

Agenda Item	A6
Application Number	23/01380/FUL
Proposal	Part retrospective application for change of use of former public house to 2 dwellings and erection of 1 dwelling on former car park, construction of boundary walls and creation of associated car parking
Application site	95 Main Road Bolton Le Sands Carnforth Lancashire
Applicant	Mr Geoff Harris
Agent	Mr Michael Harrison
Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

This planning application would normally be determined in accordance with the scheme of delegation, however, as the proposal includes the diversion of a public right of way (which must be authorised by Planning Committee), it is considered prudent that the associated planning application be determined by Planning Committee also.

1.0 Application Site and Setting

1.1 This application relates to a large two storey building which is currently in use as a residential dwellinghouse in one half of the building whilst the remaining half is in a deteriorated condition and is currently vacant. The building was previously in use as a public house, known as the Packet Boat. It is a Grade II listed property located in a prominent position at the corner of Main Road and Packet Lane in Bolton Le Sands. It abuts the pavement on Main Road and the carriageway on Packet Lane. There is a former car park area located to the north of the building, parts of which are enclosed by timber hoardings. To the north of this is a small commercial property which fronts onto Main Road. There are residential dwellings further to the north and to the east of the site on the opposite side of Packet Lane. The site is located within the historic core of the village and is within the Bolton Le Sands Conservation Area designation. The Bolton Turnpike Canal Bridge is a Grade II listed structure, whilst almost all the buildings surrounding the site are identified as non-designated heritage assets. The site is located within the designated Open Countryside and it is also located approximately 17 metres to the east of the Lancaster Canal which is a Biological Heritage Site. A public right of way passes through the car park and links Main Road with Packet Lane.

2.0 Proposal

2.1 Part retrospective planning permission is sought for the change of use of the former public house building into two residential dwellinghouses (use class C3) along with the demolition of modern rear and side elevation extensions and erection of a single storey rear extension and a two-storey side extension in their place. The proposal also includes the formation of garden areas, parking spaces and boundary walls. In addition to this, the proposal also seeks planning permission for the erection of a two-storey dwelling (use class C3) within the former car park towards the northern end of the site along with associated parking spaces and residential garden enclosed by boundary walls.

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
15/00696/CU	Change of use of public house (A4) to a 4-bed dwelling (C3), demolition of part of the existing single and 2 storey rear extension, new pitched roof over retained part of single storey rear extension, and installation of new raised terrace, new windows, new boundary treatment and gates	Approved
15/00697/LB	Listed building application for the demolition of part of the existing single and 2 storey rear extension, new pitched roof over retained part of single storey rear extension, removal of roof terrace and lift platform, reorientation of raised terrace, replacement and new windows and external doors, new staircase, new and replacement internal partition walls, and erection of new sections of boundary wall and gates	Approved
16/00705/CU	Change of use of public house (A4) to two three bed dwellings (C3), demolition of existing single storey and two storey rear extension, erection of small single storey extension to the rear, erection of a detached garage and erection of new and raising of existing boundary walls	Approved
16/00706/LB	Listed Building application for the demolition of existing single storey and two storey rear extension, erection of single storey rear extension, erection of a detached garage, erection of new and raising of existing boundary walls, installation of new windows to the side, reinstated door to the side, new partition walls and a new staircase	Approved
16/00179/DIS	Parts 1 to 7 and 9 of discharge of condition 3 on approved application 16/00705/CU	Split decision
16/00180/DIS	Parts 1 to 7 and 9 of discharge of condition 3 on approved application 16/00706/LB	Split decision
17/00167/DIS	Part discharge of condition 3 on approved application 16/00705/CU	Split decision
23/01296/LB	Listed building application for the demolition of existing side and rear extensions and slated roof, erection of single storey rear extension and two storey side extension, alterations to openings, installation of new windows/doors, removal of toilets/bar/fixed seating, installation of partition walls, staircase, erection of new and raising of existing boundary walls	Pending consideration

4.0 Consultation Responses

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

Consultee	Response
Conservation Officer	Initial comments made regarding design alterations to the proposed two storey extension and new build dwelling. No formal consultation response provided.
Historic England	Does not require consultation on this application.
Bolton Le Sands Parish Council	No response provided.
County Highways	No objection , conditions requested relating to Construction Management Plan, construction delivery time restrictions, surface water drainage, off road parking and provision of vehicular access points.
Canal And River Trust	No objection , conditions requested relating to Construction Environment Management Plan and drainage. Further comments made regarding heritage considerations and construction traffic routing over canal bridges.
Fire Safety Officer	No response received.
Lancashire Constabulary	No response received.
Public Rights of Way Officer	No objection , a formal diversion order to the existing public right of way is required to facilitate development.
Ramblers Association	No response received.
Natural England	No comment, refer to standing advice.

4.2 The following responses have been received from members of the public:

- 1 letter of support and which expresses concern with the initial Public Right of way designation within the site
- 1 letter indicating an objection to the development, though which indicates the objection relates to the previous and current condition of the site, as opposed to the development proposed.

5.0 Analysis

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

- Principle of development
- Design and heritage
- Residential amenity
- Highways and public right of way
- Ecology
- Drainage

5.2 **Principle of development** National Planning Policy Framework (NPPF) Section 2. Achieving sustainable development, Section 4. Decision-making, Section 5. Delivering a sufficient supply of homes, Section 6. Building a strong, competitive economy; Strategic Policies and Land Allocations

DPD (SPLA DPD) Policy SP1: Presumption in Favour of Sustainable Development, Policy SP2: Lancaster District Settlement Hierarchy, Policy SP3: Development Strategy for Lancaster District; Review of the Development Management DPD (DM DPD) Policy DM1: New Residential Development and Meeting Housing Needs , Policy DM4: Residential Development outside Main Urban Areas, Policy DM13: Residential Conversions, Policy DM56: Protection of Local Services and Community Facilities.

- 5.2.1 Policy SP2 of the Strategic Policies and Land Allocations DPD sets out the settlement hierarchy within the Lancaster District. As part of this Policy, Bolton Le Sands is identified as a sustainable rural settlement, which are settlements within which the provision of dwellings will be supported in principle provided that they are of a nature and scale that is proportionate to the role and function of that settlement. Policy DM1 of the Review of the Development Management DPD details the Councils approach in supporting new residential development stating that proposals must ensure that available land is used effectively, reflect the characteristics of different locations and the specific circumstances of individual sites. Development must also be located where the natural environment, services and infrastructure can or could be made to accommodate the impacts of development in accordance with other relevant policies, particularly Policy DM44.
- 5.2.2 The site which forms the subject of this application is located within the historic core of the village, surrounded by residential dwellings and small scale commercial development. In this location, the principle of residential development, subject to an appropriate design and layout, is considered to be acceptable.
- 5.2.3 This application follows on from previously approved applications 15/00696/CU and 16/00705/CU which both granted consent for the change of use of the public house to residential uses. Since the granting of permission 16/00705/CU, some works have been undertaken to implement this consent and part of the public house now forms a residential dwelling identified as No. 95. The remaining half (No. 93) is vacant and in a poorer overall condition. It is accepted that No. 95 has been occupied as a residential dwelling for a number of years and, on this basis, it is accepted that permission 16/00705/CU was lawfully implemented. However, due to the recent formalisation of a public right of way (PROW) through the centre of the site, the approved site layout for 16/00705/CU is now no longer capable of being implemented and it is not possible for the development to comply with the conditions imposed on permission 16/00705/CU. It is for this reason that a new holistic planning application which is able to incorporate the PROW into the layout of the site has been submitted. This application is in part retrospective as it includes the works already undertaken to the Packet Boat to facilitate its change of use to form No. 95.
- 5.2.4 The use of the property as a public house would in most cases trigger the requirements of Policy DM56 which seeks to protect existing local services and communities facilities such as pubs. However, in this case, the Council has already approved the change of use of the building on two separate occasions and part of the building has already been converted into residential accommodation in accordance with one of those permissions. For this reason, the requirements of Policy DM56 are not a material consideration in this case.
- 5.3 **Design and heritage National Planning Policy Framework (NPPF) Section 12. Achieving well-designed and beautiful places, Section 16. Conserving and enhancing the historic environment; Strategic Policies and Land Allocations DPD (SPLA DPD) Policy SP7: Maintaining Lancaster District's Unique Heritage, Policy EN3: The Open Countryside; Review of the Development Management DPD (DM DPD) Policy DM4: Residential Development outside Main Urban Areas, Policy DM13: Residential Conversions, Policy DM29: Key Design Principles, Policy DM30: Sustainable Design, Policy DM37: Development affecting Listed Buildings, Policy DM38: Development affecting Conservation Areas, Policy DM39: The Setting of Designated Heritage Assets, Policy DM41: Development Affecting Non-Designated Heritage Assets or their settings, Policy DM46: Development and Landscape Impact.**
- 5.3.1 The Packet Boat Hotel is a Grade II Listed Building, said to date from the early 19th century. It was associated with the adjacent canal wharf and the (now demolished) canal stables for the canal packet boat service. The site is also located within the Bolton-le-Sands Conservation Area and is in a prominent position on the corner of Main Road and Packet Lane, within the historic core of the settlement. Numerous other buildings within the vicinity of the site are identified as Non-Designated

Heritage Assets, whilst the Bolton Turnpike Canal Bridge located to the north of the site is a Grade II listed structure.

- 5.3.2 Local Plan Policy DM29 sets out that new development should make a positive contribution to the surroundings and will be expected to contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, orientation and scale. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a special duty on Local Planning Authorities to consider the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest which it possesses. This is reinforced by Local Plan Policy DM37 regarding development affecting listed buildings, and which requires any development proposals which affect these nationally significant heritage assets to conserve and, where appropriate enhance those elements which contribute to their significance.
- 5.3.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a special duty on local planning authorities to consider the desirability of preserving or enhancing the character or appearance of conservation areas. This is reflected within Local Plan Policy DM38 regarding development affecting conservation areas, and which requires any development proposals and alterations to buildings and open spaces in conservation areas to preserve or enhance its character. The appearance and setting, in terms of design, siting, height, should not have an unacceptable impact on open spaces and setting including important views into and out of the area, and should not result in the loss or alteration of features which contribute to the special character of the buildings and area. There are further special duties in relation to designated and non-designated heritage assets within Section 16 of the NPPF, which states that great weight should be given to the conservation of heritage assets. Account should also be given to the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 5.3.4 The Packet Boat building had been subject to modern and inappropriate alterations and extensions including a flat roof extension with roof terrace to the rear elevation and a side extension with an asymmetrical pitched roof. The flat roof extension with roof terrace has since been demolished and replaced with a smaller lean-to extension and boundary wall, in accordance with 16/00705/CU. Other works to No. 95 including replacement windows have also been undertaken in accordance with details agreed through a subsequent discharge of condition application. This latest proposal also includes the demolition of the asymmetrical pitched roof structure and subsequent replacement with a two-storey side extension in its place. The removal of this extension is welcomed as the asymmetrical pitched roof structure is particularly unattractive and jarring to both the form of the listed building and within the conservation area. The proposed replacement two storey side extension is taller than the current asymmetrical pitched roof structure, but it features a more sympathetic and coherent form and features a stepped ridge height to reflect that of the existing building. This structure is to be finished in lime render with exposed quoins and slate roof which will serve to reflect the character of the listed building. Subject to a condition requiring the submission and agreement of details and samples of materials relating to the main building and extensions, this aspect of the proposal is considered to both conserve and enhance the character and appearance of the listed building and conservation area.
- 5.3.5 In addition to the formation of two dwellings within the former public house, a new detached dwelling is now proposed within what was the car park. At present, the car park area represents a numb void space within the centre of the village and which jars with the historic dense pattern of development. The presence of a two-storey detached dwelling here would serve to regenerate this part of the site and introduce a built form which reflects the character of this historic village centre. The dwelling would be over two storeys, featuring rendered walling and exposed quoins underneath a slate roof. The appearance and material palette would complement those which are commonplace within the village. Subject to a condition requiring the submission of details and samples of materials pertaining to this dwelling, the aspect of the proposal is considered to both conserve and enhance the setting and appearance of the listed building and conservation area.
- 5.3.6 Alterations to the wider site are required in order to facilitate the development proposed. These include the formation of new boundary walls to enclose private gardens, the creation of parking spaces and extension of a pedestrian pavement and kerb line along Packet Lane, and new surfacing materials. Given tall and well-proportioned stone boundary walls are a key component within the village, their use within the site to form the boundaries to gardens is supported. Final details of

boundary walls and all surfacing materials should be secured by condition to ensure that the materials/construction methods used are suitable within this historically sensitive location.

- 5.3.7 On the basis of the above, it is considered that the proposal will not harm the significance of the building and will improve its overall condition, character and setting. It is also considered that the proposal would provide the opportunity to regenerate a key building and prominent site within the Bolton Le Sands Conservation area. The removal of the car park and introduction of a dwelling in this space is wholly supported.
- 5.4 **Residential amenity** National Planning Policy Framework (NPPF) Section 12. Achieving well-designed and beautiful places; Review of the Development Management DPD (DM DPD) Policy DM2: Housing Standards, Policy DM29: Key Design Principles.
- 5.4.1 Policy DM2 requires that all new dwellings must meet the Nationally Described Space Standards (NDSS). Within the two dwellings contained within the Packet Boat, all bedrooms with the exception of bedroom 3 within No. 93 meet these requirements. The conversion of the building is restricted by the historic plan form, the retention of which is of great importance. For that reason, whilst one room falls below required space standards, this is supported in the interests of securing the restoration and redevelopment of this listed building. It is noted that bedroom 3 within No. 93 falls only marginally below the required space standard for a single room, whilst it also benefits from being of regular proportion and benefits from acceptable outlook and daylight, as do all other rooms.
- 5.4.2 The dining room windows of No. 93 look directly onto the private garden area of No. 95. This is an unfortunate relationship, however, it is an arrangement which has already been found acceptable by the Council and was approved as part of the previous planning application. It is important that a condition be imposed to ensure that the lower half of the glazing of both windows are finished with obscure glazing and that these are non-opening windows, to prevent views into the neighbouring garden.
- 5.4.3 The property which abuts the carpark to the north is used for commercial purposes, understood at present to be a funeral director. There is a window within this building at first floor facing the car park, which will face the blank gable of the proposed new dwelling. It will not provide overlooking into the proposed dwelling and would not result in a significant loss of privacy to the future occupiers of this new dwelling. As this building is a commercial use, the construction of the new dwelling as proposed would not be detrimental to their amenity.
- 5.4.4 There are a number of residential properties on the opposite side of Packet Lane, however, most of the section facing the building comprises a garden enclosed by a large stone wall and vegetation. Number 4 Packet Lane faces the east elevation of No. 95, however, only the stair window is positioned in this part of the rear elevation, this does not result in a loss of privacy for No. 4. No. 5 Packet Lane faces into the northern edge of the carpark. The separation distance between the west elevation windows of No. 5 and the rear elevation windows of the proposed new build dwelling would be approximately 15.3 metres. This is below the usual recommended distance of 21 metres where habitable windows face each other, however, given the character of the dense historic village core, reduced separation distances are commonplace. Therefore, the relationship of the new build dwelling with No. 5 Packet Lane is suitable in this instance. Enclosing the rear garden of the new build dwelling with stone boundary walls to a height of 1.8 metres will ensure acceptable levels of privacy are provided. A condition requiring the final details including heights of boundary walls, and their construction is recommended.
- 5.5 **Highways and public right of way** National Planning Policy Framework (NPPF) Section 8. Promoting healthy and safe communities, Section 9. Promoting sustainable transport, Section 12. Achieving well-designed and beautiful places; Review of the Development Management DPD (DM DPD) Policy DM29: Key Design Principles, Policy DM61: Walking and Cycling, Policy DM62: Vehicle Parking Provision.
- 5.5.1 Each of the 3 dwellings will benefit from 2 parking spaces accessed from Packet Lane. In addition to this, the pedestrian pavement located on the west side of Packet Lane is to be extended along the site frontage, providing a safer pedestrian environment within a constrained and often busy lane. The new length of pavement will then connect with the public right of way which passes through the site and links with Main Road. The provision of these highway works will require a Section 278

agreement with the Highways Authority. The County Highways Officer has reviewed this proposed layout and has confirmed that they are supportive of the proposal. They have recommended conditions requiring the submission and agreement of a Construction Management Plan, construction delivery time restrictions, surface water drainage strategy for hardstanding areas, off road parking and provision of vehicular access points. Given the constrained nature of the local highway network within the vicinity of the site, and the proximity to the village school and community centre, those conditions requested by the County Highways Officer are reasonable and so are recommended.

5.5.2 Public right of way BW0106023 runs from east to west through the former car park. It measures approximately 19.5 metres in length and links Packet Lane to Main Road. Due to the location of the proposed new build dwelling, the PROW requires a diversion order under Section 257 of the Town and Country Planning Act 1990. The extent of change is limited and involves a minor adjustment of the PROW to the south. The PROW would then be maintained at a width of 3 metres through the centre of the development site to maintain the pedestrian connection between Packet Lane and Main Road. The County Council PROW Officer is supportive of the proposed alterations.

5.6 **Ecology** National Planning Policy Framework (NPPF) Section 15. Conserving and enhancing the natural environment; Strategic Policies and Land Allocations DPD (SPLA DPD) Policy SP8: Protecting the Natural Environment; Review of the Development Management DPD (DM DPD) Policy DM29: Key Design Principles, Policy DM44: The Protection and Enhancement of Biodiversity.

5.6.1 By reason of the nature of the buildings on site in terms of their age, condition and method of construction as well as the wider habitat provision within the locality, there is potential for protected species in particular bats to be present at the site. The application is supported by a bat survey which consisted of a preliminary bat roost assessment survey carried out in June 2023. No physical evidence to suggest use by bats was observed during the preliminary assessment. A single emergence survey was also carried out in June 2023, during this survey no bats were observed to emerge from the building and general bat activity in the local area was characterised by a low level of common and soprano pipistrelle bat foraging activity along the Lancaster Canal to the south of the property. The presence of bat roosts present at the development site is unlikely. Precautionary mitigation measures are provided, and which can be conditioned.

5.6.2 In accordance with the Conservation of Habitats and Species Regulations 2017 the Council have undertaken a Habitat Regulations Assessment in order to assess the impact of the development proposal upon the special characteristics of the European Designated habitat sites protecting Morecambe Bay. In consultation with Natural England, it has been determined that likely significant effects upon these designations can be mitigated through the provision of 'Homeowner Information Packs' to be supplied to each unit of accommodation. This can be controlled through planning condition.

5.6.3 The development site is located approximately 20 metres from Lancaster Canal which lies on the opposite side of Main Road. Lancaster Canal is a designated Biological Heritage Site. In light of this proximity and the nature of the development, there is potential for construction activity to impact upon the canal environment such as through accidental pollution, dust emissions, water run-off or other contamination. In order to ensure that this is avoided, a Construction Environmental Management Plan, as highlighted by the Canal and River Trust, can be secured by condition.

5.7 **Drainage** National Planning Policy Framework (NPPF) Section 14. Meeting the challenge of climate change, flooding and coastal change; Review of the Development Management DPD (DM DPD), Policy DM29: Key Design Principles, Policy DM34: Surface Water Runoff and Sustainable Drainage.

5.7.1 The site lies within Flood Zone 1, that is one with a low probability of a river or sea flooding. However, flooding can occur from all sources, including that running off housing sites if that water run-off is not disposed of effectively. The development of the Packet Boat to provide two dwellings represents a change of use, therefore with respect to drainage, the property will continue to drain to the combined sewers.

5.7.2 The new build dwelling and the associated landscaping works and parking areas represent new development, it is therefore necessary for the drainage of this part of the development to be considered further. Policy DM34 sets out the Council's approach to managing surface water and

sets out the requirement for a positive approach towards sustainable drainage solutions which can be incorporated into the design of development. The Council advocates the use of the SuDS hierarchy which is set out in Policy DM34 of the Development Management DPD. Any proposed development should consider how the surface water arising from the site should be managed with SuDS measures given priority as any solution. Policy DM34 sets out the SuDS hierarchy which follows wider best practice. The SuDS hierarchy order the preferential destination of surface water as follows:

1. Into the ground (i.e. infiltration at source)
2. Attenuated discharge to a surface water body, for instance a watercourse
3. Attenuated discharge to surface water sewer, highway drain or another drainage system
4. As a last resort, attenuated discharge to a combined sewer.

5.7.3 In this constrained environment, it is unlikely that the new development could be discharged via infiltration due to the limited space within the site to provide soakaways. Moreover, there are no other waterbodies or surface water sewers into which the new development could be directed. Therefore, the drainage of surface water captured from the new dwelling and hardstanding areas is likely to need to be directed towards the combined sewer. A condition to secure the final surface water drainage strategy is recommended.

5.7.4 Foul drainage for the site is proposed to connect to the mains United Utilities drainage system, which is located below the road, this is considered a viable drainage proposal for foul drainage.

6.0 Conclusion and Planning Balance

6.1 The proposed development seeks part retrospective planning permission for the change of use of the former Packet Boat public house to two dwellings along with the construction of a new dwelling within the former car park. The principle of the change of use of the Packet Boat has already been found acceptable by the Council in 2015 and 2016 and the southern part of the building has already been converted to a dwelling. However, due to the designation of a PROW through the site, it is no longer possible to implement those previously granted planning permissions. The site is located within an identified sustainable settlement within which the provision of housing is supported. Moreover, the proposal would deliver some notable benefits in terms of contributing towards the Councils requirement to deliver housing, meeting an identified housing need, continued restoration and provision of a viable use for the Grade II listed building and the regeneration of a poor-quality former car park site within the Conservation Area. The design of the scheme is also considered to be acceptable as are the other matters with respect to amenity, highways, ecology and drainage.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Approved plans	Control
2	Construction Traffic Management Plan	Prior to commencement
3	Construction Environmental Management Plan	Prior to commencement
4	Surface water drainage strategy	Prior to commencement
5	Submission of details and samples for No. 93/95 and extensions	Prior to commencement
6	Submission of details and samples for new dwelling	Prior to commencement

7	Submission of details and samples for boundary treatments and external surfacing/hard landscaping materials	Prior to commencement
8	Prior to occupation of No. 93 dining room windows are to be obscure glazed and fixed	Prior to occupation
9	Prior to occupation provision of boundary treatments	Prior to occupation
10	Prior to occupation provision of parking spaces	Prior to occupation
11	Prior to occupation provision of homeowner Information Pack	Prior to occupation
12	Construction deliveries outside peak traffic	Control
13	Bat mitigation	Control

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

In accordance with Article 35 of the above Order, your decision notice contains reasons for the imposition of planning conditions (where planning conditions are imposed), and in the case of each pre-commencement condition, a justification for the pre-commencement nature of the condition(s). Lancaster City Council has made the decision in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The decision has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None