

Agenda Item	A9
Application Number	21/01295/FUL
Proposal	Demolition of existing restaurant and erection of five new dwellings (C3) with associated landscaping and altered access
Application site	Hawthorne House Bye-pass Road Bolton Le Sands Carnforth
Applicant	Mr and Mrs C. and B. Waddington
Agent	Mr Daniel Ratcliffe
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Refusal

(i) **Procedural Matters**

This application would normally be dealt with through delegated powers but has been brought to Planning Committee as the applicants have a family connection to Councillor Keith Budden through marriage. This application was prepared for the Planning Regulatory Committee on the 28th March 2022, which was cancelled on the day due to unforeseen power outage problems at Morecambe Town Hall. This report has been updated to reflect some matters initially intended to be verbally updated on the 28th March 2022.

1.0 Application Site and Setting

1.1 This application relates to the Hawthorn House (which is also known as Miitalia), and the surrounding land and garden area. The property located on Bye Pass Road in Bolton Le Sands. The property is currently a restaurant to the ground floor and a flat to the first floor. To the west are residential properties that are bungalows and to the east of the site are two storey residential properties. To the north of the site is Bolton Le Sands Fire Station and to the south of the site is an agricultural field. The garden area to the rear of the existing property is surrounded by 2m high timber fencing.

1.2 Hawthorne House is used as a restaurant, Miitalia, with office accommodation above. There is an existing car park which is accessed via the Bye-pass road, to the south and east of the existing property which provides approximately 17 spaces to the front and side of the building. Land levels fall away gently in a general east to west direction across the site

1.3 The site is allocated as a countryside area in the Lancaster District Local Plan proposals map.

2.0 Proposal

2.1 The application proposes the demolition of existing restaurant building and the erection of five new dwellings with associated landscaping and altered access. The dwellings will be two stories and comprise three detached dwellings and a semi-detached pair. Associated car parking will be integrated into the scheme. The accommodation breakdown is as follows:

- 2 no. three-bedroom semi-detached dwellings
- 2 no. three-bedroom detached dwellings
- 1 no. four-bedroom detached dwellings

2.2 In 2015 planning consent was granted to erect a new-build dwelling at the site and change the use of the first-floor flat to an office (15/01272/CU). Following the grant of planning permission, the submission sets out that offices above the restaurant were brought into occupation and therefore argues that the consent remains extant. The current scheme includes a detached dwelling in place of the previously approved dwelling at the site.

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
15/01272/CU	Erection of a 2-bed dwelling and change of use of flat (C3) to office (B1) with associated parking	Permitted
14/00728/FUL	Construction of a terrace to provide an external seating area	Permitted
13/00605/FUL	Installation of an access ramp to the front elevation of the restaurant and installation of 2 new windows and a new door to the rear elevation to facilitate separate access arrangements to the associated first floor	Permitted

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	No objections subject to conditions relation to electric vehicle charging points and noise.
Engineers	No objections
United Utilities	No objections following receipt of revised drainage details.
Lancaster Civic Society	Objection due to lack of justification for the loss of the existing building. Comments awaited in respect of revised plans.
Parish Council	Objection due to concerns relating to highway safety, parking provision and increased pressure on primary school places. Further comments awaited in respect of amended plans and will be updated verbally.
Canal and Rivers Trust	No comment to make on this application.
Lancashire Fire and Rescue	Neither objects nor supports the application but raises queries in respect of proposed boundary treatments between the plots and the fire station land, onsite parking provision and new tree planting.
Fire Safety Officer	Advice
Arboricultural Officer	No objections
County Highways	No objection to the principle of the application. However, there are concerns regarding the off street parking, the vehicle access and lack of electric vehicle charging points.
Conservation	No comments to make on this application

4.2 Three items of comment have been received from members of the public. These include three items of objections which raise the following points:

- If this development goes ahead it would totally obscure the adjacent fire station from road users on the A6 towards Carnforth
- It introduces another junction and standing traffic on an already busy A6 accident blackspot.
- It is opposite Clarksfield Road junction and in the vicinity of junctions of Acorn Meadow and St Michaels Lane.
- The grassy area within the adjacent the fire station site floods in heavy and rainfall any development would increase the run off into this area, and has potential to flood the fire station
- The development will not contribute to the overstretched services i.e., schools and doctors
- Any proposed development in the village should be totally allocated and priced accordingly for local first time buyers only
- Concerns regarding the proximity of the house within plot 1 to the side elevation of 35 Rydal Road which includes a secondary kitchen window and a bathroom window.

The fourth item of public comment neither supports nor objections to the scheme but raises concerns regarding potential issues with onsite parking provision.

5.0 Analysis

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

- Principle of development and loss of community facility
- Scale, layout and design
- Impact on residential amenity of neighbouring properties
- Parking and highway impacts
- Ecology and trees
- Drainage
- Noise and air quality

5.2 Principle of residential development and loss of community facility SPLA DPD Policies SP1: (Presumption in Favour of Sustainable Development), SP2: (Lancaster District Settlement Hierarchy), SP3: (Development Strategy for Lancaster District), SP6: (The Delivery of New Homes), H2: (Housing Delivery in Rural Areas of the District). DM DPD Policies DM1: (New Residential Development and Meeting Housing Needs), DM4: (Residential Development Outside Main Urban Areas), DM56: (Protection of Local Services and Community Facilities). NPPF sections 2, 6, 8, 9, 11 and 12.

5.2.1 The District's settlement hierarchy (policy SP2 of the SPLA DPD) recognises Bolton-le-Sands as one of the districts most sustainable settlements where the principle of housing can be supported. This policy recognises that sustainable rural settlements offer a range of facilities and infrastructure to support additional growth, provided, in general, that the scale of housing growth is proportionate to the existing scale and character of the settlement and availability of, or the opportunity to provide, infrastructure, services and facilities to serve the development can be accommodated in the local area. Policy SP6 relates to housing delivery and clearly states that the figures set out in this policy represent minimum figures for new homes in the district. The policy goes on to state that opportunities for further growth will be supported where it represents sustainable development and is in accordance with relevant national and local planning policy. The principle of housing growth in Bolton-le-Sands is acceptable in spatial planning terms. The key considerations (set out in paragraph 5.1 and discussed through this report) will assess whether the proposal constitutes sustainable development.

5.2.2 The NPPF was revised in July 2021 but at its core, the objective to 'significantly boost' the supply of homes remains and is reflected in paragraph 60 of the framework. In this regard, as of the 1st April 2021, the Lancaster District can only demonstrate a 2.6 year supply of housing land whilst an

average of 623 dwellings are required per annum to meet the district's objectively assessed need for housing. The annual need for this quantum of housing is confirmed in both policy SP6 of the SPLA DPD and the LPA's latest Housing Supply Statement. A lack of a five-year housing land supply is a material consideration in the determination of this application and also requires the application of the presumption in favour of sustainable development. The opportunity to address the undersupply can only come forward through the approval of more residential proposals and the identification of further supply through the Land Allocations process. Therefore, given the current situation, the relatively small scale of the proposal within a sustainable rural settlement, it would be difficult to resist the principle of residential development in this location subject to other policy considerations.

5.2.3 Turning to the issue of the loss of community facility, the supporting text to policy DM56 of the DPD sets out the role that local services can play in ensuring that communities are sustainable in the long term is recognised. The ability to access local services that are located in close proximity to where people live has a significant relationship with well-being and a positive quality of life. To this end, the Council will protect the buildings and premises used by local services that benefit the local community both socially and economically. The Council will also resist the loss of local services where it is demonstrated that they are valued by the community they serve. Furthermore, the National Planning Policy Framework sets out in Paragraph 93 that planning policies and decisions should plan positively for the provision and use of shared spaces and community facilities and should guard against the unnecessary loss of valued facilities and services.

5.2.4 Policy DM56 sets out that proposals that would result in the loss of buildings or uses which currently (or have previously) provided the community with a local service, must provide compelling and detailed evidence. Proposals will be expected to ensure that:

- A robust and transparent marketing exercise has taken place demonstrating that the retention of the existing use is no longer economically viable or feasible. This should include a realistic advertising period of at least 12 months at a realistic price (confirmed by independent verification), making use of local and (if appropriate) national media sources. Information on all offers made, together with copies of the sales particulars will also be required to accompany the application;
- Alternative provision of the key service exists within a rural settlement or within a nearby neighbouring settlement, that can be reasonably accessed by pedestrians and public transport; and
- The current / previous use no longer retains an economic and social value for the community it serves.

Appendix A of the DM DPD provides a Glossary of Terms and this includes restaurants as a type of business which is classed as a local service.

5.2.5 Criteria I of Policy DM56 requires a robust and transparent marketing exercise of the restaurant use to be undertaken. It sets out that the marketing period must be a minimum of 12 months and set at a realistic price using local and national agencies. The purpose of the marketing exercise is to demonstrate that the existing use of property is no longer economically viable or feasible. In other words, Policy DM56 assumes that if no offers are forthcoming within the required marketing period for the continuation of the community facility, then that use is considered to be unviable and unfeasible. Other information such as a commercial viability report assessing previous trading performance and outlining potential alternative or theoretical business plans is not required by this policy. No evidence has been submitted with the application that a robust marketing exercise has taken place demonstrating that the retention of the existing use is no longer economically viable or feasible. The agent argues that the business has not operated since March 2020 when Covid 19 restrictions were introduced although it is understood that the restaurant has operated on a limited capacity since as a takeaway. However, without the benefit of a marketing exercise it impossible to assess whether or not the retention of the existing use is no longer economically viable or feasible. As such the submission fails to comply with this element of the policy.

5.2.6 The second criteria of policy DM56 requires there to be alternative provision for that which is being lost as part of the proposed development. The wording of this criteria is particular in that this relates to rural settlements, of which Bolton-le-Sands is one listed within. In terms of alternative service provision, other similar facilities do exist within the vicinity of the site notably The Far Pavilion, Trungs, Rickys, The Blue Anchor, The Royal, Archers and The Bay View Restaurant. It is therefore

considered that the loss of the subject property would not reduce the community's ability to meet its day-to-day needs as there is alternative service provision within easy reach of the application site. It is therefore considered that the second criteria of policy DM56 would be satisfied.

- 5.2.7 The final criteria of Policy DM56 sets out that the current/previous use should no longer retain an economic and social value for the community. This criteria is again specific in that the community use must provide both an economic and social value rather than one or the other. It is noted that none of the public objections to the scheme relate specifically to the loss of this business. Limited information has been submitted in respect of this criteria other than the agent stating that the restaurant (which has operated in a limited capacity since Covid as a takeaway) is closed and as such it serves no economic or social value to the community. The agent goes on to state that any employment has been transferred to the Morecambe premises which the applicants own/run. However, as the business has only operated in a limited capacity over the last two years it is not possible to assess what, if any economic and social value the building holds for the local community. As such, it is considered that the submission fails to comply with the third criteria of policy DM56.
- 5.2.8 The submission highlights the site as previously developed land which is currently under-utilised as class E use. The agent has gone on to argue that as the building falls within class E, it could benefit from permitted development rights for one of the other uses within this class such as residential, retail, office sports, recreation or fitness (i.e. a gym or similar), medical or health services, crèche, day nursery or day centre. Obviously if the applicant were to take advantage of the permitted changes of use within class E it would not bring forward the additional residential units which are proposed within the submitted scheme. The agent puts forward the case that notwithstanding the failure to comply with DM56, the benefits of the scheme would far outweigh any impacts associated with the loss of the restaurant, particularly on the basis that permitted development rights now allow the change of the use of the unit to alternative uses. The agent goes on to argue that the Councils lack of 5 year housing supply position is a significant consideration in the determination of planning applications. Although this is indeed a consideration it does not override the need for compliance with the requirements of DM56 which the Council has applied rigorously in the consideration of other applications (such as 21/00469/FUL at The Britannia and 21/01549/CU Green Finch Café).
- 5.2.9 The agent has circulated a letter to Councillors which suggest that policy DM56 is outdated due to recent changes in the Town and Country Planning (Use Classes) Order 1987 (as amended). This is because a restaurant use now falls within Class E and can now change use to other uses within this use class without the need for planning permission. There is merit to suggest that Class E has to a degree undermined DM56, however the application must be assessed on the last use of the building, and that is as a restaurant. For the agent to use an argument that it could be an office is a moot suggestion, as it would need to be operating as such, and it's not. All applications must be determined in accordance with the Development Plan (unless material consideration indicate otherwise) and whilst it is accepted the Class E modifications do, to an extent jar with the thrust of the policy, policy DM56 still needs to be met, which the scheme fails to do. The agent has also pointed out that the building could be converted under prior approval to a dwelling under Class MA, which allows the conversion of premises in Use Class E to residential. Whether or not it could be converted under a prior approval route is a separate application in itself. As such, it is premature to be suggesting this, as no prior approval exists, nor has been applied for.
- 5.2.10 It is concluded that although the proposal is within a sustainable rural settlement where residential development would be acceptable, the failure to comply with policy DM56 means that the overall principle of the scheme is unacceptable at this time.
- 5.3 Scale, Layout and Design DM DPD policies DM2: (Housing Standards), DM29: (Key Design Principles), DM30: (Sustainable Design), NPPF section 12
- 5.3.1 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. The revised NPPF also places an increased focus on good design through advocating 'beautiful' buildings and places to reside. DM2 of the DM DPD relates to Housing Standards. Proposals for residential development will be supported where the new dwelling meets the Nationally Described Space Standard (NDSS) or any future successor.

- 5.3.2 The site frontage will be occupied by the semi-detached pair with the remaining 3 dwellings being located on the northern side of the plot with landscaping and some parking along the southern site boundary. This is considered to be an acceptable layout. Plots 1, 2, 4 and 5 would be 3-bed dwellings with plot 3 providing a 4 bed unit with integral garage. The general design of each dwelling would comprise pitched roofs with front gable features. External materials would include rendered elevations under slate roofs with powder coated aluminium windows. Overall, the scale, design and appearance would reflect similar development in the vicinity of the site and is considered to be acceptable. The scheme also meets NDSS requirements.
- 5.3.4 Externally plots 1, 2 and 3 would have private garden areas of a least 10 metres in depth as required by policy DM29. Plots 4 and 5 fall slightly short of this requirement but would nevertheless provide an area of at least 50sqm and therefore on balance, external amenity space is seen to be acceptable.
- 5.3.5 Overall, it is considered that the scheme represents an acceptable scheme with regard to scale, layout and design.
- 5.4 Impact on residential amenity of neighbouring properties DM DPD DM29: (Key Design Principles), NPPF section 12
- 5.4.1 The nearest neighbouring residential property is no.35 Rydal Road to the west of the site. Plot 1 will be the closest of the five proposed dwellings but will be in the same position as the one previously approved under the 2015 application. There are no windows within the western elevation of the plot 1 dwelling and therefore the scheme will not give rise to issues of direct overlooking. Plans indicate a 2 metre high boundary fence between the 2 properties will be in place. As such it is considered that the development will not impact unduly on neighbouring residential amenity.
- 5.5 Parking and highway impacts DM DPD DM29: (Key design principles), DM60: (Enhancing Accessibility and Transport Linkages); DM61: (Walking and Cycling); DM62: (Vehicle Parking Provision). NPPF sections 9 and 12.
- 5.5.1 From a National Planning Policy perspective, paragraph 108 of the NPPF advises that where appropriate, schemes should secure safe and suitable access to the public highway for all applicable users. The NPPF further advises that sustainable transport modes should, where possible and relevant, be taken up and encouraged although this will of course depend on the type of development and its location. This requirement is reflected in policy DM29 (Key Design Principles) which requires proposals to deliver suitable and safe access to the existing highway network whilst also promoting sustainable, non-car dominated travel. Policy DM62 requires parking to be provided in accordance with appendix E of the Development Management DPD. Appendix E sets out the number of car parking spaces required as a maximum. A 3-bed dwelling should have a maximum 2 off street parking spaces and a 4-bed dwelling should have a maximum of 3 spaces. These spaces should measure 2.4m x 5m and where a garage is provided it should measure 3m x 6m internally to be counted as a parking space.
- 5.5.2 Based on the requirements of Appendix E, the development would demand a maximum number of parking spaces for eleven vehicles. As it stands nine spaces are proposed. The agent has been requested to increase this number to a minimum of ten spaces which would accommodate for two vehicles per dwelling. It is considered that this request could easily be accommodated within the site and amended plans are awaited in this regard. Furthermore, the site is located within a sustainable location with easy access to public transport facilities.
- 5.5.3 The site already benefits from an established point of access off Bye-pass Road. This will be altered slightly to a width of 6 metres at the point of access with the internal road reducing to a width of approximately 4.14 metres to the western end of the site. The proposal has been reviewed by the County Highways Officer who has noted the lack of a turning head and highlights this as a safety concern as delivery vehicles will either have to reverse into the site or on back out onto the A6 (Bye-Pass Road). The County Highways Officer advises that it is expected that any vehicle likely to access the site should be able to access and egress the site in a forward gear. The agent has been asked to look at this arrangement with a view to improving the ability for delivery vehicles to turn safely within the site. Amended plans are awaited at the time of writing this report. Should suitable plans not be received then officers reserve the right to include an additional reason for refusal.

- 5.5.4 The County Highways Officer has requested a condition requiring the submission, agreement and implementation of a construction traffic management method statement. The control and use of the highway during the construction phase of the development should be managed through appropriate highways legislation by the County Council themselves rather than through the planning process. As such this condition is not recommended.
- 5.6 Ecology and trees DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact). NPPF section 15
- 5.6.1 The site is located approximately 1 kilometre from Morecambe Bay Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site.
- 5.6.2 The site is separated from the designated area by intervening existing residential development and roads. As such, it is considered that there would be no direct impacts on the aforementioned designations. However, there is the potential for increased recreational pressure post development, although this is unlikely to be significant given the scale of the development. It is considered that this relatively small impact could be adequately mitigated through a requirement to produce and distribute a homeowner pack to future occupants, which could be controlled by a condition. As mitigation would be required, the Local Planning Authority is required to undertake an Appropriate Assessment, and this is contained in a separate document. This concludes that, with mitigation, it is considered that proposed development will have no adverse effects on the integrity of the designated site, its designation features or its conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. At the time of writing this report comments are awaited from Natural England to confirm that the suggested mitigation in the form of homeowner packs is acceptable.
- 5.6.3 A Tree Report has been carried out by Yew Tree Gardens. The Report identifies H1 (hedge) along the southern boundary of the existing car park as an even-aged mixed hedge. As the car park extends up to 500 mm from the stems of the hedge, the Report sets out that no root development will have occurred within the site. H2 (hedge) is an established Privet hedge along the northern site boundary. Again, as the existing car park extends up to the canopy of the hedge, no root development will have occurred within the site. Tree references T1 and T2 are located beyond the northern site boundary within the grounds of the fire station. These trees have interdependent crown forms due to their close spacing. Both trees have Ash dieback disease with T2 being in very poor condition and T1 having volumes of deadwood overhanging the site. It is considered that existing hard surfacing will have prevented any root development within the site. The submitted Tree Report suggests that T1 and T2 will require removal by their owners. Nevertheless, these trees do not appear to be a barrier to the development. The Tree Report also identifies G2 which is an area of overgrown hedge and garden shrubs located adjacent to the boundary in the southwest corner of the site. They will require management / removal in any development of the site.
- 5.6.4 It is concluded that the proposed development would have limited impact on the trees and hedges both on and adjacent to the site. Although no detailed Tree Protection Plan has been provided, given the existing site constraints and location of hedge planting it is considered that the provision of such a plan could be conditioned. New tree planting could also be conditioned as part of any associated landscaping plan in the case of an approval and would represent an opportunity to increase the tree stock within the site which in turn would provide biodiversity uplift.
- 5.6.5 A bat survey has been carried out by Envirotech and this concludes that there is a low potential for use of the site by bats and that there was no indication of use of the site by bats was found during the survey. It is considered that condition a condition relating to the provision of bat and bird boxes within the development could reasonably be conditioned thereby providing additional biodiversity enhancement of the site.
- 5.6.6 Overall, it is considered that conditions relating to new tree planting and the provision of bat and bird boxes within the development would achieve biodiversity net gain within the site.
- 5.7 Drainage DM DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Waste Water). NPPF section 14

- 5.7.1 The proposed site is situated in flood zone 1 and is not, therefore, a location at risk of flooding. This accords with the general presumptions set out in the NPPF and policy DM33. The critical consideration here relates to site drainage and the appropriate management of surface water to avoid a flood risk on site or elsewhere. Policy DM34 requires development to manage surface water in a sustainable way utilising sustainable drainage systems in accordance with the surface water drainage hierarchy.
- 5.7.2 United Utilities Sewer Records identify that a 150mm diameter public combined sewer traverses the west of the site, flowing in a southerly direction, the head of the system is within the fire station to the north of the site. Dye testing confirmed that the existing manholes on site are connected to the 150mm public combined sewer which traverses the site. In accordance with the NPPF and the Non-Statutory Technical Standards for SUDS: Practice Guidance the discharge of surface water shall comply with the drainage hierarchy detailed within the NPPF, National Planning Practice Guidance and within Building Regulations Part H and specifies the following methods in order of preference:
- Infiltration via soakaway or other suitable infiltration device
 - Discharge to watercourse
 - Discharge to public sewer
- 5.7.3 On-site infiltration testing has been undertaken and this concluded that the use of soakaways to dispose of surface water flows resulting from the development is not considered feasible. The nearest watercourse to the proposed development site is an unnamed watercourse which is located within the adjacent field approximately 50 metres south of the site. It is understood that connecting to the watercourse would require crossing third party land which is not considered to be viable. Furthermore, the watercourse is considered to be shallow and would require a pumped solution. Taking the above into consideration discharge to watercourse is not considered to be feasible. As such the submitted Drainage Strategy proposes that surface water from the site will be connected onto the 150mm public combined sewer which traverses the site, as per the existing situation. Due to the shallow nature of the receiving public sewer a pumped solution will be required.
- 5.7.4 Greenfield runoff rates have been calculated based on the total redline boundary of 0.138Ha, which resulted in QBar of 0.4l/s. Surface water flows from the proposed development have been restricted to no more than QBar i.e., 0.4l/s for all return periods including the 1 in 100 year event with the addition of 40% climate change. Flows in excess of this will be attenuated within a geo-cellular storage tank located within the car parking area. During the feasibility review in respect of the site drainage, permeable paving was considered within the car parking area to the south of the site, however due to the heavy maintenance burden and the fact that the drainage network will be privately managed and maintained the future risk of flooding outweighed the benefit. As such Permeable Paving was not included within the final scheme on grounds of future flood risk.
- 5.7.5 Rainwater Harvesting has been included within the proposed drainage strategy, to provide grey water to individual plots, via the use of a 1500l capacity gravity tank system located within the rear gardens of each plot. The submitted revised Drainage Strategy includes a Management & Maintenance Plan which could be conditioned in the event of the application being viewed favourably.
- 5.7.6 United Utilities have been reconsulted on the revised Drainage Strategy and their response will be reported verbally at the Committee meeting.
- 5.8 Noise and air quality DM DPD DM29: (Key design principles), DM31: (Air Quality Management and Pollution). NPPF sections 11, 12 and 15.
- 5.8.1 The submission includes an Acoustic Survey which identifies that existing background sound levels, predominantly from road traffic, would result in an adverse impact on the proposed properties to the front of the development. As such additional mitigation measures are required in the form of standard double-glazing units with trickle window vents to ensure a suitable level of ventilation is achieved, and a 2.0m high close-boarded fencing to the garden amenity areas.
- 5.8.2 An Air Quality Assessment has also been submitted which suggest the provision of electric vehicle charging points. The provision of these could be conditioned.

6.0 Conclusion and Planning Balance

6.1 This report has set out that the principle of residential development in this location is acceptable and can be supported as the application site is within a sustainable rural settlement. The proposed dwellings offer suitably sized units that the district would benefit from. Each dwelling would benefit from private amenity space with off road parking and subject to the receipt of revised plans the scheme would be acceptable in terms of highway safety matters. Given the LPA's lack of a five-year housing supply the application represents an opportunity to boost the district's supply, albeit in a modest way. In applying the overall planning balance, although the benefits of the scheme are noted, the proposal has failed to demonstrate that a robust and transparent marketing exercise has taken place or that the current / previous use no longer retains an economic and social value for the community it serves. Therefore, in this case it is considered the benefits of the proposal do not outweigh the failure to comply with the requirements of policy DM56 and therefore the recommendation is to refuse planning permission.

Recommendation

That Planning Permission BE REFUSED for the following reasons:

1. The applicant has failed to evidence to the satisfaction of the Local Planning Authority that a robust and transparent marketing exercise has taken place demonstrating that the retention of the existing use is no longer economically viable or feasible. In addition, it has not been demonstrated that the current use no longer retains an economic and social value for the community serves. Therefore, the proposed development is contrary to Policy DM56 of the Development Management Development Plan Document and Section 8 of the National Planning Policy Framework.

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

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Although the applicant has failed to take advantage of this service, they have previously been made aware of the issues of concern regarding the proposal which the submission does not satisfactorily address. Consequently, the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Background Papers

None