposed development would have any adverse impact on local education provision. Given the small shortage of places and the lawfulness of a request relating to other schemes, the proposed development is considered to have a minimal impact upon Education provision and in this regard, despite no financial contribution being sought and the objection from County Education the proposal is still considered favourably.

## **6.0 Planning Obligations**

6.1 A Section 106 Legal Agreement is sought to secure the following:

- Provision of a minimum of 30% affordable housing (7 units on site, 4x affordable/social rent, 3x intermediate tenure);
- Open space provision (on-site amenity green space provision and financial contribution of £10,000 for young persons provision and £22,328.70 for outdoor sports in Cockerham);
- Biodiversity net gain to demonstrate 10% net gain and a Landscape and Ecological Creation and Management Plan showing 30 year management; and
- Provision for long term drainage, open space and landscaping/BNG, maintenance and management company.

## **7.0 Conclusion and Planning Balance**

5.3.1 The scheme was presented to the Planning Regulatory Committee in May 2023. Whilst this resolved to secure a CIL complaint contribution to the nearest secondary school, in agreement with the applicant, it has since been revealed that this school cannot be expanded and accommodate the additional pupils through projects and extensions to the existing facilities. Whilst County Education have sought to redirect this same contribution to more distant secondary schools in the County, unfortunately the Local Planning Authority has insufficient information to conclude that such a necessary to make the development acceptable, as these are not the next nearest schools, nor does it have any information regarding pupil and capacity projections to demonstrate that such projects

and contributions are required to accommodate pupils from the proposed development. It should be noted that without a contribution, County Education object to this planning application. However, requesting such a contribution is no longer CIL compliant for such obligations and issuing a decision on such basis would be considered unlawful. Accordingly, this education contribution cannot be included due to conflict with associated guidance and regulations.

5.3.2 Conditions sought by Councillors previously can be imposed on the consent, and the planning obligations for provision of affordable housing, open space, biodiversity net gain, landscaping, drainage and maintenance of this controlled through legal agreement, with just the omission of education contribution from the previous determination by the Planning Regulatory Committee. With the above in mind, and the fact that education contributions cannot be sought unless they're necessary to make the development acceptable in planning terms, the development as a whole is considered sustainable without this contribution, and the recommendation to support the scheme subject to conditions and the provision of a legal agreement remains. The planning and tilted balance previously carried out stands and weight is given in favour of providing housing, albeit with the small loss of the education provision.

**Recommendation**

That Planning Permission BE GRANTED subject to the following conditions and Planning Obligations:

- Provision of a minimum of 30% affordable housing (7 units on site, 4x affordable/social rent, 3x intermediate tenure);
- Open space provision (on-site amenity green space provision and financial contribution of £10,000 for young persons provision and £22,328.70 for outdoor sports in Cockerham);
- Biodiversity net gain to demonstrate 10% net gain and a Landscape and Ecological Creation and Management Plan showing 30 year management; and
- Provision for long term drainage, open space and landscaping/BNG, maintenance and management company.

Condition no.	Description	Type
1	Timescale for commencement (2 years)	Standard
2	Development in accordance with approved plans	Standard
3	Scheme of archaeological work	Pre-commencement
4	Final surface water sustainable drainage strategy (SuDS)	Pre-commencement
5	Foul water scheme	Pre-commencement
6	Finished site and floor levels (including gardens and open space) and M4(2) compliance	Pre-commencement
7	Full landscaping and ecological management plan	Pre-occupation and first planting season
8	Ecology mitigation measures	Pre-commencement
9	Full energy efficiency measures	Pre-commencement
10	Submission of an Employment and Skills Plan	Pre-commencement
11	Submission of construction management plan	Pre-commencement
12	Submission of construction environmental management plan, including avoiding noise disturbance activities during wintering bird season	Pre-commencement
13	Submission of construction surface water management plan	Pre-commencement
14	Full details of site access/footway/lighting	Pre-commencement
15	Elevations and external treatment material details and samples	Pre-commencement
16	Contaminated land – further surveys following recommendations of the report	Pre-commencement (other than Cementous removal)
17	Boundary and surface treatments, method statement for such works within tree protection fencing area, remove permitted development	Pre-commencement of boundary/surface treatments

18	Site lighting scheme	Pre-commencement of lighting
19	Scheme for the full engineering, drainage and construction details of the internal estate roads	Prior to commencement of estate roads
20	Off-site highway works, including pavements and bus shelter	Pre-use of access and occupation
21	Visibility splays	Pre-use of access and occupation
22	Sustainable drainage system operation and maintenance manual.	Pre-occupation
23	Verification report of constructed sustainable drainage system	Pre-occupation
24	Obscure glazed openings 18 and 20	Pre-occupation
25	Cycle storage details	Pre-occupation
26	Waste bin provision details	Pre-occupation
27	Homeowner packs ecology	Pre-occupation
28	EV charging	Pre-occupation
29	Implementation of approved tree protection measures	Control, implement prior to commencement
30	Provide and control parking provision	Control, implement prior to occupation

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

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

**Background Papers**

Previous report to the Planning Regulatory Committee May 2023

<b>Agenda Item</b>	[A8] - APPENDIX TO A5
<b>Application Number</b>	22/00618/FUL
<b>Proposal</b>	Demolition of existing agricultural buildings and erection of 22 dwellings (C3) with associated garages, internal roads and open space
<b>Application site</b>	Development Land North Of Rectory Gardens Lancaster Road Cockerham Lancashire
<b>Applicant</b>	Mr M Whelan
<b>Agent</b>	Mr Jake Salisbury
<b>Case Officer</b>	Mr Andrew Clement
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval, subject to conditions and a Section 106 legal agreement

## 1.0 Application Site and Setting

- 1.1 The site is located to the north of the village of Cockerham, approximately 500 metres to the north of the village primary school (Cockerham Parochial School), and it occupies an existing agricultural building and part of a rectangular parcel of land covering approximately 1.3 hectares. The site previously benefitted from outline consent for 18 dwellinghouses and a new access, however this consent recently expired. The site is bounded by a mature hedgerow along the eastern boundary of the site along A588 Lancaster Road, together with protected trees that are located primarily along the boundaries to the site. To the north are continuing fields and to the south lies a private cul-de-sac road and residential dwellings on Rectory Gardens. The site rises from east up to the west, with the field approximately 20 metres Above Ordnance Datum (AOD) at its lowest part adjacent to Lancaster Road rising to 26 metres AOD on the western extent of the site.
- 1.2 The site is largely unconstrained beyond the existing agricultural building, however there is a public right of way that runs to the western of the site (footpath no. 10). The Old Rectory is a Grade II listed building is located approximately 150 metres to the south of the site. There are a number of trees to the south, east and west of the site that are the subject of Tree Preservation Order No.620 (2017). The site is located within an Aerodrome Safeguarding Area and is within the designated Open Countryside area.

## 2.0 Proposal

- 2.1 This application seeks planning permission for the demolition of the existing agricultural building on site, construction of 22 dwellinghouses, with a site vehicular and walking accesses linking to internal roads. The proposal includes 2 one-bed apartments, 3 detached two-bedroom bungalows, 5 semi-detached two-bedroom houses, 6 detached three-bedroom houses, 4 detached four-bedroom houses with garages, and 2 large detached five-bedroom houses with two storey detached garage outbuildings. The proposal seeks to provide 7 affordable dwellings on site, with the overall housing

mix for dwellings on site detailed below:-

- 2 x one-bedroom apartments (both affordable)
- 3 x two-bedroom bungalows (one of which is affordable)
- 5 x two-bedroom semi-detached dwellings (three of which is affordable)
- 6 x three-bedroom detached dwellings (one of which is affordable)
- 4 x four-bedroom detached dwellings
- 2 x five-bedroom detached dwellings

2.2 The proposed properties are to be finished in a mix of natural stone and rendered walls, under a grey slate roof with anthracite grey framed windows and doors. Some of the properties feature timber porches, with a mix of integral garages, detached garages, and off-street parking on driveways and within a communal parking areas to shared surface accessed properties. The proposed site access matches that previously granted through an outline planning permission with access, albeit this permission has since expired due to lack of agreeable reserved matters and no commencement of development within the timeframe stipulated on the consent.

### 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
22/00056/FUL	Demolition of agricultural buildings and erection of 4 dwellings (C3) with associated infrastructure, internal road and landscaping	Refused
22/00029/REM	Reserved matters application for the erection of 18 dwellings with associated landscaping and open space	Refused
17/00723/OUT	Outline application for the erection of 18 dwellings and creation of a new access	Approved

### 4.0 Consultation Responses

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

Consultee	Response
<b>Parish Council</b>	<b>Objection</b> , insufficient infrastructure in Cockerham to accommodate addition dwellinghouses, and potential road safety issues from proposed access
<b>Lead Local Flood Authority</b>	<b>No objection</b> , operational standards achievable, subject to planning conditions for a Final Surface Water Sustainable Drainage Strategy, Construction Surface Water Management Plan, Sustainable Drainage System Operation and Maintenance Manual and Verification Report of Constructed Sustainable Drainage System, plus informative regarding Ordinary Watercourse (Land Drainage) Consent.
<b>County Highways</b>	<b>Concern</b> regarding lack of swept path information for turning head and parking provision. Requested highway improvements of pavements, lighting, gateway measures to the village, and bus shelter, plus financial contribution to projects across the district.
<b>County Education</b>	No observation received
<b>Greater Manchester Ecology Unit</b>	Require condition for homeowner packs, avoiding tree/hedge removal during nesting bird season and a Landscape and Ecological Management Plan through planning condition
<b>County Archaeology</b>	<b>No objection</b> , subject to a written scheme of investigation and programme of works of geophysical surveys and trial trenching for archaeological remains
<b>Environmental Health</b>	No observation received
<b>Fire Safety</b>	<b>No objection</b> , informative regarding emergency vehicle access and water provision
<b>Engineering Team</b>	No observation received

<b>Waste and Recycling</b>	<b>Concern</b> regarding the distance plots accessed by shared surface accesses will be expected to manoeuvre waste containers in exceedance the suggested 25 metre maximum. Collection points required at the end of each shared surface access point to the internal road network to prevent blocking vehicular and pedestrian access.
<b>Police</b>	No observation received
<b>Natural England</b>	Further information requested for an updated Habitats Regulation Assessment which includes further assessment of the potential disturbance impacts during the construction and operation phases upon functionally linked land. No updated response received on re-consultation on updated Habitats Regulation Assessment
<b>Parachute Centre</b>	<b>No objection</b> , concern regarding road closure during construction
<b>Arboricultural Officer</b>	<b>Objection</b> , due to proximity of dwellinghouses within falling distance of trees, likely to present future conflict with tree retention. Require further details of planting the site edges, within the site and to plot boundaries. Lack of protection of hedging within the site is disappointing.
<b>United Utilities</b>	<b>No objection</b> , subject to details of sustainable surface water drainage and foul drainage schemes
<b>Planning policy and strategic housing</b>	Affordable housing provision and mix are compliant, require tenure split and details for affordable units

4.2 **Objections from 30** members of the public have been received, plus the residents of Rectory Gardens, raising the following concerns and reasons for objection:-

- Access from a dangerous road, highway safety from access and additional traffic in Cockerham and impacts upon Cockerham Road, including a listed building Canal Bridge
- Poor footpaths/pavements and walking provision
- Poor public transport locally
- Pollution from car-borne travel
- Lack of infrastructure within the village to accommodate additional dwellings, including school at capacity, no shops, doctors, dentist, inadequate foul drainage and telecoms
- Flooding and surface water runoff
- Ecological impacts, including great crested newts
- Adverse landscape impacts, loss of green space, uprooted hedges and trees
- Harm to appearance/character of the village, cumulative impacts of other housing developments, disproportionate to small village
- Impacts upon neighbour's mental health
- Devalue existing neighbouring properties

## 5.0 Analysis

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

- Principle of development
- Housing Density, Mix and Affordable Housing
- Layout, Residential Amenity and Energy Efficiency
- Scale, Appearance, Design and Heritage
- Highways and Transport
- Flood Risk and Drainage
- Landscape, Trees, Ecology and Open Space
- Contamination, Waste, Health, Education and Employment

5.2 **Principle of development** (Development Management (DM) DPD DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM3 (The Delivery of Affordable Housing), DM4 (Residential Development outside Main Urban Areas), Strategic Policies and Land Allocations (SPLA) DPD SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), SP6 (The Delivery of New Homes), H2 (Housing Delivery in Rural Areas of The District), National Planning Policy Framework (NPPF) Section 2 (Achieving sustainable development), Section 4 (Decision-making), Section 5 (Delivering a sufficient supply of homes))

- 5.2.1 The National Planning Policy Framework (as updated in 2021) is a material consideration in the determination of planning applications. In this instance, the NPPF reiterates that there is a need to 'significantly boost' the supply of homes, and chapter 5 sets out the priorities that LPAs should pursue in delivering an appropriate number of dwellings to meet their objectively assessed need. From a local perspective, the most recent five-year housing land supply position document (September 2022) confirms that the LPA is presently only able to demonstrate a 2.1 year supply. As a consequence, there is a clear expectation that, unless material considerations imply otherwise, sites that offer the opportunity to deliver additional housing should be considered favourably in the majority of cases. Unless dictated otherwise by relevant policy requirements, proposal for residential development will need to be considered within the context of the NPPF's tilted balance. The general need for housing throughout the district is established, and table 4.1 of the DM DPD sets out the mix of properties that the LPA expects proposals to deliver.
- 5.2.2 Whilst previous outline consent for 18 dwellinghouses at the site have since lapsed just over a year ago, and therefore cannot provide a fallback position, Cockerham is allocated as a sustainable rural settlement within Policy SP2 Settlement Hierarchy. Such settlements provide the focus of growth for Lancaster district outside the main urban areas, where sustainable levels of rural growth would be supported. Two slightly larger housing developments at either end of Cockerham have relatively recently been granted, with the allocated site currently being built out. Whilst the development of 22 additional dwellinghouses is individually considered a sustainable level of rural growth, local concerns regarding the cumulative impacts of other nearby developments and permissions is understandable. However, given the fact Cockerham is allocated as a sustainable rural settlement, combined with the Council's lack of housing land supply and repercussions of this in the preceding paragraph, the principle of development is considered to be acceptable. The windfall site would help to address local housing need, and additional houses would provide support to local services and facilities, and associated social and economic benefits of addressing such housing need weighs moderately in favour of the proposal.
- 5.3 **Housing Density, Mix and Affordable Housing (Development Management (DM) DPD DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM3 (The Delivery of Affordable Housing), DM4 (Residential Development outside Main Urban Areas), Meeting Housing Need SPD, Strategic Policies and Land Allocations (SPLA) DPD SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), SP6 (The Delivery of New Homes), SP9 (Maintaining Strong and Vibrant Communities), H2 (Housing Delivery in Rural Areas of The District), National Planning Policy Framework (NPPF) Section 2 (Achieving sustainable development), Section 4 (Decision-making), Section 5 (Delivering a sufficient supply of homes) Section 11 ( Making effective use of land)**
- 5.3.1 The expired consent at this site proposed 18 dwellinghouses, and whilst the current application site seeks 22 dwellings, this is a larger site. The application incorporates the demolition of an existing concrete panel and corrugated sheet agricultural building, with a smaller buff stone blockwork building, neither of which are of significant age nor architecturally detailed to be noteworthy among the streetscene other than the agricultural appearance within the rural setting of Cockerham village. This larger site provides a developable area of circa 1.1 hectare, and the approximately 20 dwellinghouse per hectare is considered to offer a suitable rural density of development. Whilst this low density offers predominantly detached dwellinghouses, this density and house type is congruent to the existing housing type within of Cockerham, at the gateway to the north of this rural village.
- 5.3.2 The proposal seeks to deliver the housing mix detailed within the table below, which is considered to be a positive aspect of the scheme, meeting the identified housing needs policy position and an identified local housing need detailed by policy colleagues. The provision of bungalows, including one as an affordable unit, is particularly positive. Whilst the affordable provision is for predominantly smaller one and two bed units, the semi-detached units could be occupied as 3-bedroom, albeit the small size of one of these rooms is beneath bedroom scale stipulated within Nationally Described Space Standards (NDSS) and as such is considered a home office within a two-bedroom dwelling. However, the mix is considered policy compliant, with 7x affordable homes delivered on-site providing full 30% affordable provision including bungalows, this is considered to be a positive aspect of the scheme, further amplifying the social and economic benefits of addressing local housing shortages by also addressing specific housing needs.

House type	% required by DM1	Proposed housing mix	Proposed by scheme
1 bed or apartment	10%	2	9%
2 bed dwelling	20%	5	23%
3 bed dwelling	35%	6	27%
4+ bed dwelling	25%	6	27%
Bungalows	10%	3	14%
Other	0%	0	0%
<b>TOTAL</b>	<b>100%</b>	<b>22</b>	<b>100%</b>

- 5.3.3 At this stage, it is unconfirmed which precise affordable units would be affordable/social rent and intermediate tenure. However, subject to committee determination, officers will seek 4x of the units to be affordable/social rent and 3x intermediate tenure through the legal agreement process, ensuring policy compliance with DM3. The three bungalows, ground floor apartment and two largest dwellinghouse on site are all capable of meeting M4(2) accessibility and adaptable dwellings standards, subject to floor and external levels, which should be controlled through planning conditions for these units and other across the site to address flood risk as well.
- 5.4 **Layout, Residential Amenity and Energy Efficiency** (Development Management (DM) DPD DM2 (Housing Standards), DM29 (Key Design Principles), DM30 (Sustainable Design), DM46 (Development and Landscape Impact), DM57 (Health and Well-Being), Strategic Policies and Land Allocations (SPLA) DPD (The Open Countryside), National Planning Policy Framework (NPPF) Section 12 (Achieving well-designed places), Section 15 (Conserving and enhancing the natural environment), Nationally Described Space Standards (NDSS) and National Model Design Code (NMDC))
- 5.4.1 Whilst an upper floor rooms within the semi-detached house type 5 are considered to form home-office due to modest scale, this meets NDSS standards as a 2-bedroom dwellinghouse, and all other house types achieve or proportionate exceed these minimum standards. All habitable rooms benefit from windows with outlook. All dwellinghouses achieve or exceed minimum garden size with 10 metre depths or greater, as would be expected of greenfield housing development in a rural village location.
- 5.4.2 Suitable separation between dwellinghouses is provided to ensure no adverse impacts from overlooking or overshadowing within and around the site. Whilst Unit 20 contains side facing openings towards Units 4 and 5 at circa 18 metres and 16 metres separation respectively, given that the upper floor window of Unit 20 is obscured and opposing ground floor openings face the highway and pavement, this arrangement is considered to offer satisfactory standards of amenity. Similarly, bungalow Unit 19 is circa 19 metres from apartment Units 17 and 18, but the upper floor apartment has no clear glazed rear facing openings, and as such, this arrangement relating to ground floor openings, with garden fence between, maintains privacy standards. This is subject to side facing upper floor openings of Unit 20 and upper floor rear facing openings to Unit 18 being permanently obscure with high-level openings at all times, controlled through planning condition.
- 5.4.3 The sought layout provides a low density of predominantly detached dwellinghouses, achieving minimum standards of space and amenity whilst providing a balance between effective use of land in a fashion that maintains a rural density congruent to Cockerham at this northmost entrances to the village. The focus of open spaces alongside Lancaster Road to the east helps to provide a rural visual to the streetscene, particularly as a continuation of the large grass verge on the inside of the road bend adjacent to the northeast corner of the site. The sought layout of dwellinghouses also offers a suitable setback from Lancaster Road, similar to some other properties within Cockerham and offering mitigation to noise from this road. The road layout is considered positive, fluid curving arrangement reflects the topographical changes across the site, offering similarities to the Rectory Gardens arrangement to the south and the recently granted scheme on the opposite side of Lancaster Road.
- 5.4.4 Three of the eastmost properties present side elevations to Lancaster Road, however this has been mitigated through design aspects explored in the following section. As such, and despite some dwellings facing into the site rather than the more prominent aspect towards Lancaster Road, the layout is considered to be policy compliant and compatible to the wider character of Cockerham,



whilst achieving and maintaining acceptable amenity standards to future occupants and existing neighbouring dwellinghouses.

- 5.4.5 Current adopted Local Plan policy does not set a standard for Energy Efficiency, however the submitted Energy Statement recognises the direction of travel of both future Building Regulations and emerging planning policy and proposes several measures to positively contribute to mitigating against the impacts of climate change. The site-specific fabric details insulated cavity walls, floor slab insulation, insulation for both cold and warm roofs, glazing, low energy lighting and air heating provided by air source heat pumps. Whilst these measures have not been compared directly against building regulation requirements, subject to a planning condition for a full detailed Energy Statement demonstrating an exceedance of Building Regulations, which in themselves have become more stringent since adoption of the current policy position (requiring CO2 emissions from new build homes to be around 30% lower than standards in place at the time of the adoption of the current Local Plan), the proposal is considered to meet sustainable design standards.
- 5.5 **Scale, Appearance, Design and Heritage** (Development Management (DM) DPD DM29 (Key Design Principles), DM37 (The Setting of Designated Heritage Assets), DM42 (Archaeology), DM46 (Development and Landscape Impact), Strategic Policies and Land Allocations (SPLA) DPD SP7 (Maintaining Lancaster District's Unique Heritage), EN3 (The Open Countryside), National Planning Policy Framework (NPPF) Section 12 (Achieving well-designed places), Section 15 (Conserving and enhancing the natural environment), Section 16 (Conserving and enhancing the historic environment), Listed Building and Conservation Areas Act 1990 paragraphs 72 and 73, National Model Design Code (NMDC))
- 5.5.1 In conjunction with the NPPF, policy DM29 seeks to secure developments that contribute positively towards the identity and character of the areas in which they are proposed. Good design should respond to local distinctiveness and in locations such as Cockerham, a focus on an appropriate palette of materials will be important. The revised NPPF also places an increased focus on good design through advocating 'beautiful' buildings and places to reside.
- 5.5.2 Cockerham contains a variety of architectural styles, although these are predominantly bungalows and two-storey dwellings under a gable end roof, with materials of grey slate roofs over a variety of external wall finishes. Whilst the natural stone walls and slate remain unspecified at this time, these could be controlled through planning condition for details and samples to ensure these are appropriate to existing natural buff sandstone walls and natural grey slate roofs that are characteristic of the area. Similarly, render is widely used in Cockerham, and precise details of RAL colour and finish can be controlled through planning condition, along with window frame materials and dimensions, details of doors, garage doors, air source heat pumps and other external details.
- 5.5.3 Given the sloping topography of the site and visibility from the public right of way and particularly Lancaster Road, controlling the details and samples of high-quality external materials through planning condition would be necessary. Details of boundary treatments are currently limited, and given the visibility of the edges to the site, tall timber fencing would appear overtly domestic and a poor visual entrance to the village, particularly given the terraced appearance this would give from sloping topography. This has been discussed with the planning agent, with agreement to a 'notwithstanding' planning condition to control details and heights of boundary treatments through this process, not prejudiced by details on the submitted site plan. Boundary treatments, particularly to the north and south, will be prominent from surrounding roads and viewpoints, and therefore controlling these through planning conditions, and removing permitted development rights for boundary treatments, is considered a necessary and appropriate way of ensuring acceptable details.
- 5.5.4 The proposal contains some large properties, up to 9.4 metres tall to the ridge, but predominantly 8.9 metres tall or shorter. Despite this height of proposed built form, it is considered proportionate to other buildings within Cockerham. The retention of protected trees of substantial heights around the site will help ground the proposed development and make this appear more subservient, despite the rising topography. From a visual and massing perspective the dwellings are considered to be proportionate to existing properties within the visual context of the site, and the positioning of smaller units to the north and east will soften the visual impact of larger properties set within the site. There is suitably varied form of development and external appearance, preventing the scheme from appearing as monotonous and uninspiring, which is important for congruency to Cockerham and the varied dwellinghouse that are characteristic of the village. The gable end roof and front features to

the development are appropriate to the setting, and provide a sufficient congruency to local built form without replicating existing properties or appearing pastiche.

- 5.5.5 Concerns were raised with gable end side elevations facing the highway, particularly the bungalow forming the entrance to the village and dwellinghouses either side of the site entrance, as this would create a poor and uninviting entrance appearance to the site. This has been softened with marginal reorientation and more substantive side facing window openings and projecting bay window features, which helps to articulate and animate side elevations to these key node properties. Whilst ideally having the frontages to these properties facing Lancaster Road would be preferable, given this impacts upon just three properties, combined with the setback from Lancaster Road, the approach within the proposal is considered to be acceptable from design, visual amenity or streetscene perspectives. This is subject to conditions controlling precise details of external materials and landscaping, to ensure the open space areas soften this appearance and retain a rural green aspect to Lancaster Road, transitioning to entering the village from the agricultural surrounds further north. Subject to these and previously mentioned planning conditions, it is considered that the proposed development will appear congruent to Cockerham, causing no undue harm to the character of the village or wider landscape within this sensitive village entrance location.
- 5.5.6 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM37. The development boundary is located approximately 30 metres to the north of the Old Rectory, which is a former vicarage of 1843 (now residential accommodation) that is a Grade II listed building. The setting of this building has been somewhat undermined by the existing surrounding residential development along Rectory Gardens. Given the intervening built form and protected trees, combined with nearest proposed dwelling being circa 48 metres from the aforementioned heritage asset, it is considered that the proposed development does not pose any further significant detriment to the setting of the listed building. The proposal's impact is considered neutral from a heritage perspective.
- 5.5.6 There is a potential for previously unknown archaeological remains to exist within the proposed development site, which should be addressed by means of a programme of pre-commencement archaeological works. Subject to a written scheme of investigation for carrying out archaeological works, including an initial phase of geophysical survey and trial trenching, prior to commencement. Such survey works must be implemented and report on the outcome of agreed works, which will proportionately address the potential for archaeological interest at the site and mitigate any discovered impacts by fully reporting and cataloguing such finds through the correct channels, controlled through planning condition.
- 5.6 **Highways and Transport** (Development Management (DM) DPD DM29 (Key Design Principles), DM57 (Health and Well-being), DM58 (Infrastructure Delivery and Funding), DM60 (Enhancing Accessibility and Transport Linkages), DM61 (Walking and Cycling), DM62 (Vehicle Parking Provision), DM64 (Lancaster District Highways and Transport Masterplan), Appendix E (Car Parking Standards), Strategic Policies and Land Allocations (SPLA) DPD SP10 (Improving Transport Connectivity), National Planning Policy Framework (NPPF) Section 9 (Promoting sustainable transport))
- 5.6.1 The proposal seeks a new vehicular access broadly in the same location and dimensions as previously consented at the site, although since expiring this no longer provides a fallback position at the site. Whilst the addendum to the Transport Statement submitted relates to additional trips, a key change since granting the permission at the site in 2017 is the introduction of a 30mph zone through Cockerham, which begins circa 38 metres north of the site entrance. Furthermore, very recently average speed cameras have been installed on the A588 Lancaster Road, to enforce the speed limit of 40mph north of the established 30mph sign for circa 533 metres north of this point, and reduction to 50mph (down from 60mph) beyond this towards Lancaster. Whilst further from the site, speed reductions and enforcement measures have also been installed west of Cockerham towards Pilling and beyond as part of these recent highway works.
- 5.6.2 The vehicle speeds and other data within the submitted Transport Statement is over 6 years old, and. However, the reduction of speed limits locally will reduce vehicle speeds on both sides of the proposed access from the information presented within the Transport Statement. The submitted

visibility splay plan demonstrates visibility from a viewpoint 4.5 metres within the site access for 90 metres south, and even reducing the north splay accounting for obstacles of trees outside of the applicant's control, the north splay is also 90 metres long. Whilst we have no reliable contemporary 85th percentile vehicle speed, the requisite visibility splay distance for speeds exceeding the local speed limit is 54 metres up to 35mph, and 65 metres splays required for serious exceedance of up to 40mph. As such, given that the access was originally designed and permitted when higher speed limits were present on this section of Lancaster Road, it is considered that the site access and demonstrated visibility splays of 90 metres either side of this access from 4.5 metres back into the site is suitable for a safe means of access and egress from the site.

- 5.6.3 More recent collisions data shows three non-fatal casualty collisions have been reported in Cockerham within the last 5 years, however these instances have occurred further south at the junction between the A588/B5272 Lancaster Road and Main Street. As such, subject to the provision and maintenance of suitable visibility splays within the site ownership and full details of the construction and lighting at the site access, the proposal is considered to have no severe adverse impact upon highway safety, with no objection from County Highways. Pedestrian movements require off-site highway improvements to ensure these are safe for additional footfall from the proposal, requiring improvements to pavements south of the site access and at the junction between the A588/B5272, as the key crossing point to the primary school and other facilities in Cockerham. In addition to pavement improvements, improvements to bus stops should also be provided as off-site highway improvements to encourage sustainable transport, as recommended within the County Highways consultation response and previously secured through historic but unimplemented consents at this site. These can be controlled through planning conditions and legal agreements. Recognising this is a sensitive section of local highway, a construction management plan should be controlled through planning condition to ensure such vehicle movements, deliveries and activities during construction do not cause any severe adverse impact upon the highway network.
- 5.6.4 County Highways requested £14,050 towards delivering various highway developments in Lancaster and Morecambe. Given the separation distance from suggested highway projects sought for contributions, it is also difficult to reach a planning view that the development should be refused if this was not provided, and fails to comply with the Community Infrastructure Levy (CIL) tests of being reasonable, necessary and proportionate for a development at such a separation. As such, this contribution will not be sought, and aforementioned visibility splays, CMP and off-site highway works are considered suitable mitigation to ensure no adverse impact upon highway safety.
- 5.6.5 The proposed access and main spine road are 5.5 metres wide, with 2 metres wide pavement on both sides of this internal spine road. The three dwellinghouses north of the site entrance and at the far end of the cul-de-sac are served by narrower shared surface arrangements. The provision of pavements across the site and formalisation of an existing walkway gate providing closer links to public right of way footpath no.12 encourages walking through design and such provision, prioritising pedestrian and cycle movements. Subject to secure cycle storage provision for each dwellinghouse and EV charging points for Units sharing parking provision at the heads of shared surface accesses (provision to other Units legislated through Building Control), it is considered that the proposal suitably encourages sustainable transport.
- 5.6.6 Whilst sustainable transport is encouraged, given the rural location and limited bus services, particularly in the evenings, achieving parking standards is an important consideration. Except for the one bed apartments (which have a single space each), all units benefit from at least two parking spaces. More than half (twelve) of the Units benefit from private garages of suitable dimensions to be considered parking spaces, and the off-street parking provided across the site is considered to be acceptable, subject to these being provided prior to occupation of each unit. Whilst concern has been raised regarding the lack of swept-path details for the turning head, this appears to provide sufficient space for domestic and waste collection vehicles, albeit larger vehicles would likely momentarily impede other vehicle movements whilst turning within the site.
- 5.7 **Flood Risk and Drainage (Development Management (DM) DPD DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Waste Water), DM36 (Protecting Water Resources and Infrastructure), DM57 (Health and Wellbeing), Strategic Policies and Land Allocations (SPLA) DPD SP8 (Protecting the Natural Environment), National Planning Policy Framework (NPPF) Section 14 (Meeting the challenge of climate change, flooding and coastal change), Section 15 (Conserving and enhancing the natural**

environment)

- 5.7.1 The site lies within flood zone 1, on a downwards east facing slope with the higher point of topography between the site and the sea. Areas of defended flood zone are over 150 metres west of the site. Furthermore, there are no known surface water flooding risks on site or adjacent to this, despite the impermeable subsoils at the site ruling out soakaways through on-site infiltration testing. As such, the site is not at risk of flooding, and subject to suitable drainage arrangements for the development and impermeable areas this would create, the proposal is considered acceptable in terms of flood risk. Foul drainage arrangements can be controlled through planning condition, with mains sewers present in Cockerham circa 75 metres south of the site.
- 5.7.2 The third revision of the Drainage Strategy received in March details intentions to discharge to a drainage ditch approximately 670 metres southwest of the site on the north side of Marsh Lane, a drainage scheme currently being progressed by the granted development on the opposite side of Lancaster Road through a pending discharge of conditions application. The application site will be positively drained and attenuated to pre-development greenfield runoff rates through a hydrobrake, with surface water storage of 400m<sup>3</sup> within open space areas. Whilst basic in detail, this provides evidence that a drainage scheme in accordance with the hierarchy of drainage options can be provided at the site without exacerbating flood risk on-site or elsewhere. The Lead Local Flood Authority has no objection to the proposal, subject to planning condition for a fully detailed drainage scheme for the proposed development and measures to ensure suitable drainage arrangements during construction. Subject to the aforementioned planning conditions, the proposal has no adverse impact on flood risk, and be drainage in accordance with policy and guidance, with surface water attenuation ponds benefiting local ecology.
- 5.8 **Landscape, Trees, Ecology and Open Space (Development Management (DM) DPD DM27 (Open Space, Sports and Recreation Facilities), DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland), Appendix D (Open Space Standards and Requirements), Strategic Policies and Land Allocations (SPLA) DPD SP8 (Protecting the Natural Environment), National Planning Policy Framework (NPPF) Section 8 (Promoting healthy and safe communities), Section 15 (Conserving and enhancing the natural environment)**
- 5.8.1 The site contains a number of trees within the site and just beyond site boundaries that are protected through tree preservation orders. Whilst the submitted information demonstrates how all trees will be protected during construction and development, the proximity of dwellinghouses within falling distance of trees to the southeast corner of the site and tree T32 within the site is unfortunate. This may pressure these trees for removal following occupation, particularly given these trees would shade the nearest gardens, and trees would be within falling distance of dwellinghouses. This arrangement and proximity to established trees has not been addressed within the scheme, and weighs against the proposal. However, only modest weight is applied to this detraction given the trees are protected throughout the construction phase, and tree protection orders of these trees provides some control for their retention.
- 5.8.2 A section of hedgerow would require removal for the site access, and for the southern visibility splay along the site frontage totalling circa 28 metres of hedgerow to the southeast corner of the site adjacent to Lancaster Road. The northern visibility splay is largely provided through curvature of the road, with hedgerow to the north of the access retained through protection measures. Hedges within the site around tree T32 are not included within the protection measures, resulting in a possible loss of 50 metres of hedgerow, some of which could be retained due to separation from development, albeit this makes a less visual and landscape impact set within the site.
- 5.8.3 Whilst the proposal results in a potential 78 metre removal of hedgerow, some of which appears unjustified, this can be mitigated through measures within the submitted Ecological Appraisal, including hedgerow planting around the site and the 135-metre northern boundary to be created/planted, and along the north end of the western boundary. Full details will be required through a detailed planting scheme reflecting the amended site plans, and ensuring a meaningful biodiversity net gain through a Landscape and Ecological Creation and Management Plan, controlled through planning conditions and legal agreement. Subject to these details controlled through such measures, the proposal is considered to satisfactorily mitigate the ecological impacts of hedgerow removals and loss of semi-improved grassland impacts detailed within the submitted Ecological

## Appraisal.

- 5.8.4 The site is within an amber risk zone for Great Crested Newts (GCN), and the proposed development presents a risk that great crested newts 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. In this instance, rather than seek the traditional mitigation Licence, the applicant has opted to enter into the District Level Licence (DLL) incentive offered by Natural England. A GCN DLL Impact Assessment & Conservation Payment Certificate has been received as part of this application.
- 5.8.5 Under the traditional approach to licensing disturbance of great crested newts, developers who want to build on land where they are found must trap and relocate the species before starting work, simply keeping them out rather than helping to conserve their wider populations. Research by Natural England has found that the amount of money spent on survey, trapping and exclusion with plastic fencing can outstrip that spent on habitat creation and management by a ratio of almost seven to one. Crucially, a lot of resource is used without there really being significant benefits for the newts. With respect to this application, Natural England have confirmed in writing that a DLL was issued in relation to the application site on 3<sup>rd</sup> April 2023. Significant weight must be attached to the fact that Natural England have granted a Licence in this instance.
- 5.8.6 Ultimately, although Natural England have granted the DLL, the local planning authority must still have regard to Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 and must consider whether or not:
- i) 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;
  - ii) That there is 'no satisfactory alternative'; and,
  - iii) That derogation is 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'
- 5.8.7 It is accepted that their granting of the Licence demonstrates compliance with test iii above. However, tests 'i' and 'ii' must still be considered by the Local Planning Authority. With respect to the first test, the benefits of the scheme in terms of social and economic benefits of housing provision, particularly meeting local housing and affordable housing need, provides overriding public interests and benefits. The proposal can be made safe through mitigation, particularly to the site access, and environmental credentials controlled through conditions and legal agreements. As such, this test is considered to be passed.
- 5.8.8 In terms of the second test and the lack of a satisfactory alternative, there is another similar nearby scheme recently granted. However, this similar nearby scheme will not overcome the acute housing need within the district in itself, which this proposal will help to address, albeit still falling a long way short of meeting the lack of housing land locally. As such, the impact upon GCN is considered to be adequately mitigated through the DLL process, and it is considered that the proposal is acceptable with regard to the Conservation of Habitats and Species Regulations 2010.
- 5.8.9 The Ecological Appraisal concludes the existing barn is sealed and offers negligible potential for roosting, and trees with negligible or low potential for bat roosts retained within the development. Construction practices and mitigation measures detailed within the submitted Ecological Appraisal can adequately ensure no adverse harm to protected species, with mitigation and net gain delivered through these measures combined with an Ecological Creation and Management Plan.
- 5.8.10 Morecambe Bay is very important for many species of birds. As such, there is the potential for development and recreational use close to the designated sites to have impacts on birds associated with the SPA and Ramsar designations. It is considered that these impacts could be avoided, but only through mitigation. In light of the People Over Wind ruling by the Court of Justice of the European Union, likely significant affects cannot be ruled out without mitigation and therefore an Appropriate Assessment (AA) is required. This is contained within a separate document and concludes that, with the implementation and retention, where appropriate, of mitigation the development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in combination with other plans and projects. Natural England requested further information to be

included within the submitted AA relating to cumulative and functionally linked land impact, however no further response has been received to the updated document consulted upon in mid-March. Given the further information and mitigation of a construction environmental management plan, landscaping and homeowner packs, combined with the nature of the site occupied by a farm building adjacent to a heavily trafficked A-road, it is considered that the impact upon overwintering and passage birds can be adequately mitigated. As such, subject to the implementation of the mitigation measures within the AA, the proposal is considered to have an acceptable impact upon the environment, habitats and protected species and sites.

- 5.8.11 The site plan details public open space of at least 800sq.m within the site, plus areas of communal space for landscaping areas and above ground surface water attenuation features to the front (east) of the site. This provides ample amenity green space within the site. Young persons provision and sports provision cannot be provided on-site, however the additional pressure on such facilities within Cockerham can be adequately mitigated through financial contributions to known projects within Cockerham, calculated based on the number of bedrooms provided within the proposal. Subject to such payment being controlled through legal agreement for the amount and projects detailed within the consultation response from Public Realm, the proposal is considered to adequately address provision and impacts upon public open space.
- 5.9 **Contamination, Waste, Education and Employment** (Development Management (DM) DPD policies, DM28 (Employment and Skills Plans), DM32 (Contaminated Land), DM57 (Health and Wellbeing), Strategic Policies and Land Allocations (SPLA) DPD policies: SP9 (Maintaining Strong and Vibrant Communities), National Planning Policy Framework (NPPF) Section 8 (Promoting healthy and safe communities), Section 12 (Achieving well-designed places))
- 5.9.1 A Contaminated Land Phase One Desk Study has been submitted with the application, detailing potential contaminants from Cementous corrugated sheeting likely containing asbestos fibres, plus the northern end of the site potentially being contaminated from the former petrol station to the north. It is recommended that, following the safe removal of Cementous material, further intrusive investigations are undertaken into the potential existence of asbestos fibres around the agricultural building to the northeast of the site, along with intrusive investigations undertaken along the northern boundary to the site to confirm what risk, if any, will exist from this site. This can be controlled through pre-commencement (other than Cementous removal) planning condition, with the remainder of the site covered through unforeseen contamination measures. Subject to such a planning condition, the proposal is considered to suitably protect and cause no undue harm to construction workers and future occupants through contamination.
- 5.9.2 Waste bin storage can be provided within rear gardens of all dwellinghouses, with the exception of the proposed first floor apartment, which has an external visually contained bin/bike storage area. These arrangements are considered to be suitable. Whilst waste collection lorries can access and turn at the far end of the site, collection points for shared use areas will be required. These have yet to be detailed on plan, but given such provision would involve surfacing and low boundary treatments, these can be controlled through planning condition. The turning head is within 27 metres of Unit 13, marginally exceeding the suggested 25 metre maximum drag distance, whilst such a space is directly to the rear of other units beyond the turning head. The drag distance for Units 16 to 18 would be between 30 metres and 53 metres, a greater exceedance. However, it is understood that at least this route will be downhill to kerbside movements when the bins are full, and slightly uphill when empty. This is still unideal, but with no simple solution, and given other properties have simple kerbside arrangements adjoining front gardens, the exceedance of 3 Units only weighs only modestly against when considered across the whole site of 22 dwellinghouses.
- 5.9.3 It is crucial that development coming forward makes provision for essential community infrastructure, and education would fall within this. It is vital that there are sufficient school spaces to accommodate the additional pupils that the development is likely to generate. There is an existing primary school within Cockerham, and the nearest secondary school is located circa 11 minutes' drive time (5.5 miles road distance) away in south Lancaster. Unfortunately, a response from County Education has not been received; an update regarding this will be reported verbally at committee if received. Contributions sought within Cockerham approximately 6 months ago suggest that contributions relating to two secondary school places and no primary school places will be requested. This will ideally be confirmed prior to committee determination, but such contribution will be controlled through the legal agreement process, if required as evidenced within the anticipated County Education

response. Such a request is considered to be related to the development and fair and reasonable in scale and kind, subject to the final figure being proportionate to the scale of development, and controlled through legal agreement.

5.9.4 This application has met the threshold for requiring production of an Employment and Skills Plan (ESP). The ESP details how opportunities for, access to and up-skilling local people through the construction phase of the development proposal will be provided. As such, and given that mitigation would likely be met during construction phase of the development itself, this should be controlled through pre-commencement planning condition to ensure any consent granted delivers the ESP requirements.

**6.0 Conclusion and Planning Balance**

6.1 The proposal to deliver up to 22 dwellings, at a housing mix to meet local housing need and including the provision of 7 affordable homes. This offers positive social and economic benefits of additional housing, particularly at a time when there is a lack of housing land supply, with a larger degree of positive weight is attached to the positive housing mix and the delivery of affordable homes at a time where there is a particular demand for affordable homes. The proposal has no adverse impacts upon protected landscapes, irreplaceable habitats, flood risk nor designated heritage assets, therefore applying a tilted balance towards the delivery of residential development. It therefore needs to be considered whether any adverse impacts would significantly and demonstrably outweigh the benefits.

6.2 There are a number of positive aspects to the proposal, and whilst the proximity of dwellinghouses to existing protected trees is not ideal, and waste arrangements could inconvenience a small number of future occupants, given the protection of trees during construction and no obvious solution on waste, neither are attributed greater than modest weight in terms of harm. These considerations would not significantly and demonstrably outweigh the aforementioned benefits of housing provision, and other aspects relating to highways, safety, sustainable transport, archaeology, open space, ecology, protected species, drainage, design, energy efficiency and amenity can all be controlled and mitigated to provide neutral impacts in terms of a planning balance. Given the significant undersupply of housing within the District and above consideration and planning balance, it is recommended that planning permission is granted.

**Recommendation**

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

- Provision of a minimum of 30% affordable housing (7 units on site, 4x affordable/social rent, 3x intermediate tenure)
- Open space provision (on-site amenity green space provision and financial contribution of £10,000 for young persons provision and £22,328.70 for outdoor sports in Cockerham)
- Biodiversity net gain to demonstrate 10% net gain and a Landscape and Ecological Creation and Management Plan showing 30 year management.
- Provision for long term drainage, open space and landscaping/BNG, maintenance and management company; and,
- Contribution to Education (for two secondary school places)

Condition no.	Description	Type
1	Timescale for commencement (2 years)	Standard
2	Development in accordance with approved plans	Standard
3	Scheme of archaeological work	Pre-commencement
4	Final surface water sustainable drainage strategy (SuDS)	Pre-commencement
5	Foul water scheme	Pre-commencement
6	Finished site and floor levels (including gardens and open space) and M4(2) compliance	Pre-commencement
7	Full landscaping and ecological management plan	Pre-occupation and first planting season
8	Ecology mitigation measures	Pre-commencement
9	Full energy efficiency measures	Pre-commencement

10	Submission of an Employment and Skills Plan	Pre-commencement
11	Submission of construction management plan	Pre-commencement
12	Submission of construction environmental management plan, including avoiding noise disturbance activities during wintering bird season	Pre-commencement
13	Submission of construction surface water management plan	Pre-commencement
14	Full details of site access/footway/lighting	Pre-commencement
15	Elevations and external treatment material details and samples	Pre-commencement
16	Contaminated land – further surveys following recommendations of the report	Pre-commencement (other than Cementous removal)
17	Boundary and surface treatments, method statement for such works within tree protection fencing area, remove permitted development	Pre-commencement of boundary/surface treatments
18	Site lighting scheme	Pre-commencement of lighting
19	Scheme for the full engineering, drainage and construction details of the internal estate roads	Prior to commencement of estate roads
20	Off-site highway works, including pavements and bus shelter	Pre-use of access and occupation
21	Visibility splays	Pre-use of access and occupation
22	Sustainable drainage system operation and maintenance manual.	Pre-occupation
23	Verification report of constructed sustainable drainage system	Pre-occupation
24	Obscure glazed openings 18 and 20	Pre-occupation
25	Cycle storage details	Pre-occupation
26	Waste bin provision details	Pre-occupation
27	Homeowner packs ecology	Pre-occupation
28	EV charging	Pre-occupation
29	Implementation of approved tree protection measures	Control, implement prior to commencement
30	Provide and control parking provision	Control, implement prior to occupation

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

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

### **Background Papers**

None



<b>Agenda Item</b>	A6
<b>Application Number</b>	23/01356/LB
<b>Proposal</b>	Listed building application for the retention of a performance area stage
<b>Application site</b>	John O Gaunt 55 Market Street Lancaster Lancashire
<b>Applicant</b>	Ms Claire Tomlinson
<b>Agent</b>	Mr David Hall
<b>Case Officer</b>	Mr Patrick Hopwood
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Refusal

(i) **Procedural Matters**

The application has been called in to Planning Committee by Councillor Nick Wilkinson.

**1.0 Application Site and Setting**

1.1 The application site is a public house, listed at Grade II, within the Lancaster conservation area and adjacent to other listed buildings. The building is an early 19<sup>th</sup> century Georgian house with 20<sup>th</sup> century alterations and now used as a public house and charity shop at ground floor. The John O'Gaunt has a distinctive early 20<sup>th</sup> century bow window frontage with leaded glasswork which contributes to the character of both the interior and exterior and is an important contributor to the aesthetic value of the building. The building faces the pedestrianised Market Street.

**2.0 Proposal**

2.1 This application retrospectively seeks listed building consent for a stage area located internally at the front of the ground floor. The stage area is of timber construction with what appears to be laminate-style flooring and is enclosed by timber balustrades.

**3.0 Site History**

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

Application Number	Proposal	Decision
15/00976/FUL	Removal of part of flat roof and relocation of existing external fire escape staircase	Approved

15/00977/LB	Listed building application for the removal of internal walls, demolition of existing external rear store room wall, removal of part of flat roof, relocation of existing external fire escape staircase and refurbishment of the bar area	Approved
15/01124/LB	Listed building application for the fitting of one externally illuminated fascia sign, one illuminated hanging sign, one non-illuminated wall sign and one lantern	Approved
23/00650/ADV	Advertisement application for the display of one externally illuminated hanging sign, one non-illuminated amenity board, one externally illuminated fascia sign and one non-illuminated wall mounted sign	Approved
23/00651/LB	Listed building application for the fitting of one externally illuminated hanging sign, one non-illuminated amenity board, one externally illuminated fascia sign, one non-illuminated access sign, replacement of associated lighting and repainting of the exterior	Approved

#### 4.0 Consultation Responses

4.1 At the time of writing this report, the following responses have been received from statutory and internal consultees:

Consultee	Response
Conservation Team	<b>Objection.</b> Stage has resulted in harm to significance of listed building
Lancaster BID	<b>Supports.</b> Positive impact to ensure viability of the premises and business.
Lancaster Civic Vision	<b>Supports.</b> Advantage of keeping pub viable outweighs minor damage.

4.2 At the time of writing this report, 205 letters of support from members of the public have been received. Summarised key issues raised include:

- Improvement to performances from height, enhances visibility
- Safety benefits, protects performers and equipment
- Accessibility benefits
- Increases footfall and custom
- Supports local live music which in turns supports the public house business
- Planning policies in favour of cultural development
- Can be removed with no damage
- In keeping, no impact on structural integrity and character of listed building
- Consent should not be required
- Other internal alterations previously permitted

#### 5.0 Analysis

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

- Heritage

5.2 **Heritage** (NPPF Section 16; Policy DM37 of the Development Management DPD; Policy SP7 of the Strategic Policies and Land Allocations DPD)

5.2.1 In accordance with the Planning (Listed Building and Conservation Areas) Act 1990, when considering any application that affects a Listed Building, Conservation Area or their setting the local planning authority must pay special attention to the desirability of persevering or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by the heritage policies of the Local Plan.

5.2.2 The Council's Conservation Team advise that the stage causes harm to the listed building, due to the stage negatively affecting the proportions and character of the building's interior. The appearance and size of the stage are the key contributors to this identified negative effect. The

positioning of the stage is considered to prevent full legibility and function of the bow window frontage as an interior space, including via negative impacts on the glazed entrance screen and flanking fireplace (chimney breast). Whilst it is recognised that other parts of the interior have been somewhat changed and refurbished over the years and that the stage is relatively low-rise, this front part of the public house was previously on a single level with no balustrades or raised areas, and has been relatively unchanged over recent years. The stage is also located at the front of the building so is seen on entry and also against the characterful stained glass bow window altering the listed building's spatial and visual character.

- 5.2.3 The Conservation Team also identified a risk of damage to the decorative stained glass bow window due to the stage's proximity to it. There is also further harm to the significance of the building via the inappropriate material palette and detailing (in particular the stage flooring material and balustrades), which are not of an appropriate quality and appearance in the context of the listed building and visually affect the interior ensemble. Overall, there is harm ('less than substantial' in the context of the NPPF) to the interior's character and appearance.
- 5.2.4 A site meeting between the Applicant and Council Officers identified the flooring not to be historic. Therefore it is understood that there is no undue harm to historic fabric from the screw fixings which hold the stage in place.
- 5.2.5 As the works are entirely internal, no impact on the Conservation Area is identified.
- 5.2.6 Section 16 of the NPPF seeks to conserve and enhance the historic environment; with Paragraph 205 affording 'great weight' to a designated heritage asset's conservation; Paragraph 206 requiring clear and convincing justification for any harm to the significance of a designated heritage asset; and Paragraph 208 requiring decision makers to weigh 'less than substantial' harm against the public benefits of the proposal. Policies DM37 and SP7 also seek to protect and enhance Lancaster's historic environment.
- 5.2.7 It is understood that the John O'Gaunt has operated successfully as a public house with live music performances for many years prior to the introduction of the stage. The submitted supporting documents suggest that there was a safety issue due to the lack of separation between performers and the audience. The statements also detail that visually and mobility impaired performers have particularly benefitted from the clearly defined performance space and the safety benefits of the balustrade. Amplifiers and other music equipment is now separated from audience members, and performers can be seen from further back. When not in use as a stage, the area is used for tables and chairs. These benefits are afforded limited weight, but the Council consider that the justification is not compelling enough on this occasion, given that a temporary stage could be used for music events only to fulfil the applicant's requirements.
- 5.2.8 Whilst the Council is broadly supportive of the local pub and live music scene recognising the benefits that this has to the community and local economy, it is considered that the stage is a poor quality and unsympathetic addition which negatively affects the internal character and special interest of the listed building. This harm is not considered to be clearly and convincingly justified, and not outweighed by the limited public benefits.

## **6.0 Conclusion and Planning Balance**

- 6.1 Overall, the internal works completed are not acceptable for the reasons identified above, with the less than substantial harm not outweighed by the public benefits. For these reasons the application is recommended for refusal.

## **Recommendation**

That Listed Building Consent **BE REFUSED** for the following reasons:

1. The raised stage area, by virtue of its scale, location and appearance, causes unjustified harm to the quality, character, significance and proportions of the listed public house's interior. Consequently, the proposal fails to conserve and enhance the historic environment and is contrary to Policy DM37 of the Development Management Development Plan Document, Policy SP7 of the Strategic Policies and Land Allocations Development Plan Document and Section 16 of the National Planning Policy Framework.

**Background Papers**  
N/A

<b>Agenda Item</b>	A7
<b>Application Number</b>	23/01459/LB
<b>Proposal</b>	Listed building application for alterations to form accessible WC and removal of partition wall
<b>Application site</b>	Lancaster Maritime Museum Custom House St Georges Quay Lancaster
<b>Applicant</b>	M Cookson-Carter
<b>Agent</b>	HPA Chartered Architects
<b>Case Officer</b>	Mr Patrick Hopwood
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval, subject to conditions

(i) **Procedural Matters**

The landowner and applicant is Lancaster City Council, therefore the application must be determined by the Planning Regulatory Committee.

**1.0 Application Site and Setting**

1.1 The site to which this application relates to is the Grade II\* listed Maritime Museum (former Custom House) on St George's Quay. The site is located between the Carlton Wharf apartments and former Bay Radio studios, both Grade II listed, and within the Lancaster Conservation Area.

**2.0 Proposal**

2.1 This application seeks listed building consent for alterations to an existing ground floor WC to form an accessible WC. A partition wall is to be removed to combine the floorspaces of the existing WC and its vestibule into a large accessible WC. Sanitaryware is to be relocated and replaced along with new decoration, fittings and fixtures being provided. The door between the accessible WC and exhibition space is to be widened, with a new 6 panelled timber door fitted.

**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
96/00617/DPA	Erection of extension to shop area and provide new pedestrian access	Approved

96/00618/LB	Listed Building Application for erection of extension to shop area and provide new pedestrian access	Approved
10/00773/DPA	Strengthening works to the third floor of right hand bay to provide for heavy picture racking used for storage of museum items	Approved

#### 4.0 Consultation Responses

4.1 At the time of writing this report, the following responses have been received from statutory and internal consultees:

Consultee	Response
Historic England	No comments.
National Amenity Societies	No response received.
Conservation Team	<b>No objection</b> to the revised application.
Property Services	No response received.

4.2 At the time of writing this report, 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:

- Heritage

5.2 **Heritage** (NPPF Section 16; Policy DM37 of the Development Management DPD; Policy SP7 of the Strategic Policies and Land Allocations DPD)

5.2.1 The proposal involves works that relate to late 20<sup>th</sup> century interventions within the building. The partition walls and fittings to be removed are thought not to be historic. Therefore, such alterations would have no, or limited impact on historic fabric and planform. Existing decoration and fittings are relatively modern so there are no concerns raised from their replacements. The new widened door is to be a panel design to match the existing door and the unaffected door elsewhere in the room. The frosted glass sash window is to be unaffected. Originally, a new push pad and alarm unit were to be fitted on the stone walls of the exhibition space, which may cause harm to the historic fabric and visual character of this space. Amended plans have since submitted, with the alarm unit moved to the stud wall and the push pad on a freestanding column. Overall, the works will have a low level of 'less than substantial harm' to the significance of the listed building.

5.2.2 As the works are contained internally within the building, there will be no harm to the significance of the Conservation Area or setting of adjacent listed buildings.

5.2.3 Provision of an accessible WC, which meets modern standards within the publicly accessible and Council owned Maritime Museum, is considered adequate justification and of public benefit that weighs in favour of the proposed works. Accordingly, the changes are considered to be acceptable in terms of all local and national planning policies.

#### 6.0 Conclusion and Planning Balance

6.1 Overall, the proposed internal works are acceptable, with the low level of harm, which is mitigated through appropriate design and outweighed by the public benefits in the provision of accessible lavatory facilities at this museum building. Subject to conditions securing compliance with approved plans and agreed details, the scheme complies with the local and national development plan when read as a whole, and as such, is recommended for approval.

#### Recommendation

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

Condition no.	Description	Type
1	Standard Listed Building Consent Timescale	Control
2	Works in Accordance with Approved Plans and Details	Control

**Background Papers**

N/A

**PLANNING REGULATORY COMMITTEE****Local Planning Enforcement Plan****29 January 2024****Report of Chief Officer – Planning and Climate Change****PURPOSE OF REPORT**

To consider for approval the revised local planning enforcement guidance and standards contained within the new Local Planning Enforcement Plan.

**This report is public.**

**RECOMMENDATIONS**

- (1) **That the Local Planning Enforcement Plan be approved, and for the Plan to form the basis for planning enforcement case management.**

**1.0 Introduction**

- 1.1 The City Council's Development Management Team includes Planning Enforcement Officers who take responsibility for investigating alleged breaches of planning control in the public interest. In doing so, the Team aim to adhere to the standards of service that are contained in the Council's 'Planning Enforcement Charter'.
- 1.2 The Charter was first approved in 2011 and it was subsequently revised in 2017. However given the passage of time, changes to the national planning enforcement system, and a requirement for improved caseload management processes, an updated document is now proposed in the form of the Local Planning Enforcement Plan (LPEP).

**2.0 Proposal Details**

- 2.1 The LPEP is not part of the Development Plan (the Local Plan). It is a standalone advisory document that provides public guidance regarding the planning enforcement system. It is for this reason that approval of the LPEP is sought from the Planning Regulatory Committee.
- 2.2 The LPEP explains the powers and limitations of the national planning enforcement system. It has been carefully worded to ensure that it aligns with national advice. It also includes an explanation regarding the issue of expediency that lies at the heart of the national planning enforcement system. There is an 'Expediency Test' flowchart which illustrates how Planning Enforcement Officers will make decisions, and a list of possible Notices that might be served if breaches of planning control are not satisfactorily remedied.



- 2.3 The LPEP also includes a list of matters that are not breaches of planning control (and provides details of the relevant organisation that would be responsible for these non-planning matters).
- 2.4 The new document also places an increased importance on enforcement case management. The LPEP recognises the need for consistency in terms of communication, and pages 11-12 set out how Officers will manage their cases and when they will contact complainants. The document also includes advice if a complaint is made about your own property, and it concludes by providing details about how to report a planning enforcement issue.
- 2.5 It is anticipated that once the LPEP is adopted, the reporting of quarterly planning enforcement case management statistics to the Planning Regulatory Committee will recommence.

**3.0 Details of Consultation**

- 3.1 There has been no external consultation because the document does not form part of the Development Plan. The LPEP updates internal case management processes and does not seek to change the material considerations that are taken into account when deciding whether to pursue enforcement action.
- 3.2 The LPEP has however been the subject of consultation with the Council’s Legal colleagues, and their observations are included at the end of this report.

**4.0 Options and Options Analysis (including risk assessment)**

	<b>Option 1: To approve the LPEP</b>	<b>Option 2: To not approve the LPEP</b>
<b>Advantages</b>	<p>The document is a significant upgrade on the existing Planning Enforcement Charter.</p> <p>It provides improved and more realistic case management standards and has been reworded to align with revised national planning enforcement advice and process.</p> <p>Approving the LPEP will also ensure that the guidance provided to residents is up to date.</p>	<p>None.</p>
<b>Disadvantages</b>	<p>There are no disadvantages arising from updating the Council’s planning enforcement guidance via the LPEP.</p>	<p>Not approving the LPEP will mean that planning enforcement guidance will remain unchanged (i.e. via the Planning Enforcement Charter 2017). This is considered to be out-of-date.</p> <p>A decision not to approve the LPEP will fail to take the</p>

		opportunity to formally adopt new enforcement case management practices.
<b>Risks</b>	There are no risks associated with the approval of the LPEP.	The risk of providing outdated guidance and/or outdated case management standards may result in reputational damage.

**5.0 Officer Preferred Option (and comments)**

5.1 The preferred option is Option 1.

**6.0 Conclusion**

6.1 The LPEP will provide the basis for a re-set of internal planning enforcement case management standards. The Plan has been designed to provide helpful guidance both for complainants and for those who are complained about.

6.2 The new case management standards within the LPEP will be the focus of quarterly reporting to the Planning Regulatory Committee, likely to commence after the end for the first full quarter of 2024.

**CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

The Plan updates local enforcement advice and explains how enforcement cases will be managed. In applying the provisions of the Plan, officers will have regard to its duties under the Equality Act 2010, particularly the public sector equality duty enshrined in Section 149 of the Act.

**LEGAL IMPLICATIONS**

It is important that enforcement officers become familiar with the Local Planning Enforcement Plan and that they have due regards it when making enforcement decisions. Failure to have regard to the plan, relevant Development Plan Documents and other material factors may undermine enforcement decisions and action(s) taken.

**FINANCIAL IMPLICATIONS**

There are no additional financial implications associated with updating the current Charter to a Local Planning Enforcement Plan.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces**

None.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no additional comments to make.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments to add.

**BACKGROUND PAPERS**

1. Copy of Draft Local Planning Enforcement Plan (LPEP)
2. Link to existing Planning Enforcement Charter (2017)  
<https://www.lancaster.gov.uk/assets/attach/32/Planning-Enforcement-Charter-2017-Revised-Edition-.docx>

**Contact Officer:** Mark Cassidy  
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## The Local Planning Enforcement Plan

# IMAGE TO FOLLOW

**Development Management  
Planning and Climate Change Service  
Approved Date: (TO FOLLOW)**

## Introduction

Lancaster City Council's Local Planning Enforcement Plan sets out the processes for how the local planning authority will handle alleged breaches of planning control.

National Planning Practice Guidance advises that local planning authorities *"have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations. This includes a local enforcement plan"*.<sup>1</sup>

Local planning authorities are directed to act proportionately in responding to suspected breaches of planning control.<sup>2</sup> This Local Planning Enforcement Plan explains how it will make decisions on whether to take action, and what type of action may be considered. The Plan also identifies the priorities for enforcement action, which ensures that the Council's resources are focused upon the breaches of planning control that are causing greater harm.

Whilst planning matters can often be emotive and subjective, Planning Enforcement Officers will often try to work closely with land and property owners where a breach of planning control has occurred and negotiate how to resolve the breach. Where negotiation is unsuccessful, the local planning authority will consider taking formal enforcement action, through the courts if necessary.

The Plan also explains how Planning Enforcement Officers will communicate with residents, town and parish councils and other stakeholders.

**Note:** Lancaster City Council first adopted a 'Planning Enforcement Charter' in December 2011. It revised the Charter in January 2017. This new edition, in the form of a Local Planning Enforcement Plan, was approved by the Council's Planning Regulatory Committee on XXXX. For the avoidance of doubt, the Local Planning Enforcement Plan is not part of the district's development plan.

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<sup>1</sup> Paragraph 003, Reference ID: 17b-003-20140306, National Planning Practice Guidance, 6 March 2014

<sup>2</sup> Paragraph 59, National Planning Policy Framework, 20 July 2021

## What is planning enforcement?

Planning legislation controls and manages the development or use of land and buildings in the public interest. Legislation is not meant to protect the private interests of one person against the activities of another. This means that the planning enforcement system aims to achieve a balance between competing demands. The local planning authority will remain impartial in all cases.

A breach of planning control is defined as:

- *The carrying out of development without the required planning permission (or other similar consenting regime); or,*
- *Failing to comply with any condition or limitation subject to which planning permission has been granted.*<sup>3</sup>

Breaches of planning control are rarely a criminal offence. The only exceptions to this are:

- Works to a listed building without first obtaining Listed Building Consent;
- Works to protected trees and protected hedgerows, without first obtaining consent;
- The display of advertisements without first obtaining Advertisement Consent; and,
- Non-compliance within a formal Enforcement Notice (or similar Notice) within the specified timescale.

Enforcement action taken by the local planning authority can be the subject of challenge, either on appeal or through the courts. For this reason, the local planning authority must be confident that the proposed enforcement action is commensurate to the alleged breach of planning control.

In making this judgement, the local planning authority will consider whether it is expedient to pursue enforcement action. It does this by having regard to the Council's Local Plan, and any other material considerations, including having regards to its duties under the Equality Act 2010, and in particular the Public Sector Equality Duty<sup>4</sup>

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<sup>3</sup> Section 171A, Town and Country Planning Act 1990

<sup>4</sup> Section 149, Equality Act 2010

## Expediency

The use of planning enforcement powers is discretionary. Not all breaches cause harm to warrant enforcement action. The local planning authority considers the expediency of each enforcement case based upon its own merits.

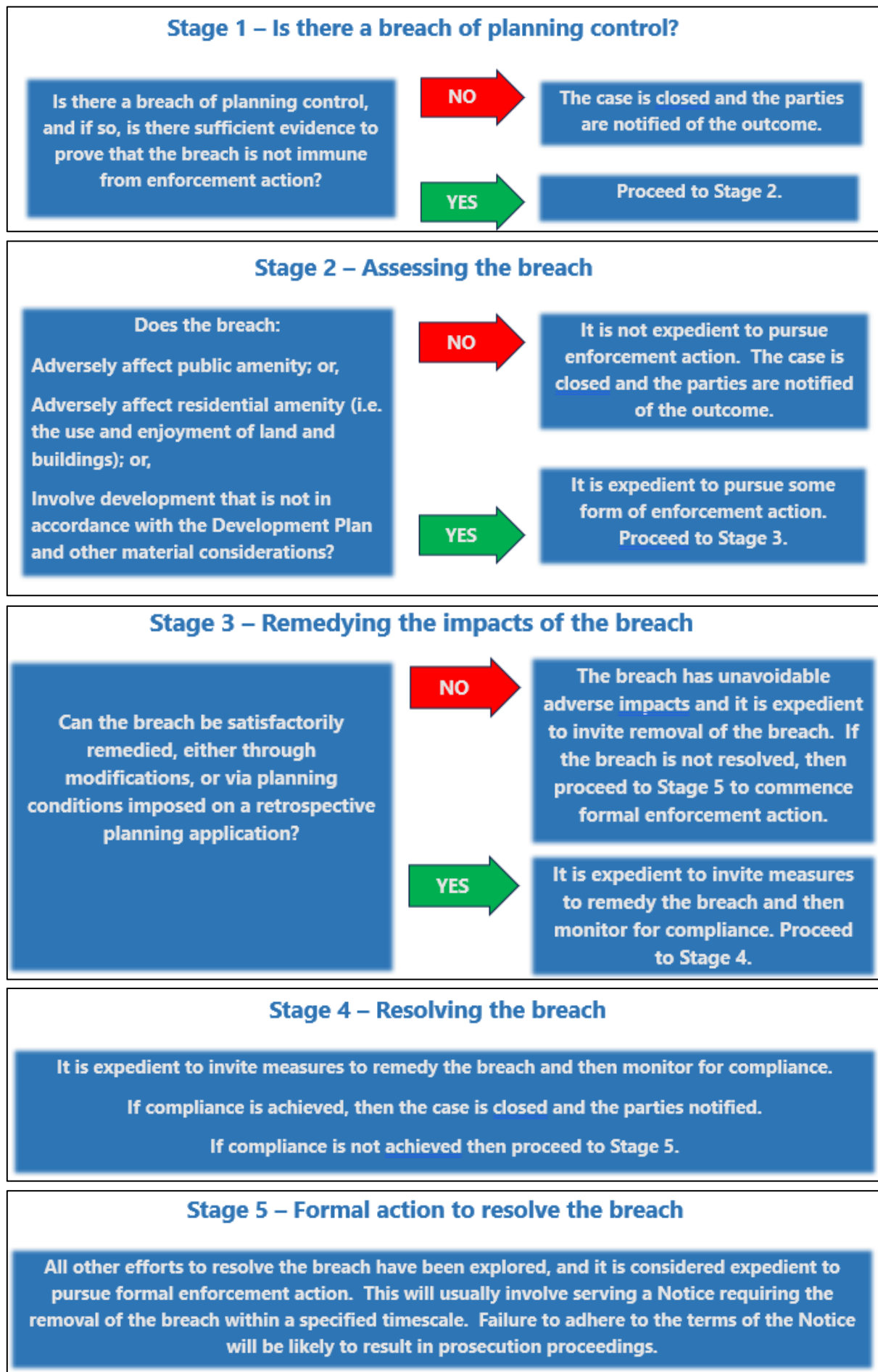
In considering enforcement action, the decisive issue is whether the breach of planning control would unacceptably affect public amenity or would unacceptably affect the existing use of land/buildings which merit protection in the public interest.

Where the breach of planning control is minor or it involves a technical breach of planning control that would be likely to benefit from retrospective permission, pursuing enforcement action would usually not be expedient. This is not to condone any breach of planning control, nor does it provide the landowner with a formal permission. Serious problems can still occur when the landowner tries to sell a property (or land) where the appropriate planning permissions have not been secured and where this is revealed on any land search. Landowners are advised to either regularise the position by applying for retrospective planning permission, or by applying for an Existing Lawful Development Certificate.

Breaches of planning control can be deliberate, accidental, or based upon inaccurate advice. Neither the explanation of how the breach came to occur, nor the personal circumstances of the person responsible for the breach have any influence on the outcome of the local planning authority's approach to its' investigation.

When making decisions regarding expediency, Lancaster's local planning authority uses an *Expediency Test*. This ensures consistency in approach, and that all enforcement decision-making is transparent.

## The Expediency Test





Many breaches of planning control are resolved informally through discussion and negotiation. Remedying the breach, as referred to in the Expediency Test diagram on page 5, means that the person responsible for the breach of planning control has taken action to remove the breach, or has remedied or altered it to ensure that it no longer breaches planning control, or that it has been made acceptable in planning terms.

A person who has breached planning control has only one opportunity to obtain planning permission after the event. This can be by means of a retrospective planning application<sup>5</sup>. The Expediency Test indicates where a retrospective planning application might be invited, if that is considered the most appropriate way forward to regularise the situation.

The local planning authority can decline to determine a retrospective planning application if an Enforcement Notice has already been issued.<sup>6</sup>

It cannot be assumed that retrospective planning permission will be granted.

If a planning application for a retrospective development or activity is refused, then under planning law the applicant may have a right to appeal against the decision of the local planning authority. That appeal is heard by the Government's Planning Inspectorate.

If the Planning Inspector upholds the local planning authority's decision, and dismisses the appeal, then enforcement action can then continue. If the appeal is allowed, then the Inspector will explain the reasons for allowing the appeal and will also list any planning conditions that should accompany the grant of permission.

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<sup>5</sup> Section 73A, Town and Country Planning Act, 1990

<sup>6</sup> Section 70C, Town and Country Planning Act, 1990

## If enforcement action is considered appropriate, what type of action might be taken?

There will be cases where a breach of planning control is unacceptable in planning terms and cannot possibly be remedied without formal enforcement action.

To commence enforcement action, the local planning authority must establish which persons have an interest in the land or buildings that are the subject of the breach of planning control. Even where complainants may think that they know the full names and addresses of the persons responsible, the local planning authority must ensure that no other person has a land or property interest. It can do this via one of two methods:

- A **Section 330 Requisition for Information (s330)** – which requires those with a land or property interest to complete the s330 Notice and identify their names, addresses and extent of their land/property interest. Failure to respond is a prosecutable offence.
- A **Planning Contravention Notice (PCN)** – a PCN can include additional questions to those posed by the s330 Notice and may be used (for example) to establish dates when an unauthorised activity commenced, or to identify the future intentions of the owner/occupier. However a PCN can only be served if it appears that a breach of planning control has occurred. Non-return of a PCN is a prosecutable offence.

Once this information has been gathered, and where negotiation has failed to remedy the breach of planning control, the Development Management Enforcement Team can consider the use of one (or more) of the following methods:

- An **Enforcement Notice (EN)** – this is a Notice which imposes a legal duty on those with an interest in the land/building to ensure that the breach of planning control defined within the EN ceases within a specific period. The specific period can be no less than 28 days and will be set out in the EN. Recipients of the EN may appeal to the Planning Inspectorate, effectively suspending the provisions of the EN until the appeal is determined. ENs are entered onto the Land Charges Register and so they run with the land, thus remaining effective even after compliance has been achieved.
- A **Breach of Condition Notice (BCN)** – this notice is used where a planning applicant has failed to comply with planning conditions attached to a planning permission. The BCN will identify the conditions that the applicant has breached and set a timescale for compliance – in full – with those conditions. There is no right of appeal against a BCN. BCNs are not required to be entered onto the Land Charges Register.
- An **Untidy Land** or **Section 215 Notice (s215)** – a s215 Notice seeks to remedy untidy land or buildings. It relates to Section 215 of the Town and Country Planning Act 1990, it will specify the area of land/building that is untidy, and identify the precise measures that are required to remedy the condition of the land/building. The Council must demonstrate that the land or buildings are not just untidy, but that its condition adversely affects amenity because of its untidiness. A s215 Notice can be appealed by the recipient.

Failure to comply with Notices can lead to summary prosecution in the Magistrates' Court. These are called non-immediate prosecution cases.

- A **Listed Building Enforcement Notice (LBEN)** – the Council can serve a LBEN specifying the works that have occurred and specifying the steps to be taken to remedy the matter. Those steps may include restoring the Listed Building to its former state; or where this is not practicable or desirable, to execute further works to remedy the works that were carried out without the benefit of Listed Building Consent.

A LBEN does not remove the possibility of prosecution (because works to a Listed Building without first obtaining Listed Building Consent is an offence).

- A **Stop Notice (SN)** – A SN can only be used in exceptional cases where it is considered essential to safeguard public amenity or to prevent serious or irreversible harm to the surrounding environment. There are restrictions on what a SN can prohibit<sup>7</sup>. There is no right of appeal against a SN. Before serving a SN, the local planning authority must be satisfied that there are no alternative enforcement actions that would resolve the identified issues. A SN can prohibit any or all of the activities which comprise the alleged breach of planning control specified in a subsequent Enforcement Notice. It can require these activities to cease ahead of the date for compliance set out in an Enforcement Notice.
- A **Temporary Stop Notice (TSN)** – A TSN is effective immediately and does not require the serving of an EN. However it expires after a maximum period of 28 days, and it cannot be renewed. Therefore, its purpose is to require an unauthorised activity to cease or to require a reduction in the level of an unauthorised activity for a temporary period of time, whilst other enforcement remedies are considered. There are restrictions on what a TSN can prohibit<sup>8</sup>.

Failure to adhere to a SN or a TSN is an offence, and a person found guilty is liable on conviction to an unlimited fine. When setting the fine, the Courts will have regard to any financial benefit which has accrued, or is likely to accrue, as a consequence of the offence.

- An **Injunction** – this is where the Council consider that they need to apply to Court for an Injunction to restrain a serious breach of planning control. Injunctions are the most serious enforcement action that a Council can pursue, because if a person fails to comply with an Injunction, then they can be committed to prison for contempt of court.
- A **Planning Enforcement Order (PEO)** – There are rare cases where a person deliberately conceals unauthorised development, and the deception comes to light after the time limits for pursuing action have expired. In these cases, a PEO allows a Council to take action within a set period of time. A PEO application must be made by the Council within 6 months from the date when the breach came to the Council's knowledge. This application is made to the Magistrates' Court and a copy served upon the landowner/occupier and on any other person with an interest in the land.

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<sup>7</sup> Section 183, Town and Country Planning Act, 1990

<sup>8</sup> Section 171F, Town and Country Planning Act, 1990

In some circumstances the Council may decide not to require action be taken against all of the breach, but instead identifies lesser steps which will remedy matters. This is called 'under-enforcement'.

- **Immediate Prosecution** – immediate prosecution proceedings can only be brought in relation to those activities which, by themselves, are *criminal offences*, and where there is sufficient evidence to warrant prosecution. These are limited and only include unauthorised works to Listed Buildings; unauthorised work involving protected trees; and the display of unauthorised advertisements.

In investigating enforcement cases, named Officers are authorised to enter land specifically for enforcement purposes. This is often referred to as **Rights of Entry**.<sup>9</sup> There must be reasonable grounds for entering the land for enforcement purposes. This is interpreted to mean:

- To ascertain whether there is or has been any breach of planning control on the land or any other land;
- To determine whether any of the local planning authority's enforcement powers should be exercised in relation to the land, or any other land;
- To determine how any such power should be exercised; and
- To ascertain whether there has been compliance with any requirement arising from earlier enforcement action in relation to the land, or any other land.

It is an offence to wilfully obstruct an authorised person acting in exercise of a right of entry<sup>10</sup>. If entry to land or buildings is refused and it is reasonably necessary to gain entry to the site, Officers may apply to the Magistrates' Court for a Warrant.

Entry to a building used as a dwelling cannot be demanded as of right unless 24 hours advanced notice of intended entry to the occupier has been provided.

Whilst on site, Officers may ask questions of any present occupiers, and may take photographs or measurements. Any information gathered will be used to ascertain whether a breach of planning control has taken place. If a breach has occurred, this information will be used to assess the most appropriate course of action to resolve the matter.

In cases where the appropriate tests are satisfied, the Council may also pursue action via the **Proceeds of Crime Act (POCA) 2002**, to recover funds which are proven to have been obtained illegally as a result of a breach of planning control. Breaches of planning control are not, by themselves, illegal (except for those listed on Page 3 of this Plan), but the failure to comply with a Notice served by the Council that has not been appealed or has been upheld at appeal is a criminal offence. In qualifying cases, POCA may be used to obtain a confiscation order at the same time as a prosecution.

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<sup>9</sup> Sections 196A, 196A(1), 196B, 196C and 324 of the Town and Country Planning Act, 1990; and Sections 88A and 88B of the Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>10</sup> Section 196C(2), Town and Country Planning Act, 1990

## What matters are not breaches of planning control?

Some matters fall outside the remit of planning controls. The local planning authority cannot investigate the following:

- The parking of vehicles on the public highway  
*This is a matter for the highway authority, which is Lancashire County Council.*
- The obstruction of the public highway  
*This is a matter for the Police.*
- The obstruction of a Public Right of Way  
*This is a matter for Lancashire County Council's Footpaths Officer.*
- Land ownership disputes including boundary disputes, or damage caused to neighbouring property during construction work  
*This is a civil matter, and we would advise that you seek your own legal advice.*
- Covenants imposed on property deeds  
*This is a civil matter, and we would advise that you seek your own legal advice.*
- Dangerous structures  
*This is a matter for the Council's Building Control Team and, where there is imminent danger of collapse, the emergency services.*
- Unsafe construction practices  
*This is a matter for the Health and Safety Executive.*
- Any work that is 'permitted development' as defined in national planning laws <sup>11</sup>  
*'Permitted development' means that the development does not require planning permission*

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<sup>11</sup> The Town and Country Planning (General Permitted Development) Order (England) Order 2015, as amended

## Enforcement case management

A member of the Planning Enforcement Team (Development Management) will be allocated to the case. They will be the responsible officer for managing the case.

A planning enforcement complaint will be acknowledged once it has been received. After this, the first action will be to assess whether there is a breach of planning control. At this stage, a complainant will only be contacted if further information is required.

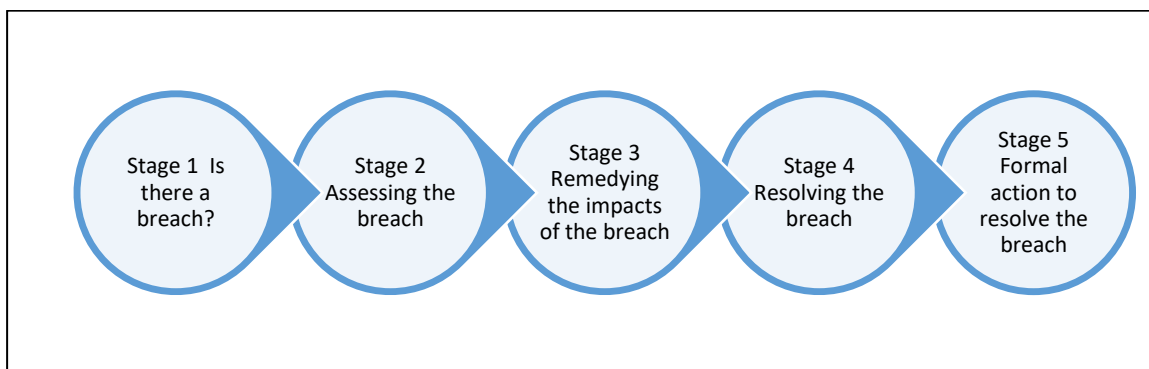
Where there is a breach of planning control, the local planning authority must ensure that the resources at its disposal are used in the most efficient way. Serious breaches of planning control will always take priority. As a guide, our priorities can be summarised as:

<b>'Red' Cases</b>	Cases that involve significant or irreparable harm. These include unauthorised works to a listed building, the felling of a protected tree, development likely to adversely impact public safety, or development likely to cause adverse impacts to sensitive habitats (e.g. Sites of Special Scientific Interest and similar designations).	The Planning Enforcement Officer will aim to visit these cases, or otherwise pursue appropriate action within <b>1 working day</b> of receipt of the case.
<b>'Amber' Cases</b>	All other cases where there is a breach of planning control.	The Planning Enforcement Officer will aim to visit these cases, or otherwise pursue appropriate action within <b>15 working days</b> of receipt of the case.
<b>'Green' Cases</b>	Cases where there is no breach of planning control, or where it is proven at Stage 1 and 2 of the Expediency Test that the breach does not warrant enforcement action.	These cases will <b>not be investigated further.</b>

The local planning authority will monitor performance against the site visit targets listed above and will report this on a quarterly basis to the Planning Regulatory Committee.

If a breach has occurred, then the local planning authority will consider the Expediency Test to determine what happens next. If the case does not warrant action, then the complainant will be informed of the reasons for this, and the case will be closed.

At any point in time, the Planning Enforcement Officer will be able to explain to the complainant and other interested parties (i.e. the contravener, Councillors, statutory bodies and agencies) what stage the case investigation is at. The five stages are set out in the Expediency Test, and are:



The local planning authority will contact complainants only when there is a material change of circumstances in the case. These circumstances will include:

- When the breach has been assessed, to advise of the outcome of that assessment;
- When measures to reduce or otherwise remedy the breach have been agreed (which may include inviting a retrospective planning application);
- Where a retrospective planning application has been received;
- Where a retrospective planning application has been determined;
- Where a Notice has been served in respect of the breach of planning control;
- Where court dates have been set, or the matter has been considered by the courts; and,
- When a planning enforcement case is about to be closed.

Due to workload demands, Planning Enforcement Officers **will not** contact complainants outside of these key events.

Planning enforcement cases can be lengthy and complex. Sometimes this may be because a person has decided to appeal against a Notice that has been served by the local planning authority; or that a case requires specific legal advice before determining what course of action to take. For these reasons it is rarely possible to give a standard time for resolving enforcement cases.

All local planning authorities are required to maintain an Enforcement Register<sup>12</sup>. This Register is a record of any Enforcement Notices, Breach of Condition Notices, Untidy Land Notices, Temporary Stop Notices and Stop Notices that have been served by the local planning authority. The Enforcement Register is available online via the Council's Planning Enforcement webpages:

<https://www.lancaster.gov.uk/planning/planning-enforcement>

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<sup>12</sup> Section 188, Town and Country Planning Act 1990

## What happens if a complaint is made about my property?

Finding out that someone has made a complaint about property or land that you own can be an anxious time. The local planning authority will always approach an investigation in the same manner, treating you fairly and reasonably.

The local planning authority's main task will be to establish whether a breach of planning control has occurred. If a breach has occurred, then it will follow the process set out in the Expediency Test on page 5.

When receiving a letter or a visit from a Planning Enforcement Officer, the local planning authority would advise not to ignore the issue and to respond promptly to any communication. The law provides a series of tools and powers that enable officers to carry out their investigations. The matter will not simply go away if there is no response. Failure to respond might even result in formal enforcement action being taken without further warning.

## Standards of service

Public confidence in the enforcement system is paramount, which is why the local planning authority will always strive to investigate cases in accordance with the procedures set out in this Local Planning Enforcement Plan.

Local planning authority officers involved in the planning enforcement process will conduct themselves impartially and courteously at all times and will act in the wider public interest, within the legislative boundaries of planning control.

Officers will apply the principles of openness, helpfulness, proportionality, and consistency when discharging their duties.

Whilst the local planning authority will insist on high standards of service and courtesy from its Officers, it also expects a similar level of communication from those involved in any enforcement investigation. The Council will not tolerate threats, including verbal or physical abuse, to any of its Officers. Any person making such threats or abusive behaviour will be reported to the Police.

The local planning authority will also not tolerate unreasonable behaviour by any party. This may include unreasonably persistent complaints; pursuing a 'scattergun' approach to your complaint by copying multiple officers or organisations into correspondence; or making unnecessary and excessive demands on officer time. In these circumstances, officers may have regard to the 'persistent or otherwise unreasonable complainant' section of the Council's Complaints Policy, which can be found via:

<https://www.lancaster.gov.uk/assets/attach/187/Complaints-Policy-Sept-2019.pdf>



## How to report a planning enforcement issue

The fastest method to report a complaint is via the Online Enforcement Report Form, which is available via <https://www.lancaster.gov.uk/planning/planning-enforcement>

When making a complaint the following information will be requested:

- A contact name and address, email and/or telephone number;
- The address of the property or land where the alleged breach of planning control has occurred;
- The nature of your complaint; and,
- The reason that the complaint is being made (i.e. how does the alleged breach affects the complainant).

Photographs may also be provided with the Online Enforcement Report Form.

For those residents who do not have access to the internet, then complaints can be made in writing to:

*Planning Enforcement Team (Development Management), Lancaster City Council, PO Box 4, Town Hall, Lancaster, LA1 1QR.*

Whilst the local planning authority will try to ensure that a complainant's identity remains confidential, it cannot guarantee that this will remain the case if matters progress to legal proceedings, where a successful outcome may depend upon the willingness of complainants to appear as a witness in court. Some information can also occasionally be subject to the Freedom of Information Act 2000 and therefore may exceptionally have to be disclosed.

## LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
22/00167/DIS	Land To The Rear Of Pointer Grove And, Adjacent To High Road, Halton Discharge of condition 4 on approved application 18/01422/FUL for Miss Josie Scrimgour (Halton-with-Aughton Ward 2015)	Application Permitted
22/00176/DIS	Land To The Rear Of Pointer Grove And, Adjacent To High Road, Halton Discharge of condition 9 on approved application 18/01422/FUL for Miss Josie Scrimgour (Halton-with-Aughton Ward 2015)	Split Decision
23/00100/DIS	Old Hall Farm, Kirkby Lonsdale Road, Over Kellet Discharge of condition 4 on approved application 21/00363/FUL for Mr Mark Drinkall (Halton-with-Aughton And Kellet Ward)	Application Refused
23/00110/DIS	Land To The Rear Of Pointer Grove And, Adjacent To High Road, Halton Discharge of conditions 14 and 15 on approved application 18/01422/FUL for Miss Josie Scrimgour (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/00117/DIS	28 Westbourne Road, Lancaster, Lancashire Discharge of conditions 3, 4 and 5 on approved application 20/00111/FUL for Mr Simon Gershon (Marsh Ward)	Split Decision
23/00137/FUL	32 Regent Road, Morecambe, Lancashire Change of use of first and second floor commercial storage space (Use Class E) to two 1-bed flats, two 2-bed flats and one 2-bed maisonette (C3) and installation of front door for Mr Arulkumaran Kansasamy (Harbour Ward 2015)	Application Permitted
23/00162/DIS	Land To The Rear Of Pointer Grove And, Adjacent To High Road, Halton Discharge of condition 18 on approved application 18/01422/FUL for Miss Josie Scrimgour (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/00165/FUL	Hying Barn, Borwick Lane, Warton Erection of an agricultural livestock building for Mr Matthew Allen (Warton Ward)	Application Permitted
23/00173/DIS	28 Corless Cottages, Dolphinholme, Lancaster Discharge of condition 3b on approved application 23/00335/LB for Ms Naomi Browne (Ellel Ward)	Application Permitted
23/00179/DIS	28 Corless Cottages, Dolphinholme, Lancaster Discharge of condition 4 on approved application 23/00335/LB for Ms Naomi Browne (Ellel Ward)	Application Permitted
23/00183/DIS	45 Windermere Road, Lancaster, Lancashire Discharge of condition 3 on approved application 22/01063/FUL for Mr Stuart Morgan (Bulk Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

23/00190/DIS	The Gardens, Dallas Road, Lancaster Discharge of conditions 7 and 8 on approved application 20/00276/FUL for Mr James Goddard (Castle Ward)	Application Permitted
23/00204/DIS	Land East Of Annie's Barn, Yenham Lane, Overton Discharge of condition 9 on approved application 23/00693/VCN for Mr & Mrs Dobson (Overton Ward)	Application Permitted
23/00206/DIS	Mousekill Barn, Kellet Road, Over Kellet Discharge of condition 3 on approved application 23/00876/FUL for Mr & Mrs Thomas (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/00209/DIS	Mousekill Barn, Kellet Road, Over Kellet Discharge of condition 3 on approved application 23/00877/LB for Mr & Mrs Thomas (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/00385/PLDC	Hodgsons Croft Farm , North Road, Carnforth Proposed lawful development certificate for the commencement of planning permission 23/00384/VCN following the implementation of access works. for Mr J Harris (Carnforth And Millhead Ward)	Lawful Development Certificate Granted
23/00627/FUL	Lune Aqueduct Car Park, Caton Road, Lancaster Reconfiguration of existing car park, installation of 12 electric vehicle charging stations, construction of an area of hardstanding for associated infrastructure including substation and cabinets, construction of internal access road, new parking area and erection of boundary fencing, gates, and lighting columns for Ionity GmbH (Lower Lune Valley Ward)	Application Permitted
23/00671/FUL	Bay Leadership Academy , Osborne Road, Morecambe Erection of boundary fence and gates for Bay Leadership Academy (Heysham North Ward)	Application Permitted
23/00701/FUL	Tregothnan Retirement Home , 112 Balmoral Road, Morecambe Retrospective application for change of use of care home (C2) to holiday let (Sui Generis) and self-contained one-bed flat (C3), and creation of roof terrace for Mrs Xiao-Hui Zhang (West End Ward)	Application Refused
23/00804/FUL	3 East View Court, Lancaster, Lancashire Erection of a first floor extension over existing garage, demolition of existing conservatory and erection of a replacement single storey side extension and erection of a single storey front extension for Mr Barry Shuttleworth (Scale Hall Ward)	Application Permitted
23/00879/LB	Mill Hall, Moor Lane, Lancaster Listed building application for the installation of replacement windows for Afar Properties Limited (Castle Ward)	Application Permitted
23/00975/FUL	11 Fulmar Crescent, Heysham, Morecambe Partially retrospective application for the change of use of open space to residential land in association with 11 Fulmar Crescent and erection of a boundary fence for Mr Gordon Preston (Heysham South Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

23/00977/VLA	Land East Of, Scotland Road, Carnforth Variation of legal agreement attached to planning permission 18/00365/OUT and to amend the wording of the Mortgagee Exclusion clause for Rowland Homes (Carnforth And Millhead Ward)	Closed
23/00999/FUL	Barley Bank House, Rantreefold Road, Tatham Retrospective application for the removal of existing front dormer extension and rear porch, construction of 3 dormer extensions to the front, erection of a porch to the rear, replacement of existing rear rooflight and installation of 2 rooflights to the rear for Ms N Hacking (Lower Lune Valley Ward)	Application Permitted
23/01014/FUL	3 Rothesay Road, Heysham, Morecambe Erection of single storey rear extension, erection of an outbuilding to the rear and associated landscaping for Mr D. Brown (Overton Ward)	Application Permitted
23/01021/FUL	77-83 Queen Street, Morecambe, Lancashire Change of use of two ground floor shop units (E) to one 2 bedroom flat (C3), removal of the shop fronts and construction of 2 bay windows for Mr Matthew Khazeni-Rad (Poulton Ward)	Application Permitted
23/01033/FUL	The Snab, Aughton Road, Gressingham Demolition of existing rear extension and erection of a two storey rear extension and associated landscaping for Mr I Sedgwick (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/01041/FUL	49A Scotforth Road And 49 Scotforth Road, Lancaster, Lancashire Change of use of hair salon (Class E) to extend existing micro pub (sui generis) and construction of a veranda to the side for Mr Tom Robinson (Scotforth East Ward)	Application Permitted
23/01066/FUL	Black's Finest Fish & Chips, 159 High Road, Halton Installation of an exterior ventilation duct to side elevation for Mr Jiang Yu (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/01073/FUL	35 Sunningdale Avenue, Hest Bank, Lancaster Part retrospective loft conversion and installation of roof lights to the rear for Mr Nick Klein (Bolton And Slyne Ward)	Application Permitted
23/01096/FUL	2 Windermere Road, Carnforth, Lancashire Erection of a detached outbuilding for Mr and Mrs Paul Shafi (Carnforth And Millhead Ward)	Application Permitted
23/01113/FUL	22 Emesgate Lane, Silverdale, Carnforth Demolition of existing detached garage, erection of a two storey detached garage/ancillary living, porch to side elevation, two single storey rear extensions and a two storey rear extension for Mr. & Mrs. R Bate (Silverdale Ward)	Application Refused
23/01119/FUL	2 Forge Mill, Quernmore Road, Caton Alteration to existing window/external door to the rear elevation and construction of a replacement balcony to the rear for Mr Neil Williams (Lower Lune Valley Ward)	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

23/01125/FUL	JD Wetherspoons, The Sir Richard Owen, 4 Spring Garden Street Relevant demolition of existing buildings and erection of a single storey side extension, a canopy, installation of windows and doors to the front and rear elevations, external steps and creation of an external seating and garden area for JD Wetherspoon PLC (Castle Ward)	Application Permitted
23/01144/FUL	Briggs Shoes, 204 - 205 Marine Road Central, Morecambe Removal of window and installation of electric vehicle charging point for Michael Harrison (Poulton Ward)	Application Permitted
23/01166/FUL	12 Haylot Square, Lancaster, Lancashire Installation of replacement door to front elevation to allow wheelchair access for Mr Graeme Ellis (Bulk Ward)	Application Permitted
23/01167/FUL	Bowling Green Pavilion And Sports Ground, Packet Lane, Bolton Le Sands Siting of a storage container at bowling green pavilion and sports ground for Mr Stephen Gooch (Bolton And Slyne Ward)	Application Permitted
23/01170/FUL	20 The Meadows, Yealand Redmayne, Carnforth Erection of a single storey rear extension for Mr James Gray (Silverdale Ward)	Application Refused
23/01171/FUL	Lancaster Community Fire And Ambulance Station, 38 Cable Street, Lancaster Installation of a replacement bi-fold gate to the front for Bob Godfrey (Castle Ward)	Application Permitted
23/01173/FUL	13 Broadway, Morecambe, Lancashire Demolition of existing conservatory and garage, erection of a single storey rear extension and first floor bay window, detached outbuilding to the rear and installation of rooflights to the side elevation for S. Forrest & D. Lawton (Poulton Ward)	Application Permitted
23/01177/FUL	28 Hornby Road, Caton, Lancaster Erection of a single storey side/rear extension and erection of a dormer extension to the rear elevation for Mrs Michelle Flynn (Lower Lune Valley Ward)	Application Permitted
23/01178/FUL	162 Scotforth Road, Lancaster, Lancashire Erection of a single storey rear extension and a detached garage for Mrs Violet Davies (Scotforth West Ward)	Application Permitted
23/01179/ELDC	403 Lancaster Road, Morecambe, Lancashire Existing lawful development certificate for the use of garage as dog grooming business for Mr And Mrs Jeffries (Torrisholme Ward)	Lawful Development Certificate Refused
23/01185/FUL	34 Broadacre, Caton, Lancaster Construction of dormer extensions to the front and rear elevations, demolition of existing conservatory and erection of replacement detached garage for Mr Simon Wright (Lower Lune Valley Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

23/01187/NMA	Land North Of Whernside Road, Watery Lane, Lancaster Non-material amendment to planning permission 20/01442/FUL to amend the approved drawing list (condition 2) in relation to condition 17 (off-site highway works) and to amend the drainage strategy and drainage layout to relocate attenuation tanks from plots 19 and 20 to under the highway pursuant to condition 2 and 18. for Oakmere Homes (Scale Hall Ward)	Application Permitted
23/01192/VCN	Furness College, Tower Avenue, Lancaster University Change of use of second floor offices (E) to 7 cluster apartments for student accommodation (Sui Generis) comprising of 1 7-bed, 3 8-bed, 2 9-bed and 1 11-bed and installation of louvers to all elevations (pursuant to the variation of conditions 2, 3 and 5 on 22/00041/FUL in relation to approved plans, bike shelter and noise conditions) for Mr Guy Constantine (University Ward)	Application Permitted
23/01199/FUL	13 Brock Street, Lancaster, Lancashire Installation of a rear replacement extract flue for Omamayar Ltd (Castle Ward)	Application Permitted
23/01208/LB	The Old Post House, 28 - 30 Yealand Road, Yealand Conyers Listed building application for the retention of the removal of a first floor stud wall, relocation of bathroom, infill of a door, relocation of a waste pipe and installation of double glazing to two windows to side elevation for Mr David Keeton (Warton Ward)	Application Permitted
23/01210/FUL	42 Walton Avenue, Morecambe, Lancashire Construction of a hip to gable roof extension and a rear dormer extension for Mr and Mrs Chris Scofield (Torrisholme Ward)	Application Permitted
23/01219/VCN	Land North Of Inglenook, Aldcliffe Road, Lancaster Erection of 6 dwellings with associated access and landscaping (pursuant to the variation of condition 7 on planning permission 23/00894/VCN to retain the screen fencing to 13 Aldcliffe Hall Drive on a permanent basis) for Mr and Mrs Million (Scotforth West Ward)	Application Refused
23/01222/FUL	18 Lathom Avenue, Morecambe, Lancashire Demolition of existing single storey rear extension and erection of single storey rear and side extension for Mr Andrew Frearson (Bare Ward)	Application Permitted
23/01223/LB	The Old Post House, 28 - 30 Yealand Road, Yealand Conyers Listed building application for erection of conservatory to rear elevation for Mr David Keeton (Warton Ward)	Application Refused
23/01232/FUL	Wilson House , Ashton Road, Lancaster Demolition of existing outbuildings and external courtyard walls and erection of a two storey rear extension for Mr & Mrs J & F Ayrton (Scotforth West Ward)	Application Refused
23/01234/FUL	26 Throstle Grove, Slyne, Lancaster Erection of single storey rear extension, extension to existing loft conversion, construction of dormer extension to the front elevation, replacement of existing flat roof with duo pitched roof and extension of existing raised deck to rear with balustrade for Mr and Mrs Simpson (Bolton And Slyne Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

23/01242/PLDC	206, 207 And Winter Gardens Arcade, Marine Road Central, Morecambe Proposed lawful development certificate for the change of use class E(a) (Shop other than for sale of hot food) to use class E(d) indoor sport and recreation (not swimming pools, ice rinks or motorised vehicles or firearms) for Johnny's Entertainments (Tyneside) Ltd (Poulton Ward)	Lawful Development Certificate Granted
23/01247/FUL	Halton Village Butchers, 99 High Road, Halton Change of use and conversion of former butchers shop (E) to a single dwelling (C3) for Mr D McGowan (Halton-with-Aughton And Kellet Ward)	Application Refused
23/01249/PLDC	29 Harrowdale Park, Halton, Lancaster Proposed lawful development certificate for the erection of a single storey rear extension and loft conversion for Mrs Dawn Burrow (Halton-with-Aughton And Kellet Ward)	Lawful Development Certificate Granted
23/01254/FUL	62 Windermere Road, Lancaster, Lancashire Erection of a porch, construction of a dormer extension to the rear elevation and installation of a Juliet balcony to the rear for Mrs Emma Ferguson (Bulk Ward)	Application Permitted
23/01255/ADV	14 Mannin Way, Lancaster, Lancashire Advertisement application for the display of 3 externally illuminated fascia signs for Mrs Davies (Lower Lune Valley Ward)	Application Permitted
23/01259/ELDC	Kendal Hill Farm, Dobs Lane, Glasson Dock Existing lawful development certificate for the siting of a static caravan for use as an agricultural workers dwelling for Mrs Virginia Charnley (Ellel Ward)	Application Withdrawn
23/01262/FUL	7 Greenfinch Way, Heysham, Morecambe Erection of two storey rear extension and single storey rear extension for Mr And Mrs S Mckenzie (Heysham South Ward)	Application Permitted
23/01270/FUL	Inglewood , Aldcliffe Road, Lancaster Demolition of existing sun room, erection of a single storey side/rear extension, installation of an air source heat pump to the rear and installation of solar panels to the front roof slope and detached garage for Mr & Ms Tom & Dearbhail Harding & Keating (Scotforth West Ward)	Application Permitted
23/01271/FUL	Arna Wood Farm West, Arna Wood Lane, Aldcliffe Erection of an agricultural building for the housing of livestock and storage for Mr Thomas Bennett (Scotforth West Ward)	Application Permitted
23/01274/PAA	Building North Of Croftlands, Blea Tarn Road, Scotforth Prior approval for the change of use of agricultural building to 1 dwelling (C3) for Mrs Lynda Swan (Ellel Ward)	Prior Approval Refused
23/01275/FUL	Woodmuir , Westbourne Road, Lancaster Demolition of existing outbuilding and erection of a replacement outbuilding and erection of an extension to existing garage for Mr & Mrs Diamond (Marsh Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

23/01278/FUL	15 Peacock Crescent, Hest Bank, Lancaster Erection of a single storey side/rear extension and installation of a replacement roof for David and Julia Hopwood (Bolton And Slyne Ward)	Application Permitted
23/01280/PAA	Barn North Of, Back Lane Farm, Back Lane Prior approval for the change of use of agricultural building to 1 dwelling (C3) for Mr Ben Towers (Upper Lune Valley Ward)	Prior Approval Refused
23/01285/FUL	2 Lowlands Road, Bolton Le Sands, Carnforth Demolition of existing garage, erection of single storey side/rear extension incorporating existing conservatory for Mrs Ailsa Robinson (Bolton And Slyne Ward)	Application Permitted
23/01292/VCN	Cinderbarrow Cottage, Cinderbarrow Lane, Yealand Redmayne Demolition of existing conservatory, sun room, detached garage and sheds and erection of extension to north/east elevation and erection of a two storey detached outbuilding for use as a garage/workshop (pursuant to the variation of condition 2 on planning permission 23/00403/FUL to alter the design and footprint of the detached garage/workshop) for Mr & Mrs David & Gill Lumb (Silverdale Ward)	Application Permitted
23/01293/OUT	110 Quarry Road/36 Dumbarton Road, Lancaster, Lancashire Part retrospective outline application for the erection of a part 3 storey, part single storey side extension comprising 8 studio units (C3) for student accommodation for Mr Zubeir Mister (John O'Gaunt Ward)	Application Refused
23/01297/FUL	Royal Lancaster Infirmary, Ashton Road, Lancaster Erection of a bin store for Satterthwaite (Scotforth West Ward)	Application Permitted
23/01299/FUL	73 Prospect Street, Lancaster, Lancashire Change of use from store with rear office (Class E) to studio for student accommodation (Class C3) for Mr Master (John O'Gaunt Ward)	Application Refused
23/01300/FUL	Throstle Croft, Main Road, Thurnham Retrospective application for the change of use of garage to office for Ronson / Dickson (Ellel Ward)	Application Permitted
23/01301/LB	Lancaster Railway Station , Westbourne Road, Lancaster Listed building application for internal works to facilitate the refurbishment of rooms at first floor level to create a railway occupational health and railway training facility for Network Rail (Castle Ward)	Application Permitted
23/01303/PLDC	5 Ardengate, Lancaster, Lancashire Proposed lawful development certificate for conversion of existing loft space, installation of solar panels to the front/rear elevations and rooflights to the rear elevation for Mr Alex Woywodt (Scotforth West Ward)	Lawful Development Certificate Granted



## LIST OF DELEGATED PLANNING DECISIONS

23/01304/VCN	Land North Of Inglenook, Aldcliffe Road, Lancaster Erection of 6 dwellings with associated access and landscaping (pursuant to the variation of condition 7 on planning permission 23/00894/VCN to retain the screen fencing to 9 Aldcliffe Hall Drive on a permanent basis) for Nick and Emma Ross and Proctor (Scotforth West Ward)	Application Refused
23/01305/FUL	Anchor Building, 1 Penrod Way, Heysham Erection of 200kW energy storage facility including battery units with associated equipment, electrical cabinets and erection of 2.4m fencing for Miss Philippa Rees (Heysham South Ward)	Application Permitted
23/01315/FUL	20 Haws Avenue, Carnforth, Lancashire Demolition of existing rear conservatory, erection of a single storey side/ rear extension and conversion of existing garage into ancillary living accommodation for Rob and Rebecca Saint-Humphries (Carnforth And Millhead Ward)	Application Permitted
23/01318/FUL	The Barn, Kirkby Lonsdale Road, Over Kellet Erection of a detached garage for Mr David Walling (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/01324/ELDC	7 Alfred Street, Lancaster, Lancashire Existing lawful development certificate for use of property as HMO (C4) for Mr Roger Bozon (Castle Ward)	Lawful Development Certificate Granted
23/01325/LB	The Flat, 46 - 48 Church Street, Lancaster Listed building application for the installation of a rooflight to the front elevation for Mr Joe Darrell (Castle Ward)	Application Permitted
23/01326/PLDC	2 Redwood Heights, Lancaster, Lancashire Proposed lawful development certificate for the installation of a handrail to existing external front steps for Mrs Victoria Taylor Lewis (John O'Gaunt Ward)	Lawful Development Certificate Granted
23/01345/FUL	5 Town End Fold, Warton, Carnforth Erection of a single storey side extension for Mr Jack Nethercott (Warton Ward)	Application Permitted
23/01349/FUL	21 Harrowdale Park, Halton, Lancaster Construction of a dormer extension to the front and rear elevation and loft conversion for Mr Graham Kemp (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/01355/FUL	Banks Lyon Jewellers, 36 - 40 Church Street, Lancaster Installation of a replacement shop front window for Mr Rodney Banks-Lyon (Castle Ward)	Application Permitted
23/01365/PAH	17 Pemberton Drive, Morecambe, Lancashire Erection of a 4.5 metre deep, single storey rear extension with a maximum roof height of 3.36 metres for Mr And Mrs Airey (Torrisholme Ward)	Prior Approval Not Required
23/01366/PLDC	36 Bay View Avenue, Slyne, Lancaster Proposed lawful development certificate for the erection of a single storey rear extension for Mr S Coleman (Bolton And Slyne Ward)	Lawful Development Certificate Granted
23/01377/FUL	Garage, Dalton Road, Lancaster Erection of a replacement detached garage for Mr M Joyce (Bulk Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

23/01401/PLDC	Mill Farm, Burrow Road, Burrow Proposed lawful development certificate for the replacement of existing concrete yard for Mr Richard Crackles (Upper Lune Valley Ward)	Application Withdrawn
23/01426/NMA	Land North Of Wherside Road, Watery Lane, Lancaster Non material amendment to planning permission 20/01442/FUL to amend house types at plots 1, 2, 3, 4, 25, 31, 32, 33, 34, 35, 36, 37, 38, 39, 42, 45, 46, 47, 49, 51, 53, 54, 56, 60, 61, 71, 73 and 78 for Oakmere Homes (Scale Hall Ward)	Application Permitted
23/01432/FUL	23 Sand Lane, Warton, Carnforth Erection of a single storey extension to the rear for Mr and Mrs Armer (Warton Ward)	Application Permitted
23/01433/PLDC	7 Mill Hill Grove, Middleton, Morecambe Proposed lawful development certificate for the conversion of a garage to ancillary accommodation in association with 7 Mill Hill Grove for Mr and Mrs Clarke (Overton Ward)	Lawful Development Certificate Granted
23/01434/FUL	Moss Cottage, Moss Lane, Thurnham Conversion of domestic garage to a habitable room for Mr & Mrs Bass (Ellel Ward)	Application Permitted
23/01448/EIR	Lower Barn, Aughton Brow, Aughton Screening request for the retention of an extension to existing agricultural building for Mr Andrew Talbot (Halton-with-Aughton And Kellet Ward)	ES Not Required
23/01456/NMA	20 Hest Bank Road, Morecambe, Lancashire Non material amendment to planning permission 23/00664/FUL to amend cladding material for Mr Michael Newton (Bare Ward)	Application Permitted
23/01471/NMA	Site Of Former Police Station, Heysham Road, Heysham Non-material amendment to planning permission 14/00291/VCN to change the description to four storey residential apartment block for Mr A D Gott (Heysham Central Ward)	Application Refused
23/01480/EIR	Lower Barn, Aughton Brow, Aughton Screening request for retrospective application for a general purpose agricultural building for Mr Andrew Talbot (Halton-with-Aughton And Kellet Ward)	ES Not Required
23/01490/EIR	Hyning Barn, Borwick Lane, Warton Screening opinion for erection of an agricultural livestock building for Mr Matthew Allen (Warton Ward)	ES Not Required
23/01492/NMA	Ward Field Farm, Main Road, Galgate Non-material amendment to reserved matters approval 23/00602/VCN to alter the positions of plots 59-62 to necessitate a bin store to plot 59 and a shared access to the rear for Hollins Homes (Ellel Ward)	Application Permitted