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| Agenda Item | A10 |
| Application Number | 24/00831/FUL |
| Proposal | Creation of path, hardstanding and shelter and installation of gate and freestanding sign |
| Application site | The Storey Gardens Meeting House Lane Lancaster Lancashire |
| Applicant | Diana McIntyre |
| Agent | N/A |
| Case Officer | Mr Sam Robinson |
| Departure | No |
| Summary of Recommendation | Approval, subject to conditions |

(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 therefore, the application is referred to the Planning Regulatory Committee for determination.

1.0 Application Site and Setting

1.1 The site which forms the subject of this planning application is the Storey Institute, specifically the gardens located to the west of the main building. The Storey Institute is a grade II listed building, as is the boundary wall, which runs parallel to the gardens and public footpath to the south and divides the gardens into two. The site is also located within the Lancaster Conservation Area and the gardens are designated as open space within the local plan.

2.0 Proposal

2.1 This application seeks consent for the creation of a path, hardstanding and shelter and installation of a gate and freestanding sign located in the southwest corner of the gardens. The path, hardstanding and shelter will be located behind an established hedgerow.

2.2 The path measures approximately 17sqm and is comprised of porous paving grids and gravel. The hardstanding will be comprised of a hardcore base with bricks and slabs as the surface layer measuring approximately 5.7sqm. The shelter will be sited on this hardstanding and measures 1.8m x 2.5m, with a maximum height of 2.2m. The shelter features a mono pitched roof and has an open design and is comprised of timber posts. The timber gate measures approximately 0.9m x 0.9m and the non-illuminated timber sign measures approximately 1.3m in height. The hardstanding and shelter will be used to house a small moveable composter and rainwater harvesting. These are identified as 'joroform' and 'IBC' on the submitted plans.

2.3 The purpose of the application is to assist the ongoing composting of organic waste generated on-site by the garden, office tenants and the café.

3.0 Site History

3.1 There are no planning applications that are relevant to this application.

4.0 Consultation Responses

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

| Consultee | Response |
|------------------------|---|
| Arboricultural Officer | No objection (Subject to development being built in accordance with AIA) |
| Conservation Officer | No response |
| Property Services | No response |
| Public Realm | No objection |

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

5.0 Analysis

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

- Principle of development
- Design and impact on designated heritage assets
- Open space
- Residential amenity
- Trees/biodiversity net gain

5.2 **Principle of development** (NPPF Section 2; Strategic Policies and Land Allocations DPD policies SP1; and Review of the Development Management DPD policy DM15)

5.2.1 Policy DM15 states that the Council will support proposals that involve the sustainable expansion for small businesses within the district.

5.2.2 As outlined above, the proposal is seeking to make improvements to the on-site composting methods which are currently taking place. The scheme is relatively minor, but these alterations will reduce food and garden waste for the site and business and is supported in principle.

5.3 **Design and impact on designated heritage assets** (NPPF Sections 12 and 16; Strategic Policies and Land Allocations DPD policy SP7; and Review of the Development Management DPD policies DM29, DM37, DM38 and DM39)

5.3.1 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.

5.3.2 Policy DM37 states that *'The significance of a Listed Building can be harmed or lost through alteration or destruction of those elements which contribute to its special architectural or historic interest or through development within its setting. Any harm (substantial or less than substantial) to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.'* In addition to this policy DM38 states *'Any development proposals and / or alterations to buildings, features and open spaces in Conservation Areas should preserve or enhance the character and appearance of the Conservation Areas.'*

- 5.3.3 Finally, policy DM29 states that *'New development should be as sustainable as possible and make a positive contribution to the surrounding landscape and / or townscape.'*
- 5.3.4 Both national and local policy are clear insomuch that any harm to the significance of a listed building or Conservation Area must be clearly justified and needs to be outweighed by the public benefits of the proposal. If no harm has been identified, this test is not engaged.
- 5.3.5 The scale of the development is relatively minor in the context of the wider area and built form of the surrounding buildings and infrastructure. The path is a low level and unintrusive form of development that is surrounded by existing hedgerows and boundary wall. The shelter will also be sited in between the existing hedgerow and boundary walls and appears as a lightweight structure that will be read as a clear ancillary structure that does not compete with the setting or appearance of the main building or boundary walls. There may be distant views of the structure from Dallas Road to the south, but this is likely to be interrupted by the existing trees/vegetation and as it is set within the site it will not occupy a prominent view when passing. The simple form and by utilising timber materials will ensure that it does not appear obtrusive in this setting. Finally, the gate and sign are also relatively low forms of development that will sit comfortably within the site and are comprised of timber which is suitable to the immediate garden environment.
- 5.3.6 Overall, the development is relatively low scale and will be well sited within the existing gardens comprised of sympathetic materials. Consequently, the proposal is considered to have a neutral impact on the significance of both heritage assets and will also have no undue impacts on the street scene. The proposal is therefore considered to comply with the policies listed above.
- 5.4 **Open space** (NPPF Section 8; Strategic Policies and Land Allocations DPD policy SC3; and Review of the Development Management DPD policy DM27)
- 5.4.1 Policy DM27 states *'Proposals that seek to protect and enhance existing designated open spaces, sports and recreational facilities shall be supported by the Council.'* The loss of designated open space will not be permitted unless a certain list of criteria has been met.
- 5.4.2 The open space designation for the site is for a 'Parks and Gardens' typology. This typology covers urban parks and formal gardens which provide accessible high-quality opportunities for informal recreation and community events.
- 5.4.3 As outlined in paragraphs 2.3 and 5.2.2, the application seeks to provide ancillary structures in order to assist the ongoing use of the gardens and café/business within the main building. It is thought that the area in question is not really utilised by members of the public but in the event it is, the proposal would not interfere with the use of either the application site or wider gardens. In addition, the proposal will aid with the compositing of garden waste within the site which will aid the ongoing maintenance of the wider open space. The scheme is therefore seen to comply with policy DM27.
- 5.5 **Residential amenity** (NPPF Section 12; and Review of the Development Management DPD policy DM29)
- 5.5.1 Policy DM29 states that the Council will expect development to ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution – including odour. The site already has some small bays for composting but these are not suitable for food composting. The food waste composter is not considered to require planning permission as the scale is relatively small and the structure is moveable. In any case the proposal is for a JK400 Joraform Compost Tumbler which is raised off the ground, fully insulated and secured so this would prevent odour or rodent problems.
- 5.5.2 Considering the low-level scale of development and that it is set away from any neighbouring buildings, the proposal will not have an adverse impact on the amenity of the nearest neighbouring properties in terms of overbearingness or loss of light.
- 5.6 **Trees/biodiversity net gain** (NPPF Sections 12 and 15; and Review of the Development Management DPD policies DM44 and DM45)

- 5.6.1 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.’
- 5.6.2 The proposal has been submitted with an Arboricultural Impact Assessment (AIA) which identified 6 trees and 1 hedge in close proximity to the application site. The works will take place within the root protection areas (RPA’s) of 4 of the trees but the nature of the works and hand digging method to construct the path and shelter area are not invasive and will not impact on the health and well-being of the affected trees. No trees or hedgerows are required for removal in order to facilitate the proposed development. A condition is recommended to ensure the works are carried out in accordance with the working practice methods outlined in the AIA.
- 5.6.3 Biodiversity Net Gain (BNG) is a mandatory requirement from 2 April 2024 for most planning applications. BNG is a way of creating and improving natural habitats by making sure development has a measurably positive impact (‘net gain’) on biodiversity, compared to what was there before development. However, there are exemptions to the requirement, and it considered that the development is subject to the de minimus exception in so much that it does not affect a priority habitat and impacts less than 25sqm of onsite habitat, or 5m of linear habitat such as hedgerows. The proposal is considered to fall below these thresholds and as such, the BNG requirement would not be triggered.

6.0 Conclusion and Planning Balance

- 6.1 The proposal would aid the onsite sustainability of an existing business without any adverse impacts on the significance of the identified heritage assets, residential amenity, trees or useability of the site’s open space designation. As such, the seen to comply with the relevant local and national policies and is therefore recommended for approval.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

| Condition no. | Description | Type |
|----------------------|----------------------------------|-----------------|
| 1 | Timescales | Standard |
| 2 | Development to accord with plans | Standard |
| 3 | Implementation of AIA | 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