

<b>Agenda Item</b>	A12
<b>Application Number</b>	24/00216/FUL
<b>Proposal</b>	Demolition of existing public toilets and erection of a replacement public toilet & storage building
<b>Application site</b>	Silverdale Parish Council Public Conveniences Emesgate Lane Silverdale
<b>Applicant</b>	Mr J Bennett
<b>Agent</b>	Mr Mark Deverill
<b>Case Officer</b>	Mr Sam Robinson
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval

(i) **Procedural Matters**

This form of development would normally be determined under the Council's Scheme of Delegation. However, the site is under the ownership of Lancaster City Council and as such the application is referred to the Planning Regulatory Committee.

**1.0 Application Site and Setting**

1.1 The site which forms the subject of this application is a WC block located on Bank House Lane in Silverdale sited on existing hardstanding. The site is surrounded by residential and retail properties and a telephone exchange building to the southwest. Bank House Farm, which is owned by the National Trust is located c.105m to the northwest.

1.2 The site is located within the Arnside and Silverdale National Landscape (formally known as Area of Outstanding Natural Beauty). As mentioned above, the site is accessed via Bank House Lane and this is an unadopted highway which connects to Emesgate Lane (adopted) to the east. Part of Bank House Lane is under the ownership of the National Trust and the application form indicates that notice has been served on both the National Trust and Lancaster City Council.

**2.0 Proposal**

2.1 This application is seeking consent for the demolition of existing public toilets and erection of a replacement public toilet & storage building. The original plans had indicated a new parking space and postal lockers but these have since been omitted from the description and plans at the request of the applicant/agent.

2.2 The proposed building will have a similar footprint to existing and is set in slightly further back into the site. The building will measure approximately 6.7m x 3.2m with a maximum height 3.2m and is finished in a white roughcast render under a dual pitched Burlington slate roof with three green powder coated access doors.

2.3 Access to and from the site will remain as existing and there are no alterations to the landscaping.

### 3.0 Site History

3.1 There is no relevant planning history which affects the site.

### 4.0 Consultation Responses

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

Consultee	Response
Parish Council	<b>No response</b>
Arboricultural Officer	<b>No objection</b> (Subject to compliance with AIA and watching brief during construction)
Arnside and Silverdale AONB Officer	<b>No response</b>
County Highways	<b>No objection</b> (Subject to conditions relating to a construction management plan, construction deliveries outside peak traffic, highway condition survey and delivery and servicing plan for the parcel locker)
Environment Agency	<b>No response</b> (No response received at time of writing but consultation period for EA does not expire until 14.06.24. Any response will be provided through update to committee members prior to presentation to planning committee.)
National Trust	<b>Objection</b> (Installation of railings could impact upon vehicle access along highway and the installation of a parcel locker will result in increased traffic impacting on parking and highway safety in the area)
Property Services	<b>No response</b>

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

- 1 no. letter of **objection** – comments state development would result in increased vehicular activity impacting on highway safety and parking.

### 5.0 Analysis

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

- Principle of development
- Design and impact on National Landscape
- Residential amenity
- Drainage
- Highways/parking
- Trees
- Any other matters

5.2 **Principle of development** (NPPF Sections 8 and 12; Strategic Policies and Land Allocations DPD policies SP1 and SP9; Development Management DPD policy DM56); and Arnside and Silverdale Area of Outstanding Natural Beauty DPD policy AS09.

5.2.1 Policy DM56 of the DM DPD and policy AS09 of the AONB DPD recognises the benefits of the community facilities across the district which looks to safeguard these existing facilities and encourage new proposals. Whilst the provision of a WC block is not strictly identified as a 'local

service' as outlined in appendix A of the DM DPD, a public WC block provides a clear public benefit to members of the public. The provision of a replacement WC block will provide facilities for the public providing improved accessible toilets and consequently, the proposal is supported in principle.

5.3 **Design and impact on National Landscape** (NPPF Sections 12 and 15; Strategic Policies and Land Allocations DPD policies EN2 and EN3; Development Management DPD policies DM29 and DM46; and Arnside and Silverdale Area of Outstanding Natural Beauty DPD policies AS02 and AS08)

5.3.1 Good design is expected by policy DM29 which states that new development should 'contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palate of materials, separation distances, orientation and scale. This is reinforced by policy AS08 which requires development proposals to conserve and enhance the landscape built environment, distinctive settlement character and historic, cultural and architectural features.

5.3.2 The existing toilet has a simple, utilitarian design likely constructed in the mid to late 20<sup>th</sup> century. The building does not offer any significant architectural detailing or merit that is worth of retention and does not provide a particularly positive visual contribution to the area.

5.3.3 The replacement building has a similar built form and design albeit with the inclusion of a dual pitched natural slate roof. This will ensure a building that is better suited to the surrounding built environment and also one that is finished in materials that appear sympathetic to the immediate setting. This building is therefore considered a visual improvement over the existing provide a modest visual benefit to the streetscene.

5.4 **Residential amenity** (NPPF Section 12; Development Management DPD policies DM29; and Arnside and Silverdale Area of Outstanding Natural Beauty DPD policy AS08)

5.4.1 Policy DM29 requires all new development to 'ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.'

5.4.2 As mentioned above, the proposed building will occupy a similar footprint to existing and has a similar form, massing and appearance. The provision of a roof will increase the maximum height of the building but not to the detriment of neighbouring properties. The properties to the north are sufficiently separated whilst the property to the south does not have any ground floor openings on the northern elevation. Views from the first floor will be different but there will still be views afforded above the proposed roof for the neighbouring occupiers.

5.5 **Drainage** (NPPF Section 12; Development Management DPD policies DM34 and DM35; and Arnside and Silverdale Area of Outstanding Natural Beauty DPD policy AS12)

5.5.1 Policy DM35 states that new development must demonstrate adherence to the National Planning Practice Guidance (water supply, wastewater and water quality) for sewerage infrastructure whilst policy AS12 states that in areas not connected to mains drainage, development proposals that will increase flows will only be approved if the condition and capacity of the existing infrastructure can be shown to be adequate to receive the increased flows or, if new infrastructure is required to achieve this, it will not have an adverse impact on the environment or landscape.

5.5.2 The existing building is served by a shared septic tank which serves other properties and buildings in the immediate vicinity and the application form indicates that this will continue to be the arrangement. As the applicant currently does not have sole ownership over the tank, they are not in a position to replace or upgrade to a package treatment plant and as such, as the proposal will continue to utilise the existing arrangement, the proposal is seen to comply with the foul drainage hierarchy outlined in policy DM35.

5.5.3 The existing plans indicate three private toilets whilst the proposed plans only indicate two toilets for the block. In addition, the scale of the building is similar to the existing building and as such, it is unlikely that the building will see any significant increased amounts of usage compared to existing arrangement.

- 5.5.4 As mentioned above, the proposal has a similar footprint to the existing building and is located on existing hardstanding. Consequently, the proposal will not result in any significant changes to surface water run-off rates.
- 5.6 **Highways/parking** (NPPF Section 9 and 12; Development Management DPD policy DM29 and Arnside and Silverdale Area of Outstanding Natural Beauty DPD policy AS08)
- 5.6.1 Policy DM29 states that the Council will expect development to incorporate suitable and safe access to the existing highway network whilst paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
- 5.6.2 The parking space that was included on the initial plans and description has since been omitted so there is no new connection to the highway. The WC block will be accessed by pedestrians from Emesgate Lane via Bank House Lane. There is existing on-street parking along Emesgate Lane close to the site and as the proposed building is of a similar scale there should not be any significant changes in terms of the volume of traffic visiting to use the WC facilities.
- 5.6.3 County Highways have raised no objection to the proposal subject to the inclusion of the conditions listed in the consultee paragraph which can be included on any positive decision notice. These conditions appear reasonable in relation to the proposed works but the inclusion of a highway condition survey as recommended is seen as excessive. If the applicant is not the sole owner of land connecting the site to the adopted road, it is likely that they would need separate agreement with the relevant landowners. As such, it is recommended that this condition is not included. Comments with regards to the postal locker from County Highways have been noted but since this has now been omitted from the scheme, this is not considered relevant.
- 5.6.4 Whilst the LPA recognises the comments relating to highways concerns from a member of the public and the National Trust for the reasons listed above, it is considered that with the inclusion of the relevant highway safety conditions, the proposal would not result in an adverse impact on highway safety which is also the conclusion of the Highways Authority. As such, the scheme could not be refused on highway safety grounds.
- 5.7 **Trees** (NPPF Sections 12 and 15; Development Management DPD policies DM29 and DM45 and Arnside and Silverdale Area of Outstanding Natural Beauty DPD policy AS04)
- 5.7.1 Policy DM45 states that the Council will support the protection of trees and hedgerows that positively contribute, either as individual specimens or as part of a wider group, to the visual amenity, landscape character and/or environmental value of the location.
- 5.7.2 The application has been submitted with an Arboricultural Impact Assessment (AIA) with an investigatory trial hole assessment. The only tree potentially impacted by the development is a single yew tree (T1) located off site to the south of the proposed building in close proximity to the shared boundary. The AIA identifies T1 as a B category tree and recommends pruning works to avoid any damage from construction activities. The report indicates that although in close proximity to the proposed development, the roots are unlikely to be impacted due to the existing hardstanding and building which is likely to have constrained root growth across the site. Three trial hole pits were excavated to establish the presence of any roots and whilst minor feeding roots were found, no structural stability roots were discovered. Consequently, there should be minimal disturbance to T1 so as not to impact upon the health and well-being of the affected tree.
- 5.7.3 The Council's Arboricultural Officer raised no objection to the proposal subject to compliance with the AIA which includes a watching brief. This can be included on any positive condition.
- 5.8 **Any other matters**
- 5.8.1 The National Trust have indicated that discussions have been held with the applicant which may suggest that the applicant intends to install some form of railings to surround the site and requests that permitted development rights are removed if the application is approved as the installation of any railings may impact upon vehicular movement along the lane. The LPA can only assess the application submitted before the Council and the proposal does not include any such railings. In

addition, it would be unreasonable to remove permitted development rights given the current similar use of the site and that the site may already benefit from permitted development rights under the General Permitted Development Order.

## **6.0 Conclusion and Planning Balance**

6.1 The proposal will provide for improved facilities for the site and village which is welcomed by the Council. The proposal would not result in an adverse impact on the material considerations listed above and as such, the proposal is seen to comply with the Local Plan when read as a whole and therefore is recommended for approval.

### **Recommendation**

That Planning Permission BE GRANTED subject to the following conditions:

<b>Condition no.</b>	<b>Description</b>	<b>Type</b>
<b>1</b>	<b>Timescales</b>	<b>Standard</b>
<b>2</b>	<b>Development to accord with plans</b>	<b>Standard</b>
<b>3</b>	<b>Submission of CMP</b>	<b>Pre-commencement</b>
<b>4</b>	<b>Construction deliveries outside peak traffic</b>	<b>Control</b>
<b>5</b>	<b>Implementation of AIA</b>	<b>Control</b>

### **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 recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the 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