



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 14TH APRIL 2008

Venue: MORECAMBE TOWN HALL

Time: 10.30 A.M.

A G E N D A

- 1 Apologies for Absence
- 2 Minutes of the Meeting held on 10th March 2008 (previously circulated)
- 3 Items of Urgent Business authorised by the Chairman
- 4 Declarations of Interest

Planning Applications for Decision

Community Safety Implications

In preparing the reports for this Agenda, regard has been paid to the implications of the proposed developments on Community Safety issues. Where it is considered the proposed development has particular implications for Community Safety, this issue is fully considered within the main body of the report or that specific application.

Category A Applications

Applications to be dealt with by the District Council without formal consultation with the County Council.

5 THIS APPLICATION HAS NOW BEEN REMOVED FROM THE AGENDA

- 6 A6 08/00073/CU **Second Floor and Third Floor Harbour (Pages 1 - 4)**
Flat, 43 West End Road, Ward
Morecambe

Change of use from 7 bed maisonette, to 3 self contained 2 bed flats for Mr P Grootendorst

- 7 A7 08/00119/CU **Land and Buildings on the North Silverdale (Pages 5 -**
Side of Road, Silverdale Road, Ward 20)
Yealand Redmayne

Retrospective application for the retention of a caravan for an agricultural worker for Mr S. Temple

8 THIS APPLICATION HAS NOW BEEN REMOVED FROM THE AGENDA

9 A9 07/01407/FUL 119 Main Road, Bolton-Le-Sands, Bolton-Le-Sands (Pages 21 - 27) Carnforth Ward

Conversion of former children's home to 2 no dwellings, demolition of staff dwelling and erection of 2 no dwellings for Daffodil Homes Ltd

10 A10 07/01408/CON 119 Main Road, Bolton-Le-Sands, Bolton-Le-Sands (Pages 28 - 29) Carnforth Ward

Retrospective consent for the demolition of staff dwelling and demolition of the boundary wall fronting Main Road for Daffodil Homes Ltd

11 THIS APPLICATION HAS NOW BEEN REMOVED FROM THE AGENDA

12 A12 08/00146/CON A B C Lancaster (disused), King Duke's (Pages 30 - 34) Street, Lancaster Ward

Demolition of existing bingo hall and cinema complex for Kempsten Ltd

13 A13 07/01653/HYB Lundsfield Quarries, Kellet Road, Carnforth (Pages 35 - 51) Carnforth Ward

Outline application for residential development (approx 200 units) and ancillary commercial units and full application for new access road and remediation of the site and works to the biological heritage site for Redrow Homes (Lancashire) Ltd

14	A14 07/01535/REM	Luneside West (formerly Forbo Kingfisher), Thetis Road, Lancaster	Castle Ward	(Pages 52 - 61)
		Reserved matters application for the erection of 354 residential units (178 one and two bed apartments, 176 three and four bed houses) and associated parking and open space for Countryside Properties (Northern) Ltd		
15	A15 08/00071/CU	126 Ulleswater Road, Lancaster	Bulk Ward	(Pages 62 - 65)
		Change of use of part of maisonette/ part of shop to cafe/ patisserie (A3 use) for Mr Richard Dow		
16	A16 07/01719/FUL	Slyne House, Throstle Grove, Hest Bank	Slyne-with-Hest Ward	(Pages 66 - 68)
		Extension to care home to provide 14 additional bedrooms and associated accommodation for Hillcroft Limited		

Category D Applications

Applications for development by a District Council

17	A17 08/00261/DPA	Former Bubbles Site, Marine Road Central, Morecambe	Poulton Ward	(Pages 69 - 70)
		Renewal of temporary change of use of land for siting of fairground from 1 May to 31 October 2008 for Lancaster City Council		
18	A18 08/00128/DPA	West Chapel, Lancaster Cemetery, Quernmore Road, Lancaster	Bulk Ward	(Pages 71 - 72)
		Listed Building application for roof repairs for Lancaster City Council		

- 19 **A19 08/00129/DPA** **North Chapel, Lancaster Cemetery, Quernmore Road, Lancaster** **Bulk Ward** **(Pages 73 - 74)**

Listed building application for repairs to roof for Lancaster City Council

Category C Applications

Applications which involve County Matters and fall to be determined by the County Council and proposals for development by the County Council

- 20 **A20 08/00232/CPA** **396 Heysham Road, Heysham, Morecambe** **Heysham South Ward** **(Pages 75 - 76)**

Demolition of 2 storey library building and erection of replacement library with associated works for Adult & Community Services

- 21 **A21 08/00283/CPA** **Carnforth High School, Kellet Road, Carnforth** **Carnforth Ward** **(Pages 77 - 83)**

Creation of a new car park with resurfacing of an existing all weather pitch for Lancashire County Council

- 22 **Delegated Planning Decisions (Pages 84 - 89)**

- 23 **Planning Enforcement Schedule (Pages 90 - 95)**

- 24 **Formal Adoption of Lancaster City Council's Planning Application Validation Guide All Wards (Pages 96 - 147)**

Report of Head of Planning Services

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Eileen Blamire (Chairman), Roger Sherlock (Vice-Chairman), Ken Brown, Abbott Bryning, Keith Budden, Anne Chapman, Chris Coates, John Day, Roger Dennison, Jane Fletcher, John Gilbert, Mike Greenall, Janice Hanson, Helen Helme, Andrew Kay, Bob Roe, Sylvia Rogerson, Keith Sowden, Joyce Taylor and Paul Woodruff

(ii) Substitute Membership

Councillors John Barnes, Susie Charles, Sheila Denwood, Tony Johnson, Geoff Marsland, Joyce Pritchard, Robert Redfern, Catriona Stamp and Jude Towers

(iii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068 or email jglenton@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

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

Published on Wednesday, 2nd April 2008

DECISION DATE 13 March 2008	APPLICATION NO. 08/00073/CU A6	PLANNING COMMITTEE: 14 April 2008
DEVELOPMENT PROPOSED CHANGE OF USE FROM 7 BED MAISONETTE, TO 3 SELF CONTAINED 2 BED FLATS		SITE ADDRESS SECOND FLOOR AND THIRD FLOOR FLAT 43 WEST END ROAD MORECAMBE LANCASHIRE LA4 4DJ
APPLICANT: Mr P Grootendorst 43B West End Road Morecambe Lancashire LA4 4DJ		AGENT:

REASON FOR DELAY

Referred to committee at the request of a councillor.

PARISH NOTIFICATION

N/A

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan - West End Conservation Area

West End Master Plan- Within Area 2 (West End Road)

STATUTORY CONSULTATIONS

County Council Highways- No objections to the proposal, suggest the provision of secure cycle storage.

OTHER OBSERVATIONS RECEIVED

Conservation Section- No objections in principle, details required over the changes to windows and colour of painting of render to the rear elevation.

Housing Policy Officer- Initial comments raised concerns over the refuse disposal arrangements and the provision of flat accommodation within the area of the West End Master Plan.

Following the provision of amended plans and additional information, the objection to the refuse storage arrangement has been withdrawn and an acknowledgement has been given to the particular constraints relating to the site. Suggestion that it may be reasonable to argue that the proposals are not in keeping with the Masterplan objectives but a clear case needs to be set out to prevent a precedent being set for further small flats in the area.

Any other comments will be reported verbally to the committee.

REPORT

This application would have normally been dealt with under the scheme of delegation. However given concerns over the nature of the development and its relationship to the West End Master Plan, Councillor P Robinson has requested that the application be determined by the planning committee.

Site and its Surroundings

The application site is located at the junction of West End Road and Clarendon Road, Morecambe and fronts West End Road. The property is a five storey (including lower ground floor) end of terrace building constructed in stone to the principal elevations and render to the rear. The roof is slated with a generous sized front dormer as part of the original construction.

The building is generally in a good state of repair and has original windows to the front and gable elevations. The end of terrace location results in a large gable frontage to Clarendon Road. This frontage has three windows to each floor resulting in fifteen windows visible to the public.

The building is currently split into two separate units on accommodation. The lower ground floor and ground floor is a three bedroom maisonette and in separate ownership. The application site comprises the upper three floors and is currently vacant with an extant permission for use as a seven bedded maisonette.

The Proposal

The current proposal seeks to convert the upper three floors of the building into three self contained flats all with a similar floor layout and footprint. A flat would comprise two good sized bedrooms, a bathroom and a large kitchen /living area. The properties are accessed from the existing front door but due to the differing ownership, no direct access is available through the building to the rear amenity area. This area has to be accessed walking around the side of the building on the public footpath and then entering the rear yard area. The yard area is to comprise a communal refuse storage area, drying space and open yard area.

Planning History

The property gained consent in 1996 under 96/01075/CU for the conversion of a vacant hotel into two maisonettes. The development was split into lower ground and ground floor for the three bed maisonette and the upper three floors for the remaining one. The development was subsequently undertaken with the lower maisonette now being occupied and in separate ownership. The present owner of the current application site (the upper three floors) has owned the property for three years but has found great difficulty in letting such a large unit. The sheer scale of the unit and the resultant heating costs has put people off letting.

Planning Policy

Policy H21 of the Lancaster District Local Plan states that proposals for the development of or conversion of buildings to self contained flats will be permitted where they comply with the standards set out in the Local Plan. These require that all flats should be fully self-contained. They also recommend minimum floor space for various rooms and require that the habitable rooms should have a reasonable outlook and a convenient internal layout. It is also necessary to provide satisfactory arrangements for the storage of waste bins.

The proposal has also to be assessed in relation to SPG16 (The Phasing of Residential Development), which addresses the issue of a three year supply of consents for residential accommodation within the district. It categorises proposals for new residential development as A, B and C. Provision is made under category A for conversion of existing buildings to residential units providing that the site is located in a sustainable location and can provide clear local benefits, in this case by aiding local regeneration initiatives and bring a presently vacant, declining building back into use.

Furthermore, Winning Back Morecambe's West End Masterplan and Delivery Strategy has been recognised by the City Council as a local area action plan and must be acknowledged as a material consideration in determining the planning application. The Masterplan and Delivery Strategy acknowledges the imbalance in the housing provision within the West End, seeking to introduce family sized residential units within the area as a whole. This site is located within Area 2 where a high level of intervention is anticipated. The intervention comprises of large scale conversion of existing large terraced properties which are currently in inappropriate residential uses, whilst seeking to retain the hotel and guesthouse accommodation. The Master Plan acknowledges the complexity in converting these properties and seeks conversion into suitable residential use including high quality large flats.

Comments

Quality of the Conversion

The floor plans of all three flats accord with the guidance set down in Appendix 2 of the Local Plan. The floor areas for the individual rooms uses are: -

	Minimum (Appendix 2)	Proposed
Lounge	11.1sq m	23.7 sq m
Kitchen	5.6 sq m	(combined lounge/kitchen)
Bedroom (main)	10.2 sq m	12.3 sq m
Bedroom (second)	4.7 sq m	9.96 sq m
Bathroom	3.7 sq m	5.2 sq m

The room sizes are quite generous and allow for a good sized living area in addition to a large second bedroom. Whilst the top floor flat is in the roof space, the flat still enjoys generous headroom both to the rear bedrooms and within the front living area with its dormer accommodation.

The independent ownership of the lower two floors does not allow any direct access from the upper floors to the rear yard/amenity area. Access has to be made via the end of the building on the public footpath. This is not an ideal situation and one which is normally discouraged. However, given the constraints of the site any development of the upper floors would be faced with the same issues and as the property is the end of the terrace the walking route would be kept to a minimum.

The external area does provide for communal storage and drying areas tighter with a small amount of open yard. This area would be capable of housing some form of secure cycle storage area but it is considered that overall the area at the rear of the property is not of a size/layout and accessibility to encourage the use of the property by a family of the size that would be required to use the upper floors as a single unit of accommodation.

The development is not a typical and has unique constraints in the sheer scale of the original building and the split ownership. Overall, it is considered that the applicant has demonstrated that the circumstances as such in relation to the building and that an exception can be made to the usual policy constraints without undermining these or setting a precedent for other applicants in the area. On this basis the application can be supported.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to the following conditions: -

1. Standard Time Limit
2. Development to be in accordance with the approved plans
3. Amended plan- layout of external amenity area dated 22 February 2008
4. The external amenity areas to be provided in accordance with the approved plan and maintained for use by residents.
5. Precise details of any alteration to the windows to be agreed
6. Precise details of the colour of the painting to the external render to be agreed.
7. Secure cycle storage to be provided and maintained.
8. Precise boundary details to be agreed
9. As may be required

DECISION DATE 21 March 2008	APPLICATION NO. 08/00119/CU A7	PLANNING COMMITTEE: 14 April 2008
DEVELOPMENT PROPOSED RETROSPECTIVE APPLICATION FOR THE RETENTION OF A CARAVAN FOR AN AGRICULTURAL WORKER		SITE ADDRESS LAND AND BUILDINGS ON THE NORTH SIDE OF ROAD SILVERDALE ROAD YEALAND REDMAYNE LANCASHIRE
APPLICANT: Mr S. Temple Stocka Bank Quernmore Lancaster LA2 9EN		AGENT: Barden Planning Consultants

REASON FOR DELAY

Awaiting late consultation replies.

PARISH NOTIFICATION

Yealand Redmayne Parish Council - Have reservations about this proposal. They would wish to see the site landscaped so that the caravan is not visible to local residents, and suggest that this could be achieved by planting holly or leylandii. Any consent should be granted on the basis that the accommodation should only be occupied by an agricultural worker.

LAND USE ALLOCATION/DEPARTURE

Arnside/Silverdale Area of Outstanding Natural Beauty.

STATUTORY CONSULTATIONS

County Council Highways - The access has a stone wall either side which adversely affects sight lines. If consent is granted, consideration should be given to rebuilding the wall to give a 2.4 metre visibility splay. However it is recognised that this is a particularly sensitive area and the entrance is no worse than many others; in view of the low level of use, they would not wish to object should the improvement be considered unacceptable.

County Council Property Services - When consent was granted for the conversion of the adjoining outbuildings to dwellings it was indicated that the farming enterprise was being dissolved and that they were no longer needed. In fact it has continued, and some new buildings have been provided within the holding. The applicant argues that on site accommodation is needed for the benefit of the animals, that the size of the business justifies on site accommodation, there is no affordable housing in the vicinity and that Mr Temple's home in Quernmore is too far away for him to supervise the enterprise. However, the information supplied indicates that there is no functional need for a worker to live on site. Nor is the business financially sound enough to support a full time worker.

Suitable housing is in any case available in the immediate vicinity. In the light of this they do not consider that the criteria for a dwelling have been satisfied. A copy of the letter setting out the reasons for this in full appears at the end of this report.

Arnside/Silverdale AONB EXECUTIVE - The statutory and primary purpose of designating an AONB is to conserve and protect its natural beauty. The proposal is contrary to policy E3 of the Lancaster District Local Plan which states that no development should directly or indirectly harm the landscape quality of AONBs. They see no agricultural justification for this development. Permission should be refused.

OTHER OBSERVATIONS RECEIVED

Representations have been received from the occupiers of four of the nearby dwellings, who object to the proposal on the following grounds:

- Out of keeping with the AONB
- The caravan overlooks residential property
- Insufficient information about sewage disposal
- Precedent for further caravans in the area
- Loss of privacy for the residents of Temple Court
- Loss of outlook for neighbouring property
- No need for a full term agricultural worker to supervise the small scale agricultural enterprise on the site
- Loss of property value (this is not a planning consideration).

One neighbour asks that if permission is granted it should be on a temporary basis, and restricted to occupation by an agricultural worker. It is also suggested that a connection has been made to the foul drainage system serving Temple Court without first obtaining permission from its owners. This is effectively a property dispute, and is therefore outside the remit of the City Council as local planning authority.

Another comment received expresses concern about the arrangements for foul drainage from the site.

One of the neighbours points out that the applicant is the brother of the local ward Councillor.

Any further representations received will be reported orally at Committee.

REPORT

This application has been submitted following the threat of enforcement action. The caravan was positioned on the site without permission last year. Its presence was brought to the attention of the City Council following a complaint

Yealand Storrs is a hamlet a short distance to the north of Yealand Redmayne. The caravan has been positioned immediately to the rear of farm buildings, to the east of the group of barn conversions known as Temple Court. It is not visible from the road, but it does have an impact on views of the area from the north. It is also very prominent when seen from the backs of the adjoining dwellings in Temple Court.

The proposal is accompanied by a covering letter from the applicant's agent and an agricultural appraisal prepared on his behalf. These argue that on site accommodation is essential in order to run the business, and that no affordable housing is at present available in the vicinity. The holding concerned consists of 125 hectares, of which 57 hectares are woodland and 68 hectares are meadow and grazing pasture. Most of it lies to the north of Silverdale Road.

Policy E3 of the Lancaster District Local Plan requires that development within and adjoining AONBs should respect their character. Policy H8 states that outside identified settlements (of which Yealand Storrs is not one) new dwellings in the countryside will only be permitted which are essential to the needs of agriculture, forestry or other uses appropriate in the rural area; sited to minimise their impact on it; consistent with the essential needs of the occupier; appropriate in design; and make adequate provision for the disposal of sewage and waste water. Central government advice in PPS7 is also relevant, in that it where a new agricultural unit is established, it advises local authorities to grant consent for temporary living accommodation such as a caravan for the first three years, to demonstrate that the holding is viable.

The proposal is affected by the guidance in SPG16 on the release of land for residential development. While there is a five year supply of consents for new houses in the District, this effectively restricts new housing to that which assists with the City Council's regeneration objectives, secures the future of a historic building, or meets a specific local housing need.

Finally, the Arnside/Silverdale Management Strategy is a "material consideration", even though it does not carry the same weight as an adopted development plan. It states that local planning authorities should be discouraged from giving planning permission for new caravan sites unless it can clearly be demonstrated that the character of the AONB or other relevant interests will not be adversely affected.

The most important issue is the need or otherwise for on site accommodation for an agricultural worker. On this the advice from the County Council's Property Service is unambiguous; no justification exists. The enterprise is a small one and while it has been profitable over two of the last three years, its income does not justify the employment of a full time worker. Furthermore, there is a substantial stock of dwellings suitable for use by a farm worker nearby. If Mr Temple considers it necessary to have accommodation available to accommodate a farm worker, there is no reason why they could not be accommodated in an existing house in Yealand Redmayne or indeed in Yealand Storrs. The opportunity to retain one for this purpose was lost when the adjoining buildings were converted to residential use.

The site is a green field one within an Area of Outstanding Natural Beauty. Yealand Storrs is a relatively small hamlet with no community facilities. If no justification for an additional dwelling based on a specific local need exists, this location is a particularly unsustainable one in which to provide it.

The concerns about neighbours loss of outlook and privacy will be noted. It would be possible to screen the caravan site from the houses to the west but the use of leylandii, as suggested by the Parish Council, would not be compatible with the objective of enhancing the character and natural beauty of the Arnside/Silverdale AONB.

The impact of the caravan on long distance views of the area is small. If sufficient justification existed for temporary accommodation for a farm worker it would be difficult to argue that it was unacceptable on landscape grounds alone. However, the principle of allowing isolated caravans in the AONB is clearly contrary to the purpose of its designation.

Taking all these factors into account it is concluded that the provision of a caravan on this site should not be supported.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PERMISSION BE REFUSED** on the following grounds:

1. Contrary to policy H8 of the Lancaster District Local Plan and PPS7 - proposal does not meet the functional and financial tests needed to justify an agricultural worker's dwelling.
2. Approving additional residential development would add to the supply of housing land available for development in the Lancaster District at a time when its strategic housing targets are already more than adequately catered for by existing planning permissions.
3. Detrimental to the amenities of occupiers of the adjoining residential accommodation at Temple Court - loss of privacy.
4. Contrary to policy E3 of the Lancaster District Local Plan and the Arnsdale/Silverdale AONB Management Strategy - isolated caravan in the countryside contrary to the principle of AONB designation.

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Peter Rivet
Lancaster City Council
Planning Services
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LANCASTER
LA1 1PW

Your ref
Our ref PG/LAWS/1/39/7296/LK
Date: 5 March 2008

Dear Peter

**APPLICATION NUMBER 08/00119/CU
LAND AND BUILDINGS ON THE NORTH SIDE OF SILVERDALE ROAD,
YEALAND REDMAYNE**

I refer to your consultation letter concerning the above application and have the following comments to make.

Introduction

A retrospective planning application has been submitted by Mr Brian Barden of Barden Planning Consultants on behalf of Mr Simon Temple, for the erection of a static caravan for a farm worker. Inspection of the application site was undertaken on 20 February 2008 whilst the applicant was present. The information provided at this meeting, together with the written submissions, forms the basis of this appraisal.

Previous Planning Applications

I note that Lancashire County Council Property Group have previously been consulted regarding an application in connection with the site, being application number 00/1079, on which we provided comments dated 21 December 2000, which are found in Appendix 1 of this report. This application was submitted by Dalesmoor Homes Limited and was an application to convert traditional farm buildings at Yealand Hall Farm which were owned by the applicant and his sister. This was on the basis that the farming enterprise was being dissolved and all this stock was going to be sold. Consequently, I understand that planning consent was granted for this change of use and these buildings were sold off by the applicant and converted into residential properties.

Wayne Selway

Senior Assistant Land Agent
Property Group • PO Box 26 •
County Hall • Preston • PR1 8RE

Background Information

Despite the information provided in our previous report, it appears that the farming enterprise has now continued by Mr Temple at a site on the north side of Silverdale Road of Yealand Redmayne, with some new buildings having been erected since the disposal of the traditional buildings and the house. I was told that up until February 2007, the applicant's sister who lives in close proximity to the site and had kept horses on the land, had been able to check on stock when required and that also previous employees on the farm have lived within close proximity to the land and buildings. Mr Temple has told me that his sister has now retired and is often away from site, and that he has had to employ a new farm worker who was not a resident in the village and therefore has placed the static caravan on the site. The application is therefore to retain this caravan on the site which the applicant considers is necessary for the farm business to operate successfully.

Agricultural Land

It is stated that the farm business owns in the region of 137 hectares (339 acres) of land of which 125 hectares (308 acres) is situated at Yealand Hall Farm with the remaining area being at Stockabank Farm, Quernmore. Whilst at my site meeting, Mr Temple explained that some of the land given in the area of owned land at Yealand Hall Farm is actually owned by his sister, but he was unable to provide me with a breakdown between the area land owned and the area rented from her, although all the land is occupied by the farm business.

In addition to the areas of land given above, the applicant informed me that he has also recently acquired in the region of 18 acres (7.28 hectares) of land within close proximity to Yealand Hall Farm on a short term basis. Of the 125 hectares (308 acres) of land at Yealand Hall Farm, in the region of 57 hectares (141 acres) is woodland. The remaining area of land is pasture and meadow and includes an area of allotment land. I was told that the land is farmed organically.

Agricultural Enterprise

The applicant carries out the breeding and rearing of cattle and sheep.

Cattle Enterprise

Mr Temple has a herd of pedigree Red Poll cattle with current numbers at the time of inspection being as follows:

52 in-calf cows and heifers;
2 heifers aged 18 months;
13 steers aged 15 months of age;
16 calves at 6 months of age;
2 stock bulls.

Peter Rivet

5 March 2008

I was told that the young stock are reared until a finished weight at approximately 23 months of age when they are sold for slaughter. Females produced are sold for breeding purposes as 8 month old heifers or in-calf/newly calved heifers. Calving takes place all the year round but predominantly in the spring, with the main bulk of calving taking place between March to September.

Sheep Enterprise

I was told that the applicant keeps the following flocks:

25 Wiltshire Horn ewes and 2 rams;
20 Blue Faced Leicester ewes with lambs produced being sold for breeding purposes; and
17 Badger Faced ewes and 1 ram, which again are sold for breeding purposes.

I was told that the Wiltshire Horn ewes and Blue Faced Leicester ewes are brought inside for lambing while the Badger Faced flock are left to lamb outside. Lambing takes place during March and April.

Existing Buildings

A site visit was made to both the buildings at Stockabank Farm and also at Yealand Hall Farm. These can be summarised as follows:

Stockabank Farm

1. stone built house with slate roof;
2. stone built barn attached to the house containing garage to ground floor and hay loft above;
3. lean-to attached to building number 2 above, constructed with concrete block walls with a metal roof containing three loose housing pens used for housing young stock.

Yealand Hall Farm

1. brick built garage building;
2. seven bay steel portal framed building with concrete block walls and fibre cement sheeted roof. This is a former milking shippon but is now divided into loose pens which are used for lambing;
3. six bay steel portal framed building with fibre cement roof with part concrete block walls with Yorkshire boarding above. This building is open fronted and is used for the housing of cattle. Mr Temple informed me that this building was erected when the traditional buildings were converted;
4. a static caravan which is the subject of this application.

Peter Rivet

5 March 2008

Labour

Mr Simon Temple is a retired barrister and visits Yealand Hall Farm approximately 3/4 days a week. However, he explained he is unable to carry out much physical work due to health complications. The applicant employs Mr William Johnston who works full time on the unit. Mr Johnston has been employed since 1 October 2007 having moved from Scotland.

I understand that prior to Mr Johnston working for the applicant, somebody who lived in the village worked for both the applicant and his sister; however, he stopped working for them in May 2007.

Proposed Development

As mentioned above, the application is a retrospective application for the retention of the static caravan referred to above. I was told that the caravan has been sited at the site from approximately the beginning of October 2007. The caravan has been sited to the west of the building used for lambing purposes, and is currently accessed into the yard by a ladder.

A number of reasons have been submitted for the siting of the caravan including the following:

- an employee is needed to be on site permanently for the benefit of the welfare of the animals;
- the size of the business justifies the need for on site living accommodation;
- there is no affordable housing in the immediate locality;
- Mr Temple's address at Stockabank is too remote to deal with any emergencies that may arise at Yealand Hall Farm.

Assessment

Annex A of PPS 7 provides guidance on planning applications for agricultural workers' dwellings.

Paragraph 12 of the Annex provides guidance on provision of *temporary agricultural dwellings* as follows:

'If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can easily be dismantled, or other temporary accommodation. It should satisfy the following criteria:

Peter Rivet

5 March 2008

- i. **clear evidence of a firm intention to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);**
- ii. **functional need (see paragraph 4 of this Annex);**
- iii. **clear evidence that the proposed enterprise has been planned on a sound financial basis;**
- iv. **the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and**
- v. **other normal planning requirements, e.g. on siting and access, are satisfied.'**

I consider an assessment of the functional need to be important when considering this application (criteria (ii) above). The functional test which is explained in paragraph 4 of Annex A is an assessment of 'whether it is **essential** for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:

(i) in case animals or agricultural processes require essential care at short notice;

(ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems'.

As the applicant's agricultural operation is essentially the management of a small suckler herd and ewe flock, then it is the operational issues associated with this which will need to be taken into account when considering the above guidance. I appreciate that the time of calving of cattle and lambing of the sheep flock to be the period when most supervision is needed. However, both calving and lambing takes place for a limited period of time throughout the year.

I am of the opinion that the management issues concerned with the scale of the applicant's enterprise do not give rise to a functional need for a worker to live on site. In providing this opinion, I have distinguished between general day to day management requirements which I recognise in some cases will be undertaken jointly between the two workers and those particularly relevant to the key requirements specified in the paragraph 4 of annex A, referred to above.

Notwithstanding my comments above, I also consider it is appropriate to consider criteria iii) and iv) of paragraph 12.

In relation to criteria iii), the applicant has provided me with the last three years farm profit and loss accounts. I note that the business made a loss for the year

Peter Rivet

5 March 2008

ending 31 May 2007 and that only a modest profit was made in the preceding two years. In addition, I note that the wage expenses given in the accounts only represent a nominal amount, and not one of a full-time worker. Therefore, any future payment of wages relating to payment of full-time worker Mr Johnstone would have a severe negative impact on any future profit and loss accounts. Whilst Mr Temple explained that it is his intention to enter into the higher level stewardship scheme, and that the ewe numbers have been and will be further increased, in my opinion, I do not consider the enterprise to be financially sound to satisfy this criteria.

I also do not consider that criteria (iv) of paragraph 12 is satisfied. There are a number of properties in the village which become available and I note that a three bedroom ex-local authority property being no 91 Silverdale Road (which is within reasonable proximity of the farm buildings) is currently advertised for sale, which would be suitable had a functional need been demonstrated. In addition, it should be noted that properties previously associated with the farm business have been sold off or separated from the unit. In particular, Yealand Hall was advertised for sale in 2000 and has subsequently been sold off. Also, Storrs Barn, which is in reasonable proximity of the farm buildings is owned by the applicant's sister, who is a former partner in the farming partnership. It is also important to take into account the fact that the previous application on which we commented in 2000 and was subsequently approved, was an application to convert the traditional barns into seven dwellings. These buildings were in the direct control of the applicant and had Mr Temple considered a dwelling necessary, one could have been retained. When questioned regarding this, Mr Temple suggested that the type of dwellings constructed were not suitable for an agricultural worker, which in my opinion is not the case. With reference to the above, I draw your attention to paragraph 5 of Annex A of PPS 7, which clearly applies to this application, and states:

'In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of the land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.'

SUMMARY


I appreciate that the applicant considers it necessary to offer accommodation in order to attract dedicated farm workers. However, in my opinion, the scale and nature of the enterprise does not justify the need for a worker to be readily available at most times. Notwithstanding this, the business is not financially sound and the applicant has also sold off a dwelling/buildings suitable for conversion into a dwelling. I therefore do not consider the criteria given in Annex A of PPS 7 are satisfied.

Peter Rivet

5 March 2008

I would be obliged to receive a copy of your Decision Notice in due course.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Wayne Selway".

Senior Assistant Land Agent
on behalf of the Director of Property

Appendix 1

Chief Planning Officer
Lancaster City Council
Palatine Hall
Dalton Square
LANCASTER
LA1 1PW

Please ask for : Peter Llewellyn
Telephone : (01772) 263902
Fax : (01772) 263165
E mail :
Your ref :
Our ref : PG/LA/PDWL/PA/1/39/5161/LK
Date : 21 December 2000

Dear Sir

**APPLICATION NUMBER 00/01079/CU
PROPOSED CHANGE OF USE AND CONVERSION OF AGRICULTURAL BUILDINGS
INTO SEVEN DWELLINGS AND GARAGES
YEALAND HALL, YEALAND STORRS**

I refer to your consultation letter concerning the above application and have the following observations:-

The Proposal

The application is being made by Dalesmoor Homes who wish to convert part of the Yealand Hall farm building complex into seven dwellings and garages.

Background

Yealand Hall together with the farm buildings and land was purchased by the late Judge Sir Sanderson-Temple in 1960. The farm was then of approximately 88 hectares (217 acres), and also included further moss land.

For many years the farm has been owned and farmed by the Judge's children, Mrs Duchwaldy of the nearby Storrs Barn, and Mr Simon Temple.

The farming partnership is now to be dissolved, and much of the stock and land has already been sold. So far approximately 32 hectares of the land has been sold and a further 10 hectares has agreed to be sold. Further land will be sold and Mrs Duchwaldy will retain 12 hectares she owns in her own right and 4 hectares she jointly owns.

At one time the farm had a herd of 55 suckler cows with followers and a flock of 140 breeding ewes.

Stock numbers are now down to 25 suckler cows which will be over wintered, together with 30 ewes. It is understood that these will be sold in the Spring.

Continued

Chief Planning Officer

21 December 2000

In the future Mrs Duchwaldy will continue with her stud farm, she has at present approximately 20 horses which she will operate on a reduce scale from the buildings unaffected by this application.

I note that Yealand Hall, the former residence of Judge Sir Sanderson-Temple who died 18 months ago, is advertised for sale.

The Buildings

In General

These are principally of random limestone construction with limestone quoins and blue slate roofs. A typical traditional building of the area erected perhaps 200 years ago when labour was readily available, there was little farm machinery and stock numbers were less intensive.

The buildings have been added to by the erection of stables, a Dutch barn and lean-to, together with a more modern shippon.

The Application Buildings

These are situated around a hard cored yard. They comprise:-

On the East Side

Of limestone construction with a blue slate roof.

A four high loose box.

A three bay hay barn – used for garaging two cars.

A 12 place head to head shippon with wooden stalls under a loft floor.

A four bay hay barn with bales of hay in one bay. At the rear is a lean-to shippon for 12 cattle and at the side a small store with a corrugated iron front and asbestos roof.

On the North Side

Is an 11 place shippon of shuttered concrete construction with a blue slate roof, and a double stable at the end, of concrete block and asbestos construction.

On the West Side

The buildings are of limestone construction with blue slate roofs.

There are two adjoining barns with a loose box/stable and a garage, and a 10 place shippon all under loft floors.

A range of four stables.

Chief Planning Officer

21 December 2000

At the side of the barn adjacent to the road are three further stables/loose boxes with limestone walls with corrugated asbestos roofs.

At the rear of the stable range adjoining the barns is a lean-to with concrete blocks/shuttered concrete and corrugated asbestos roof, this was formerly used to store horse traps.

Other Buildings

Affected by the application on the east of the main yard at the rear of the application buildings is a three bay steel Dutch barn with a corrugated iron semi circular roof and a timber framed/corrugated iron lean-to. Some hay is stored in this main barn.

Adjacent to the above buildings is a "modern" shippon for 48 cows. This is constructed of concrete bricks and has a corrugated asbestos roof. This building is currently in use for the remaining cattle which are being wintered. Next to this building is an open silage clamp. I note that the end part of this shippon, together with the small dairy attached is included in the development proposal. The dairy would be demolished and the end part of the shippon used for two garages.

On the west of the application buildings is a large limestone barn of four bays, with lean-to and near this five stables. At the rear of the block of four stables are two other buildings, one a small timber/felt cabin which is to be removed and the other a four horse stable of timber/box profile steel sheet construction. I understand this latter building is to be relocated. Other buildings are various stable blocks and an implement shed.

Assessment

PPG 7 on the Countryside – Environmental Quality and Economic and Social Development advises on the change of use of agricultural buildings, particularly in paragraphs 3.15, to 3.17, and in Annex G.

In the above context.

I note the change of use is for residential rather than business use. I assume that the buildings are capable of conversion without extensive alterations, but do note that the proposal includes new roofs, many windows and doors.

There are no plans with the application which show how the buildings which are to remain are to be used without effecting and vice versa, the new housing development. At least one of the existing stables is to be relocated and it is not clear how the large shippon building is to be used in the future. I must however accept that the present agricultural use of the application buildings, that is the housing the cattle and the storage of hay, will cease and in future the only "agricultural" use will be in connection with Mrs Duchwaldy's horse enterprise.

Chief Planning Officer

21 December 2000

You may therefore wish to consider withdrawing permitted development rights for the area of remaining buildings.

Conclusion

In general I accept that the buildings which are proposed to be converted are redundant to modern agricultural practice, but do point out the other issues in connection with the adjacent buildings.

I would be obliged to receive a copy of the decision notice in due course.

Yours faithfully



Land Agency Manager
On behalf of the Head of Property



Arnside/Silverdale Area of Outstanding Natural Beauty

The Old Station Building Arnside Carnforth Lancs LA5 0HG
Telephone 01524 761034
Email: info@arnsidesilverdaleaonb.org.uk
Website: www.arnsidesilverdaleaonb.org.uk

15 February 2008

Lancaster City Council (Planning Services)
Palatine Hall,
Dalton Square
Lancaster
LA1 1PJ

Dear Mr Rivet

**Retrospective application for the retention of a caravan for an agricultural worker
Land and Buildings on the North side of road, Silverdale Road, Yealand Redmayne
No. 08/00119/FCU**

The statutory and primary purpose of designation of an Area of Outstanding Natural Beauty is the conservation and enhancement of the natural beauty of the area. Lancaster City Council Policy number E3 also quite clearly states that no development should either directly or indirectly have a significant adverse effect upon their character or harm the landscape quality. Under section 85 of the Countryside and Right of Way Act 2000, Local Authorities are required to take due regard for the purpose of designation of Areas of Outstanding Natural Beauty.

In the terms of Arnside and Silverdale AONB Landscape Assessment, Yealand Storrs shares many of the features of the Warton and the Yealands character area. The most relevant key characteristics are:

- Attractive and unspoilt historic villages with fine domestic buildings
- Open pasture with prominent limestone walls

The members of the Planning Sub Committee of the AONB Executive Committee have looked at the plans and see no justification for the siting of a caravan in this location. The application states that the caravan was 'last use for agriculture', this has no bearing on the basic principle that a caravan sited in this location will do nothing to improve and would in fact be detrimental to natural beauty in this area that is protected by statute.

The AONB Executive Committee are therefore opposed to this application.

Yours sincerely

Ian E Henderson
AONB Manager

DECISION DATE 3 December 2007	APPLICATION NO. 07/01407/FUL A9	PLANNING COMMITTEE: 10 March 2008
DEVELOPMENT PROPOSED CONVERSION OF FORMER CHILDRENS HOME TO 2NO DWELLINGS, DEMOLITION OF STAFF DWELLING AND ERECTION OF 2NO DWELLINGS		SITE ADDRESS 119 MAIN ROAD BOLTON LE SANDS CARNFORTH LANCASHIRE LA5 8DU
APPLICANT: Daffodil Homes Ltd Tarnwater Milnthorpe Road Yealand Conyers Carnforth Lancashire LA5 9RJ		AGENT: JMP Architects Ltd

REASON FOR DELAY

Deferred for site visit by committee.

PARISH NOTIFICATION

Bolton-le-Sands Parish- Questions whether the development falls within a Category 'A' designation. Opposed to the development of a new access which would be dangerous and below minimum standard. The works to realign the boundary wall are considered unnecessary to serve such a small number of dwellings. The existing access is capable of accommodating the proposed development. The existing access should be used. Conversion of the home itself is supported but the new built development is considered to be un-neighbourly in relation to the properties in Cross Hill Court.

LAND USE ALLOCATION/DEPARTURE

Within Bolton-le Sands Conservation Area.

STATUTORY CONSULTATIONS

North Lancashire Bat Group- views awaited

Environmental Health Officer- Suggested hours of construction restriction. Advice regarding dust control and restriction of fires/burning on site during the demolition/construction process. The development is one which needs a desk study, recommends rejection of the application without such a study.

County Highways- Views awaited on the final revised plans. The County Highways engineer has already passed comment on the earlier revised site access stating that minor adjustment needed to be included to gain the optimal sight line whilst providing an access point that minimised impact upon trees.

Suggested conditions to ensure the agreement of precise details and the implementation prior to occupation of the development.

As the improved sight lines would still be sub standard recommended that traffic calming features are incorporated into the works. Further advice upon the right to provide highway improvement and the need to enter into a section 278 legal agreement for works on the highway.

Comments on the revised plans- notes that the minimum footpath width to be developed is 1.05/1.1m. The minimum requirement by County Highways is 1.0m. Need to clarify the details of the boundary wall coping to maximise the footway width. Previous comments over traffic calming features still apply.

OTHER OBSERVATIONS RECEIVED

Conservation Section- The application has been subject to discussion following the submission of the initial plans; revised plans are now acceptable in principle subject to conditions over precise details of finishes, construction and materials.

Tree Protection Officer- Initial request for the submission of an Arboricultural Implication Assessment to fully assess the potential of the scheme to impact upon the trees within the application site and to provide for mitigation. Further to the submission of an Arboricultural Assessment the Tree protection Officer has raised a number of comments: -

1. Works to remove ten trees are acceptable in principle but need to be agreed in detail, including timing.
2. Replacement tree planting details need to be agreed and implemented introduced at a replacement ratio of 3:1. Options for further plantings should be explored.
3. Repositioning of the boundary wall and development of the new access - these works create intense pressure on the largest trees within the site, those trees fronting the western boundary adjacent to the public highway, 2x large, mature beech and a sycamore. Although other trees are threatened and the removal of 5x trees is inevitable to accommodate the new access drive, by and large new tree planting will go some way in mitigating their loss, providing a replacement ratio of 3:1 is achieved.
4. A series of mini piles are proposed along the western boundary of the site to support the repositioning of the boundary wall; a reduction in the number of piles proposed in the areas closest to the new access and containing the largest and most significant trees would reduce the development pressure on the trees fronting the highway, this would be a useful engineering consideration. Installation of the piles must be made from outside the established Root Protection Zones the capacity to achieve this must be a consideration at this stage.
5. The trees closest to the proposed access road will incur root damage and disturbance; the most significant landscape trees in this area are the 2x beech and 1x large sycamore. Suggestion to relocate the proposed access approx 2.0m north to remove some of the development pressure upon the mature Beech tree to the south of the access. Protection must be in compliance with BS 5837 (2005) as a minimum requirement.

Local Residents- 6 letters from local residents relating to the development of the site have raised concerns on the following grounds: -

- a. Massing and impact upon neighbouring residents from the new dwelling to the rear of the site.
- b. Scale of the new dwelling, being built over three storeys. Loss of light, privacy, noise and disturbance.
- c. Questions the need for an additional access given the limited number of properties being developed. The existing access is adequate to serve the number of dwellings proposed.

- d. One of the neighbouring properties is a commercial holiday let - development of the site will cause both short and long term effects upon the holiday occupants and potential knock on effect to local businesses.
- e. The development will generate additional traffic along the busy Main Road with resultant highway congestion.
- f. Scale of the development is not compatible with the site or the conservation area.
- g. Concerns over the impact of the development on the trees within the site, particularly given their protected status.

REPORT

This application was deferred from the Committee meeting held on 10 March 2008 to enable a site visit to take place. The visit enabled further consideration to be given over the relationship of existing dwellings in Cross Hill Court to the new detached dwelling and the demolition/reconstruction of the Main Road boundary.

Site and its Surroundings

This site is located at the southern end of the old village of Bolton-le-Sands on the east side of Main Road. The site consists of a former vicarage (until approx 3/4 years ago used as a children's home), a stone built barn, a more modern house and the vicarage grounds. The grounds of the vicarage are enclosed by a tall boundary wall and contain a number of mature trees which are subject to a Tree Preservation Order.

The Proposal

The initial application sought consent for the conversion of the former vicarage into two dwellings, the demolition of the modern brick built home to the rear of the vicarage and the erection of two new detached dwelling to the rear of the site. Following discussions, this proposal has been modified to still provide for conversion and demolition but now only seeks the construction of a single detached dwelling to the rear northern corner of the site. In addition to the residential development the proposal seeks to develop a new vehicular access into the site, the realignment and reconstruction of the boundary wall and the removal of number of protected trees.

Planning History

The site has a limited planning history as alterations and extension in association with the children's home would have been undertaken as permitted development by Lancashire County Council. The only recent application was an outline application for 16 houses submitted by Lancashire County Council in 2002 (02/00305/OUT). The application was determined for refusal in May 2002. The application was refused on poor highway layout, parking provision and the loss of trees/impact upon the conservation area.

Planning Policy

Policy H7 of the plan allows for the development of suitable small infill sites.

Policy E35- seeks to protect against development which will have an adverse affect upon views and the loss of important open spaces and historic form.

Policy E36 - seeks to support the change of use of buildings which make a positive contribution to the conservation area.

Policy E37- seeks allow the demolition of building which do not make a positive contribution to the conservation area.

Policies E38 and E39- support the development of new build and alterations which are sympathetic in form and materials to the conservation.

Policy E13- seeks to refuse proposals which would have a significant impact upon or result in the loss of significant trees.

The proposal has also to be assessed in relation to SPG16 (The Phasing of Residential Development), which addresses the issue of the supply of consents for residential accommodation within the district. It categorises proposals for new residential development as A, B and C. The sites lie within the heart of the Bolton-le-Sands Conservation Area and provision is made under Category A for conversion of existing buildings to residential units and new development which provides the means to restore and bring into beneficial use important historic buildings or enhance conservation areas.

Comments

Background

As indicated earlier in the report the site was in the ownership of Lancashire County Council and operated as a Children's Home until a number of years ago. Following closure of the home the land and the building have remained vacant and with little, if any, maintenance. The property and land has recently been the subject of sale and is now in the ownership of the applicant.

Prior discussion had taken place with the County Council alerting them to the current constraints within SPG 16 and the physical restriction on the site, in particular the protected trees within the site and the complications in developing any new vehicle access points into the site.

The site has an existing vehicle access onto Main Road at its northern end. The access is substandard having limited width and very restricted sight lines, particularly to the north into the village. The sight lines are restricted by the presence of a stone barn which is considered to form part of the historic core of the village and predates the current vicarage. The possibility of partial demolition has been explored but is not considered appropriate in terms of the character of the Conservation Area.

The quality of the existing boundary wall has also been considered as part of the prior discussions. The wall is recognised as a feature of the village when entering or leaving along Main Road. However, whilst the wall is of considerable merit in terms of its general presence it was noted that for a substantial section, the lower section of wall is stone but has been repaired/made stable with the construction of a concrete section approx 800mm high.

The site also has a large number of trees within it; many of them are large mature specimens. The role of these trees within the conservation area has been acknowledged and the presence they have when entering or leaving the centre of the village. Whilst enjoying protection through their location within a conservation area, a Tree Preservation Order was drafted and is put in force prior to the sale of the land.

Policy Position

The application needs to be considered in respect of SPG 16 and the restraint on housing development. As indicated earlier the development could be supported in principle if it were considered to 'restore and bring into beneficial use important historic buildings or enhance conservation areas'. The vicarage is in a poor declining condition and also suffers from the addition of a number of insensitive extensions including the construction of a matron's house immediately alongside the property.

The development proposes to remove the extensions and return the building to a more original condition. Externally, the tarmac forecourt is also lost and a formal front walled garden area developed for one of the dwellings. Access to one of the dwellings is via the original sub standard access onto Main Road. In addition, the boundary wall whilst being realigned is to be rebuilt using existing stone and will result in the removal of the sections of concrete repairs.

Given the nature of the improvements to the buildings and structures, the conversion of the vicarage and the construction of a single replacement dwelling it is considered that the development will have beneficial effect upon the conservation area and could be supported under SPG 16 and the general conservation policies.

New Access and Realignment of the Boundary Wall

Given the severe limitations of the existing access and the potential to develop the remaining site at a future date, the proposal seeks consent for a new vehicle access off Main Road. The new access is currently proposed to serve the rear of the conversion and a new detached dwelling.

In developing sight lines for the new access, the current boundary wall needed to be realigned to meet the requirements of County Highways. The original submission indicated a wall in the optimum position for the development of sight lines but would have resulted in the removal of several mature trees at the entrance. The revised submission has been the result of discussion with both County Highways and the Tree Protection Officer. The point of access has been repositioned to protect the mature trees but will result in the loss of five smaller trees located between the mature specimens. The sight lines to the new access are reduced from the optimum available and the highway engineer has suggested the development of a simple lined traffic calming feature of the main road to help reduce speeds.

The repositioning of the wall will allow for a minor increase in the footpath along Main Road to 1.0m and the creation of a planted bed between the footway and the face of the new wall.

Impact upon trees

As part of the application process an Arboricultural Assessment has been undertaken to assess the health and safety of all the trees within the site. A number of trees have been identified as being in need of removal and certain other to have works of general maintenance. Ten trees are to be felled, including the trees proposed to be removed at the new access. Seventeen trees are to be planted in replacement, this is considered to fall short of the accepted 3:1 replacement ratio and if approved, additional tree planting would be sought.

The main area of concern in relation to the trees on site is the development of the realigned boundary wall. The applicant has proposed a form of construction that will minimise impact upon the trees by developing a hand augured piles with pre-cast ground beams. The wall will be built directly off this foundation reducing the disturbance of the ground to a minimum. The new foundations are to be very close to one or two of the trees and this approach is considered to be the only suitable system and will still need to be carefully monitored and assessed during the construction process.

Conversion of the Vicarage

The vicarage is currently in a poor state of repair having had little maintenance and issues of damp throughout the building. The proposal seeks to convert this large building into two dwellings. Plot 1 fronts and gains access from Main Road and is to be developed into a four bedded house. The large stone built barn will also be incorporated into the curtilage and is to be use as a garage/outbuilding. A new formal frontage and formal garden is to be developed in place of the open unsympathetic tarmac forecourt, precise detail of the boundary arrangement would be conditioned.

Plot 2 lies to the rear and again will develop a four bedded house with the addition of a small complementary porch and veranda. This dwelling would be accesses via the new vehicle access and driveway.

The garden area to both properties are to run parallel to Main Road but will only include the currently open area to the south of the vicarage, relieving development pressure on the mature trees beyond. The trees beyond will be incorporated into any future development as apart of an open garden setting. Precise details of the curtilage boundaries are to be agreed but are to be stone walls of varying heights and hedgerow close to protected trees.

Overall the proposal seeks to return the building close to its original form, utilising existing openings and reinstating features lost as part of historic use.

New detached dwelling

Externally a protected monkey puzzle tree will form the centre piece and turning area leading to the new double garage for plot 2 and the driveway to a new detached three storey property. The ground levels rise to the eastern boundary of the site. Localised excavation of the ground has enabled underground garaging and a living room to be developed with two storeys of living accommodation above. The building is of a contemporary design but has made use of local materials (stone and slate) and has a traditional shape and form that reflects the local vernacular.

The main issue with the new building is the relationship to the existing residential properties immediately to the north of the application site in Church Close. The properties are two storeys in height and enjoy an orientation towards the proposed dwelling. Nos. 1 and 2 Church Close being closest to the new dwelling. The orientation of the new building presents a deep flank wall to the dwelling 14m long with only minor with only a minor landing and bathroom window both of which will be obscure glazed. The relative levels are only that of a two storey building with a 1.8m stone boundary between, the lower floor having been excavated into the rising ground to create underground parking.

The position of the dwelling has been the subject of discussion with the applicant and has resulted in a building which has been moved further away from the properties and is now an average of 16m from the rear windows of 1 and 2 Church Street with between 6m and 8m of side garden to the new dwelling.

The relationship of the new dwelling to the existing ones has to be considered in respect of its potential massing and effect upon amenity. It is considered that whilst the neighbouring residents have enjoyed the benefit of an open aspect across neighbouring land the proposed is not unduly dominant and accords with guidance laid down in SPG 12.

Conclusion

Overall, this is a complex site with a number of differing issues. It is considered that the development, as revised, has addressed the concerns the planning policy position, impact of the development in the conservation area, impact upon trees and neighbours. Subject to appropriate conditions the application should be supported.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to the following conditions: -

1. Standard time limit
2. Development to be undertaken in accordance with the approved plans
3. Amended plans- vicarage
4. Amended plans- new house
5. Amended plans- highways/wall design
6. Precise height and construction of boundary wall and coping detail to be agreed.
7. General boundary treatment details to site and plots to be agreed.
8. Retaining wall details around the monkey puzzle tree to be agreed.
9. Contaminated land study to be submitted
10. All works to be undertaken in accordance with the Tree Assessment
11. Tree planting- precise details species, locations and numbers of replacement trees to be agreed

12. Tree protection zone to be installed prior to any works being commenced on site.
13. Details of off-site highway works to be agreed prior to works being commenced.
14. Off-site highway works to be implemented as agreed prior to occupation of any dwelling.
15. Details of any works to the barn
16. All external materials to be agreed
17. Obscure glazing to flank windows to new dwelling
18. Lime mortar details to be agreed
19. Boundary wall and railing details to the vicarage to be agreed
20. Hours of construction
21. All GDO tolerances removed.
22. Visibility splays to be provided and maintained.
23. Details of landscaping and planting beds to be agreed
23. Precise details of the footway entrance and path construction to be agreed.
24. Wall termination and railing detail around the sycamore to be agreed.
25. As may be required by consultees

Advice

1. The developer will be required to enter into a Legal Agreement for highway works.
2. No fires on site
3. Dust Control

DECISION DATE 3 December 2007	APPLICATION NO. 07/01408/CON A10	PLANNING COMMITTEE: 14 April 2008
DEVELOPMENT PROPOSED RETROSPECTIVE CONSENT FOR THE DEMOLITION OF STAFF DWELLING AND DEMOLITION OF THE BOUNDARY WALL FRONTING MAIN ROAD		SITE ADDRESS 119 MAIN ROAD BOLTON LE SANDS CARNFORTH LANCASHIRE LA5 8DX
APPLICANT: Daffodil Homes Ltd Tarnwater Milnthorpe Road Yealand Conyers Carnforth Lancashire LA5 9RJ		AGENT: JMP Architects Ltd

REASON FOR DELAY

Awaiting details in connection with the associated application.

PARISH NOTIFICATION

N/A

LAND USE ALLOCATION/DEPARTURE

Within Bolton-le Sands Conservation Area.

STATUTORY CONSULTATIONS

Conservation Officer- No objections

OTHER OBSERVATIONS RECEIVED

None to date- any comments will be reported directly to committee.

REPORT

This application was deferred from the committee meeting held on 10 March 2008 to enable a site visit to take place. The visit enabled further consideration to be given over the relationship of existing dwellings in Cross Hill Court to the new detached dwelling and the demolition/reconstruction of the Main Road boundary.

This application is directly associated with the previous committee item (Planning Application 07/01407/FUL) which sought consent for the conversion of the Old Vicarage into two dwellings, the erection of a new detached dwelling and the realignment of the boundary wall fronting Main Road.

This application is seeking retrospective conservation area consent for the demolition of a detached staff dwelling to the rear of the vicarage and the demolition/reconstruction of the boundary wall to enable visibility splays to be developed at the new vehicle access.

The staff dwelling is poorly detailed and unsympathetic to the setting of the vicarage and the wider conservation area. Removal of the staff building is to be encouraged.

As detailed in the previous agenda item the boundary wall is a key feature within the Conservation Area and would be replaced with new wall faced with the original materials at a height to still maintain a presence in the street scene. Subject to approval of a scheme for comprehensive replacement the proposal to demolish is considered acceptable.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PERMISSION BE APPROVED** subject to the following conditions: -

1. Development to be undertaken in accordance with the approved plans
2. The wall shall not be demolished before a contract for the carrying out of works of redevelopment of the site has been made, and planning permission has been granted for the redevelopment for which the contract provides.
3. Hours of demolition

DECISION DATE 18 April 2008	APPLICATION NO. 08/00146/CON A12	PLANNING COMMITTEE: 14 April 2008
DEVELOPMENT PROPOSED DEMOLITION OF EXISTING BINGO HALL AND CINEMA COMPLEX		SITE ADDRESS A B C LANCASTER (DISUSED) KING STREET LANCASTER LANCASHIRE LA1 1RE
APPLICANT: Kempsten Ltd 11 Bury New Road Prestwich Manchester Lancs M25 9JZ		AGENT: Austin Associates

REASON FOR DELAY

None.

PARISH NOTIFICATION

N/A

LAND USE ALLOCATION / DEPARTURE

The site falls within the City Centre Conservation Area and within the City Centre as defined by the Local Plan in relation to retail development and uses.

STATUTORY CONSULTATIONS

Environmental Health Service – The service generally does not object to the proposals subject to the following conditions:

- Hours of work restriction during demolition, site preparation and construction, including vehicular access, deliveries and other movements of heavy and goods vehicles;
- Approval of dust control measures prior to commencement;
- Approval of an asbestos survey to be undertaken prior to commencement and if found appropriately removed; and
- Approval of a scheme for the control of noise and vibration prior to commencement.

Conservation Officer – The Council’s Senior Conservation Officer has no objection to the demolition of this building subject to:

- Before demolition, the building must be recorded to a suitable level - to be agreed in writing with the County Archaeological Service and undertaken as appropriate;
- Before demolition, the level of archaeological survey required for the site is to be agreed in writing with the County Archaeological Service and undertaken as appropriate;
- No demolition shall commence until a contract for a replacement building is in place; and
- Any adjacent buildings that are exposed as a result of the demolition shall be made good and protected as necessary (i.e. works to gables/party walls etc)

County Archaeology – The Service advises that a number of archaeological deposits have been found in the vicinity of the site, and that there is some chance that deposits may have survived between the foundations of the cinema, or in areas to the rear of the site not previously developed. Therefore it recommends that the applicant be required to undertake a programme of archaeological investigation of the site during any subsequent development of the site. It also recommends that the building be the subject of both a drawn and photographic record prior to its demolition.

OTHER OBSERVATIONS RECEIVED

To date, the Council has only received one letter regarding the proposed scheme. The objector wishes to see the existing Art Deco façade sympathetically integrated into a new scheme rather than demolished. They feel that such 1930s architecture is undervalued and under-represented in Lancaster.

REPORT

The Site and its Surroundings

The application site is located on the corner of King Street and Spring Garden Street. It falls within the City Centre Conservation Area. Though there are numerous Listed Buildings in the vicinity of the site, there are no Listed Buildings actually adjacent to the building that currently occupies the site, namely the old ABC cinema.

The former cinema building is constructed of red brick with faience panels to the King Street façade. The Spring Garden Street elevation is of solid brick, and is only currently broken up by a billboard.

On the opposite side of Spring Garden Street is a small, surface public car park, and diagonally across King Street lies the cobbled and ‘tree-scaped’ triangular area known as Queen Square.

The properties visible from the site to the west and south are predominantly 3-4 storey Georgian terraces built in the eighteenth century with traditional stone and large sash windows. The properties immediately to the north of the site along King Street that form a 2-storey terrace that arcs round into Common Garden Street are inter-war construction.

The Proposal

This application seeks Conservation Area consent to demolish the old cinema building in its entirety.

The cinema was built in c1934 in a typical Art Deco style, albeit not a masterpiece of its genre. It was designed by the Weedon architecture practice that also drew up plans for other Odeon cinemas at that time, such as Chester, Harrogate, Scarborough and Sutton Coldfield. There were 950 stalls and 642 circle seats. The name Odeon was originally carried on the fin that forms the existing corner feature that towers over the existing large building.

The building is currently stepped along its western elevation, dropping to a more appropriate height against the 2-storey properties to the north. Though the southern elevation is lower than the corner 'fin' feature, it is not stepped and as such is a large flank wall of significant mass that has no architectural interest whatsoever.

In 1971 the cinema was sub-divided. The foyer was split to provide separate entrances to the stalls bingo hall and the two circle cinemas seating 250 and 246 respectively.

Planning Policy

A number of National Planning Policy Statement (PPS) and Planning Policy Guidance Notes (PPG) apply to this proposal:

PPS 1 - Delivering Sustainable Development - provides generic advice for all new built development. Sites should be capable of optimising the full site boundary and should deliver an appropriate mix of uses, green and other public spaces, safe and accessible environments and visually pleasing architecture. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. A high level of protection should be given to most valued townscapes and landscapes.

PPG 15 - Planning and the Historic Environment - the character and appearance of a Conservation Area and the setting of Listed Buildings should be preserved and enhanced. This should be the prime consideration in determining a consent application. Account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the Conservation Area as a whole. The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. Where a building makes little or no such contribution, the local planning authority will need to have full information about what is proposed for the site after demolition. In the past, ugly gaps have sometimes appeared in Conservation Areas as a result of demolition far in advance of redevelopment.

Other regional and county policies are applicable to the proposal. The most notable policies are as follows:

Regional Spatial Strategy Policy EM1 - Integrated Land Management - support conservation-led regeneration in areas rich in historic interest.

Joint Lancashire Structure Plan (JLSP) Policy 21 – Lancashire's Natural and Manmade Heritage - this policy seeks to conserve, and where appropriate enhance, the character and setting of heritage assets.

At the local level, the following Lancaster District Local Plan (LDLP) 1996-2006 policies are relevant:

Policy E35 - Conservation Areas and their Surroundings - development proposals that would adversely affect important views into and across a Conservation Area or lead to an unacceptable erosion of its historic form and layout, open spaces and townscape will not be permitted.

Policy E37 - Demolition - total or substantial demolition of an unlisted building will only be permitted where it does not make a positive contribution to the architectural or historic interest of a Conservation Area. Proposals to demolish any building within a Conservation Area will only be approved where detailed planning permission has been given for a scheme of redevelopment which would preserve and enhance the Conservation Area, including effective guarantees of early completion.

Policy E38 - New Building in Conservation Areas - development proposals within Conservation Areas will only be permitted where these reflect the scale and style of surrounding buildings and use complementary materials.

Assessment

The existing building is a large, bulky red brick structure that is not in keeping with the City Centre Conservation Area. Though there is a mix of property styles in this Conservation Area, they are mainly of stone construction with pitched slate roofs and are lower in height. The character of the area is not enhanced by the presence of this Art Deco styled building, especially the tall, long red brick southern flank wall.

The building is very prominent on the city's gyratory and as such a high quality building would enhance not only the appearance of the Conservation Area, but it also has the potential to lift people's expectations of what Lancaster can offer and deliver. This is a reasonable sized site on the edge of Lancaster City Centre's prime retail frontage where a suitable development could entice people into the centre of Lancaster.

Also, following the opening of the Vue cinema complex and Gala Bingo's focus on their Morecambe venue, there are very few, if any, uses that could utilise such an internal arrangement. The site is currently not adding anything to the city centre's offering, and it is unlikely to do so in the future in its current state. By demolishing this dated property, it will make way for a development scheme that could deliver not only high quality architecture but also space that could be utilised by uses that cannot be accommodated elsewhere within the city centre, and thereby improving Lancaster's provision.

Summary

The application site commands a prominent site within the city centre and the Conservation Area.

As set out above, the existing building does not make a positive contribution to the Conservation Area, and following the closure of the cinema and then the Bingo Hall, it does little for the viability and vitality of the city centre.

A replacement building that is designed to a high standard (including form, scale, style and materials) and creates usable and where possible flexible floor plates would be more suitable in this location.

Though there has not been a replacement scheme submitted for this site, the applicant is in the process of having pre-application discussions with the Council in this regard. The Local Planning Authority is therefore satisfied to process this application and condition its consent accordingly should Members be minded to approve it. It is also proposed to include a condition insuring that no demolition takes place until a contract for a replacement building has been signed.

It is for these reasons that the application for Conservation Area Consent is recommended for approval.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATION

That **CONSERVATION AREA CONSENT BE GRANTED** subject to the following conditions:

1. Standard Conservation Area consent.
2. Construction hours - 0800 to 1800 Monday to Saturday only
3. Scheme for dust control
4. Asbestos survey and appropriate removal

5. Noise and vibration control
6. Building record (both drawn and photographed)
7. Archaeological survey of the site
8. No demolition shall commence until a contract for a replacement building has been signed and is in place.

DECISION DATE 14 February 2008	APPLICATION NO. 07/01653/HYB A13	PLANNING COMMITTEE: 14 April 2008
DEVELOPMENT PROPOSED OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (APPROX 200 UNITS) AND ANCILLARY COMMERCIAL UNITS AND FULL APPLICATION FOR NEW ACCESS ROAD AND REMEDIATION OF THE SITE AND WORKS TO THE BIOLOGICAL HERITAGE SITE		SITE ADDRESS LUNDSFIELD QUARRIES KELLET ROAD CARNFORTH LANCASHIRE LA5 9AB
APPLICANT: Redrow Homes (Lancashire) Ltd Redrow House Matrix Business Park Buckshaw Village Lancashire		AGENT: Turley Associates

REASON FOR DELAY

A decision was deferred at Committee on Monday 11 February 2008 for a site visit, which happened on Monday 3 March 2008. The main purpose of the site visit was to gain a better understanding of the ecological matters being debated. A decision was deferred again on Monday 10 March following Members request for the Officers report to be updated.

PARISH NOTIFICATION

Carnforth Town Council - The Town Council wishes to reiterate the comments they made on the previous application (07/00633/HYB): It is far from happy that development is proposed at the quarry site. Housing would be better provided on site(s) nearer the town centre, and there is an urgent need for affordable housing, local sporting facilities and small industrial units. It recommends that housing on the site should be limited to 100 or so affordable properties only, a number of small industrial units (on land that is less suitable for housing) should be developed, the Biological Heritage Site should be properly conserved, and amenity open space and playing fields with associated sports facilities (incorporating Carnforth Rangers football ground) provided.

The Town Council is concerned about the single vehicular access from Kellet Road and the potential safety implications for those accessing schools and the children's centre. They seek a further access from Back Lane via Windermere Road, alleviating the need for an emergency access into Dunkirk Avenue.

Traffic lights at the access/egress should be moved east to provide a single traffic control system for the bridge together with access into the Lundsfield Quarry development. Though the new foot/cycle bridge is desirable, it should be provided in the early stages of the development to Lyne Rigg Estate/Canal Turn car park or via Stanley Road, Hill Street and Towpath Walk, not to Alexandra Road. They are also concerned about the sewerage capacity, and seek a planning contribution for CCTV in the town centre if planning permission is granted.

The new foot/cycle bridge over the canal must be included in the development, and completed in the early stages of the scheme. The Town Council also wish to ensure the approved plans are strictly adhered to. They also have concerns about contamination, sewerage capacity and financial contributions. Any s106 and s278 monies/works must be spent/delivered accordingly, and highlight that funding for improvements to the town's library and A6/Market Street traffic lights is already allocated from other budgets.

LAND USE ALLOCATION / DEPARTURE

The application site is essentially split into two sections: a large area comprising the north quarry and smaller area comprising part of the central quarry. They are connected by way of a track that runs virtually due south from the bridge over the canal at Kellet Road to the central quarry where it turns east and connects into Back Lane. The north quarry site is designated in the Lancaster District Local Plan (1996-2006) as a Housing Opportunity Site. A large portion of the north and central quarry sites, as well as part of the track, are designated as Biological and Geological Heritage Sites. The central quarry falls within the North Lancashire Green Belt. The north west corner of the north quarry site, where the marina is situated, is classified as an Informal Recreation Area, whilst a smaller area of land to the back of the houses on King's Drive is designated as Urban Greenspace. The site is also considered to be potentially liable to flooding. However, the north quarry site, where development is proposed, does not fall within flood zones 2 or 3. Although the football ground is included within the illustrative Masterplan, it falls outside the application area.

STATUTORY CONSULTATIONS

County Highways- The Highway Authority recognises that the access is a priority junction with a right turn lane and, whilst not ideal, it is probably in the optimum location to give acceptable sight lines. They confirm that the junction could not form part of the canal bridge traffic signals due to capacity constraints. However, to help mitigate the impact of development traffic and improve operational efficiency at these traffic lights, they require that the developer funds MOVA technology and the alteration of the existing loops as part of the s278 (Highway) Agreement

The traffic signal junction at Lancaster Road/Market Street is, at many times of the day, running with no spare capacity. It should be noted that this development would only make delays slightly worse. It would be sensible to seek an improvement that provides better pedestrian facilities, which could well include Puffin crossing facilities that can help to minimise traffic delay and improve the pedestrian safety and amenity.

The construction of a new pedestrian/cycle canal crossing to link the proposed development with the town centre would significantly improve the accessibility of the site and should preferably be in place prior to 1st occupation of any dwelling on the site in order to encourage sustainable travel. If, for whatever reason the bridge not proceed, the County recommend a contribution of £60,000 per annum for 5 years to pump prime a local bus service. The highway infrastructure must be adequate to accommodate such a bus service. If the bridge proceeds a lower level of contribution of £15,000 per year would be acceptable.

A detailed and robust Travel Plan will need to be developed for the site. The submitted Travel Plan needs more detail to be considered acceptable.

On the previous application consideration was given to a bus link through to the Highfield Estate and this bus link is still considered desirable. A foot/cycle path could through to Dunkirk Avenue is also considered important and could also provide the function of a bus link and emergency vehicle route.

No objection in principle to the proposed layout - all details to be in accordance with the Manual for Streets. The development should be designed as a 20mph zone, with traffic calming features. Details of the stability of the embankment adjacent to the canal will be required for the s38 Adoption Agreement.

The joint footpath/cycleway along the northerly site boundary is annotated as being for 'short-term' access to Carnforth Rangers. The Highway Authority is uncomfortable with the mix of vehicles accessing the football ground and pedestrians and cyclists using the joint path, even for a short period.

A developer's contribution of £153,600 (though this excludes the proposed commercial units as the type and size has not been stated) will be required to address the pedestrian, public transport and cycling deficiencies. To give Committee an indication of the priorities for the developer contribution, the Highway Authority list the following as most important:

- Provision of the pedestrian/cycle links between the development boundary and the Highfield Estate;
- Provision of the cycle/footpath from the canal to North Road Primary School (thus providing an important link to the school away from busy vehicle routes) This would be at a cost of £42,000 and it allows for fencing costs.
- A pedestrian crossing in the vicinity of Carnforth High School, preferably a Puffin crossing;
- Improved pedestrian crossing facilities to the A6/Market Street/Scotland Road signalised junction;
- Public Transport contributions. If Members are of the view that a bridge is not necessary and are minded to approve the development, the money for the bridge will go towards additional public transport provisions including a bus gate for public transport penetration into the site;
- Quality standard bus stops;
- Canal towpath improvements.

Should Committee be minded to approve the application, the following Conditions are recommended:

- New pedestrian/cycle bridge to be constructed to appropriate standards;
- Scheme for construction of site access and off-site highway works to be agreed prior to commencement of development;
- No part of development occupied or open for trading until access and highway scheme referred to above has been fully constructed;
- Agreement of Residential Travel Plan measures;
- Developer enters into s106 Agreement to address shortfalls in sustainable transport;
- Provision of an emergency vehicle link, including its dual use as a pedestrian/cycle link and potential location of a bus gate;
- Adoptable highway details to be agreed;

- Parking provision for the development to accord with County standards, and retention of all garages and parking spaces at all times thereafter;

County Ecology - The service has fundamental issues with the proposal and wishes the Local Authority to consider a refusal based on the following reasons:

- The applicant has not submitted sufficient ecological information, in particular they have not demonstrated that there is no net loss of biodiversity interest, nor have they guaranteed adequate mitigation/compensation in line with Planning Policy Statement (PPS) 9 and its supporting circular, or Policy ER5 of the Regional Spatial Strategy or Policy 21 of the Structure Plan;
- At a previous meeting in Spring 2007, an area of Biological Heritage Site (BHS) was identified as the minimum that should be retained. The proposal fails to reflect this and intends to develop a larger area (destroying a third of the BHS) than is deemed acceptable. The areas of particular concern are the eastern part of the development area and the south west section;
- Though the applicant proposes enhancements and long term management of the remaining BHS, it would not adequately compensate for the impacts of the development. The development is therefore over-intensive given the constraints;
- The application does not include a comprehensive assessment of the existing biodiversity interest of the central quarry site, nor soil investigations to determine the feasibility of the transplanting/restoration proposals to this area;
- The proposals for mitigation/compensation are based upon results of a Phase 1 survey, which is an inadequate level detail to inform proposals affecting a BHS and 4 Habitats of Principle Importance;
- All the ponds affected need to be surveyed in order to inform the mitigation/compensation proposals. One large pond is not compensation for the loss of a number of smaller ponds;
- The mitigation/compensation proposals for the loss of existing ponds appear to comprise the sustainable urban drainage system (SUDS), which is totally unacceptable. The area designated for the infiltration basin of the SUDS would result in the fragmentation of the BHS between the canal corridor and the north quarry;
- The applicant has not considered the presence of any Great Crested Newts within the central quarry site;
- The buffer zone is proposed with a drainage system in the BHS, but it should be formed within the developable area as it cannot be included as compensation for other habitat losses;
- A lack of compensation for birds and bats;
- The locations and extents of donor and receptor habitats, together with retained biodiversity interests should be indicated on a plan to aid clarity.

County Archaeology- No comments received, though they responded to the previous application confirming that they had no archaeological comments to make.

County Planning (Development Control) - The Service has no objection to the proposal, which is a brownfield site and falls within a key service area, and so it generally conforms to the Structure Plan. The public transport infrastructure should be improved and appropriate levels of cycle, car and mobility impaired parking will need to be developed in accordance with the adopted Parking Standards. The revised application is an improvement on the previous one, though the landscaping scheme requires further work, especially in terms of the retention of existing tree clusters and the implementation of a wider buffer zone. The City Council should be satisfied that the proposed development would not sterilise any workable economic mineral resources in this area.

County Planning (Planning Contributions)- No comments received prior to February's Committee. However, the following contributions were sought from the previous application:

- £120,972 for youth and community facilities;
- £62,720 for libraries;
- £153,600 for transport (plus an additional amount for the commercial element once their use and size has been determined, although this includes £42,000 for a cycle route from the canal to North Road Primary School and £10,750 to monitor the Travel Plan for 5 years and provide Travel Information Packs to each of the properties);
- £57,000 for Countryside Access (including costs towards the Lundsfield Pathfinder Project for upgrading local Public Rights of Way); and,
- £110,400 for waste management.

County Planning (Minerals & Waste) - The Service has no further comments to make upon the application other than those raised on the previous application: It has no objection to the proposal subject to two issues. Firstly, the proposed site and surrounding area are former excavations subject to extensive backfilling with waste that may give rise to difficulties with foundation design, site excavation and contamination. Secondly, there are a number of sites located 1km to the south of the proposal that have planning permission for the excavation of sand and gravel, and therefore consideration should be given to the extant permissions within the locale and possible environmental effects of quarrying for the new residents.

County Natural and Historic Environment Services- No comments received.

British Waterways - British Waterways (BW) does not object to the proposed development, but do make the following comments: A Method Statement will be required to ensure the canal is protected from damage or pollution during demolition, excavation and construction. A Management Plan will be required for landscaping adjacent to the canal. An Advice Note will be necessary, should permission be granted, seeking the developer to contact BW to gain the necessary consents prior to commencement of works.

Environment Agency- The Agency objects to the application as it is contrary to Local Plan Policies E12 (Nature Conservation) and E17 (County Biological Heritage Sites). It believes that the impact of this revised application will have a greater impact on biodiversity than its predecessor, especially in terms of the treatment of the wetland area and the wooded corridor. The plans are unclear and ambiguous. The SUDS system that is proposed to deal with drainage should not be considered as part of the mitigation package for loss of habitats, and the infiltration basin in the south west part of the site cannot be considered a wetland habitat and should be removed from the BHS to avoid further damage to the biodiversity. The sites for translocation, habitat creation and enhancement have not been clearly identified. Finally they request that the wooded corridor along the canal to the north and west edges be retained to maintain wildlife interests.

Natural England- Natural England is aware of the responses from the Wildlife Trust and County Ecologists, and advise that the Council take appropriate measures to address the concerns raised in relation to the serious risk of damage to the Biological Heritage Site and the loss of biodiversity (including the loss of habitats and species listed in the UK Biodiversity Action Plan). The Council should also ensure that legally protected species, such as Great Crested Newts and bats, are sufficiently dealt with.

The Wildlife Trust for Lancashire - The Wildlife Trust objects to this application because of the unacceptable 32.6% loss of existing Biological Heritage Site (including a 10% loss of an UK-Biodiversity Action Plan Priority Habitat - calcareous grassland) and the further 16.5% within the retained BHS habitat being adversely affected (disturbed through remediation with the restoration outcome uncertain). Though there is more information in this re-submission, the continuing lack of detail and reliance upon future unspecified works/surveys makes it difficult to assess the likely effectiveness of the proposed mitigation/compensation strategy, especially concerning habitat recreation and species translocation, and thus demonstrating no net loss of heritage value. As such the applicant has failed to prove that the development is in line with Structure Plan Policy 21 and Lancaster District Local Plan Policy E17. The arrangements for the future management of the retained land, including the Geological Heritage Site, are also not sufficiently referenced.

Ramblers Association - The Association support the new footbridge over the canal, though would prefer the 'green route' through the site to be more 'off-road'. They would also like to see provision of footpaths alongside the canal, into the Green Belt/farmland to the south, and into King's Drive and Dunkirk Avenue to the east.

Lancashire Regionally Important Geological and Geomorphological Sites (RIGS)- Lancashire RIGS Group objects to the application, which does not address their previous concerns. Their objection is principally on the grounds of the significant loss of the Geological Heritage Site and lack of information regarding proposals to protect what would remain. Whilst the creation of new wildlife habitats may be possible in favourable circumstances, comparable mitigation is not an option since geological phenomena are not susceptible to such arrangements.

Police - No comments received.

Fire & Rescue - No comments received.

United Utilities - The utilities company has no further comments to make upon the application other than what they penned on the previous application: It does not object to the proposal in principle provided the site drainage is designed so that surface water is discharged to soakaway, with foul only to the foul sewer. They do not currently adopt Sustainable Urban Drainage Systems (SUDS) and will only consider the adoption of surface water sewers draining to a balancing pond if certain conditions are met.

Sport England - The application does not directly affect land in use as a playing field, but residential development would surround (on three sides) the existing football club facilities. Phases 1 and 2 of the development should not threaten the continued operation of the club. Conflict with the residential use can occur if not properly planned, and therefore the detailed design must ensure the residential scheme does not prejudice the use or restrict the development of the club in situ (e.g. ball-stop fencing may be advisable). It recognises that the ground could be developed as a potential Phase 3, and compensatory equivalent provision would be required. However, the scheme does not make provision for on-site sport and recreation and the £70,000 figure for off-site provision is not clear in terms of what would be delivered. Proposals should generally incorporate health, cultural, recreational, sport, education and training provision in major development schemes.

Tree Protection Officer - Generally the trees within the site create a scrub cover with few significant, individual trees of note. However, there are large and mature trees established along the embankment of Lancaster Canal, to the north and west of the site, providing important and considerate screening and aesthetic value. The retention and protection of these trees and their roots during any development of the site is essential.

It is recommended that an Arboriculture Implications Assessment is undertaken and submitted, in line with BS 5837 (2005) Trees in Relation to Construction- Recommendations and incorporating an Arboriculture Survey, Tree Constraints Plan, Method Statement (for all works in proximity to trees), a proposed landscaping scheme and a 10 year maintenance regime.

Housing Policy Officer - is clear on their requirements: 20% provision of affordable housing to be pepper-potted on site, with a 50/50 split between socially rented and shared ownership, and a suitable mix of sizes and types of housing that meet the specification requirements of the chosen Registered Social Landlord (RSL). The RSL used must be one of the Council's preferred RSLs.

Environmental Health Service- The service generally does not object to the proposals subject to the following conditions:

- Hours of work restriction during demolition, site preparation and construction, including vehicular access, deliveries and other movements of heavy and goods vehicles;
- Approval of dust control measures prior to commencement;
- Prior notification of any piling activities;
- A Reclamation Method Statement for the removal, containment or otherwise of contaminants to be approved by the Council in advance of commencement of works on site, and then the works specified in the Statement to be completed in accordance with the approved methodology;
- If during reclamation, any contamination is identified that has not been considered in the Statement, then remediation proposals for this contaminant must be approved with the Council prior to the continuation of further works;
- A Validation Report and Certificate confirming achievement of the Statement's objectives must be submitted to and approved by the Council, including the remediation of any further identified contaminants; and
- Suitable fume extraction equipment to be approved by the Council prior to commencement of works on the commercial units where appropriate.

The Pollution Control Officer recommends the application be refused on the grounds that the Air Quality Assessment has inadequately addressed the likely impact the development would have on Carnforth's Air Quality Management Area, particularly in relation to traffic data in the report. An Advice Note is also required regarding burning of wastes.

Cultural Services- No comments received.

Carnforth & Area Regeneration Partnership (CARP)- The CARP Executive strongly recommend the inclusion of a new foot/cycle bridge over the canal and report that the City Council's Canals Task Group are also in favour of its delivery. They would also seek the track to Back Lane dedicated as a public right of way and foot/cycle paths created to the Highfield Estate.

Lancaster District Sustainability Partnership- The Partnership is very concerned for the future of three former industrial sites in the Carnforth and Warton area, including Lundsfield Quarry. It is a Biological Heritage Site that supports many species which are very rare or declining in Lancashire. The proposals for the quarry site are considered by the conservation groups and Environment Agency to be seriously damaging to the wildlife interest. Under the Joint Lancashire Structure Plan, Policy 21, there should be no net loss of heritage value in any development that is permitted on Biological Heritage Sites.

OTHER OBSERVATIONS RECEIVED

Carnforth Rangers Football Club - The club do not object to the principle of development at Lundsfield, but do have the following concerns about the application:

- The consultation was unsatisfactory, leading to confusion amongst the general public over the application's exclusion of the football ground;
- The proposals may lead to ransom strips, hindering the football club's future development plans for the football ground;
- The development of the quarry in the manner proposed opposes the regeneration objectives of the CARP;
- The current proposal provides no commitment towards the integrated development of Lundsfield as a whole;
- The development has an adverse affect on the Biological and Geological Heritage Site that could be minimised if the football ground was included in the application site; and,
- The enjoyment of the existing facilities could be adversely affected if permission is granted.

With regard to public consultation, the revised application has raised fewer objections than its predecessor (07/00633/HYB), although the nature of the objections has not changed.

The proposed footbridge over the canal into Alexandra Road has again concerned a number of local residents who feel that it will exacerbate the existing litter and parking problems, as well as create further disturbances to the residents due to noise of passing people and a loss of privacy and security caused by this additional footfall. One resident is concerned that the existing footpath, of which there is only one along the west side of the road, is not adequate to deal with the extra foot traffic.

3 residents on the eastern side of the application site object on the basis of loss of views and privacy caused by the high properties, and the noise and congestion created by the additional vehicular traffic utilising the access road. Loss of wildlife / reduction in size of the heritage site, additional pressure on local schools and the depleted fire service were also cited as reasons for objecting.

3 residents on Kellet Road have raised concerns about the scheme only being served by a single access/egress, and the safety thereof, and question whether there is an alternative and safer route through the Highfield Estate. They are particularly concerned about the safety of the local school children.

REPORT

The Site and its Surroundings

The application site is located to the south of Carnforth, although it has no direct route to the Town Centre due to the Lancaster Canal running along its north and west boundaries. It is currently accessed via an unmade track from Kellet Road adjacent to the existing vehicular canal bridge. The site presently accommodates a concrete works employing six people (which will relocate to a nearby site as part of the land acquisition) and a marina for the canal. Carnforth Rangers Football Club is based in the north quarry area, although it is not included within the application site boundary. On the opposite sides of the canal are residential areas, with a further residential area known as the Highfield Estate directly to the east. The North Lancashire Green Belt forms the southern boundary to the north quarry. The central quarry area is connected to the north quarry and Back Lane via an existing track. The reason this area is included within the application site boundary is because the applicant proposes to undertake works to improve this part of the Biological Heritage Site (BHS) and expand it as part of compensatory provision for the section of the BHS that would be lost due to the development proposals.

The Proposal

This is a hybrid planning application, meaning that outline planning permission is sought for the development as a whole, but also that detailed (full) planning permission is sought for 2 aspects of the proposal, namely site clearance and contamination remediation, and site access and works to the BHS. The outline element seeks permission for c200 residential dwellings and 5 commercial units (up to 500m² of floorspace). Phased development is proposed - Phase 1 (the site east of the football ground) would include 103 residential units, and Phase 2 (to the west of the football ground) would provide 95 residential dwellings and the small commercial element. Both phases are located in the north quarry site.

To facilitate the development, the existing access road off Kellet Road will be upgraded to adoptable standards, comprising an amended junction located slightly further away from the vehicular canal bridge than its current position. There is a possible emergency vehicle link proposed into the Highfield Estate if so required. A further highway proposal is to provide a roundabout at the junction of Back Lane and Kellet Road to the east of the application site.

The detailed elements of the proposal include clearance of the site, remediation of small pockets of contamination, earthworks to levels parts of the site, and relocation of part of the BHS. If Members are minded to grant this application, the works will be undertaken whilst a reserved matters application is being considered. Part of the BHS will be removed to create a more appropriate developable area, allowing for configuration of roads and building blocks. It is therefore being proposed to relocate some of the lost BHS to the central quarry area, with an area known as the Canal Corridor Vegetation being included to balance the area of the BHS lost. Additional works to the BHS include the creation of a buffer zone along the revised southern development boundary line, and improvements to the protected sites in the north and central quarry areas. A management plan will also be put in place for the future maintenance of the sites at nil cost to the Council.

In addition to these proposals, a Draft Section 106 (s106) agreement was submitted. In summary it proposes that the developer provides:

- 20% affordable housing on site, or a fund for an Registered Social Landlord (RSL) to purchase dwellings of their selection to make available for shared ownership or social rent;
- £15,000 per annum for a bus service upon first occupation of any dwelling for a period of 5 years;
- £350,000 to the Council for the provision of the new foot/cycle bridge prior to the first occupation of any dwelling, subject to the Council first obtaining all necessary consents and licenses, OR £45,000 per annum for a bus service upon the occupation of the first dwelling in Phase 2 for a period of 5 years if the bridge cannot be delivered;
- Up to £153,600 to fund highway works and a Travel Plan;
- Up to £57,000 to fund improvements to footpaths and bridleways;
- A foot/cycle path (plus a bus link if reasonably required) to the Highfield Estate subject to the Council providing the developer with all the necessary consents and licenses- to be commenced prior to 70% of occupations on Phase 1;
- £500 per dwelling towards a community facility relevant to residents of the scheme- to be paid proportionately between the 2 phases, each time prior to the first occupation of any unit on that phase;
- £300 per dwelling towards open space/recreational improvements of use to residents of the scheme- to be paid proportionately between the 2 phases, each time prior to the first occupation of any unit on that phase;
- A Habitat/Landscape Management Plan for the BHS; and

- A Management Company to collect an estate rent charge from residents towards the ongoing maintenance of the landscaping within the site.

Planning Policy

A number of National Planning Policy Statement (PPS) and Planning Policy Guidance Notes (PPG) apply to this proposal:

PPS 1 - Delivering Sustainable Development - provides generic advice for all new built development. Sites should be capable of optimising the full site boundary and should deliver an appropriate mix of uses, green and other public spaces, safe and accessible environments and visually pleasing architecture. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. This advice is echoed in PPG 13 - Transport. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources, conserving and enhancing wildlife species and habitats and the promotion of biodiversity.

PPS 3 - Housing - illustrates the need for good quality residential development in sustainable locations which have good access to a range of services and facilities. The use of previously-developed (brownfield) land is an explicit objective, as is the delivery of different types of affordable housing. The guidance does make the distinction that 'low cost market' housing may not necessarily be considered (for planning purposes) as affordable housing.

PPS 9 - Biodiversity and Geological Conservation (and Government Circular 06/05) - aims to ensure that planning decisions maintain, and enhance, restore or add to biodiversity and geological conservation interests. Prevention of harm to biodiversity and geological conservation interests is paramount. When granting permissions, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought or else the development be refused. Where previously developed sites have significant biodiversity or geological interest of recognised local importance, local planning authorities and developers should aim to retain this interest or incorporate it into any development of the site.

PPG 17 - Planning for Open Space and Recreation - advises local authorities to avoid any erosion of recreational function and maintain/enhance the character of open spaces, and to ensure that open spaces do not suffer from increased overlooking, traffic flows or other encroachment. Authorities should also protect and enhance those parts of the rights of way network that might benefit open space, and consider the impact of any development on biodiversity and nature conservation.

Other regional and county policies are applicable to the proposal. The most notable policies are as follows:

Regional Spatial Strategy ER5 - Biodiversity & Nature Conservation - Planning authorities should ensure that the overall nature conservation resource in the North West is protected and enriched through conservation, restoration and re-establishment of key resources by affording the highest level of protection and management to those resources which are important and irreplaceable within practical timescales, ensuring that there is no net loss in the value of other biodiversity resources in the Region.

Joint Lancashire Structure Plan (JLSP) Policy 20 – Lancashire's Landscapes - and Policy 21 – Lancashire's Natural and Man-Made Heritage - where development must be appropriate to the landscape character type within which it is situated and contribute to its conservation, enhancement or restoration or the creation of appropriate new features. Proposals will be assessed in relation to local distinctiveness, the layout and scale of buildings and designed spaces, the quality and character of the built fabric, public access and community value of the landscape, landscape biodiversity and ecological networks, and semi-natural habitats characteristic of the landscape type. Sites, areas, features and

species of heritage importance will be conserved and, in appropriate circumstances, enhanced and re-established taking account of:

- Their rarity, vulnerability, antiquity or complexity;
- Their contribution to the countywide network of sites and features, to the character of its location and setting and to national and county biodiversity and the likely implications of climate change on heritage assets; and,
- The positive opportunities afforded by development for the conservation, management or enhancement of heritage resources.

Where, in exceptional circumstances, unavoidable loss or damage to a site or feature or its setting is likely as a result of a proposed development, measures of mitigation and compensation will be required to ensure there is, as a minimum, no net loss of heritage value. Such measures may include the creation of appropriate new heritage resources, on or off-site.

At the local level, the following Lancaster District Local Plan (LDLP) 1996-2006 policies are relevant:

- H1 (New Residential Development) - Establishes the principles for residential development and reinforces PPS1 and PPS 3;
- H6 (Housing Opportunity Sites) - Identifies Lundsfield Quarry as a potential development site;
- H10 (Affordable Housing) - Sets a threshold of 20% for affordable units;
- T9 (Provision of Buses in New Developments) - States that all housing development should be designed to maximise opportunities for using public transport and should be located as close as possible to existing or proposed bus services. Where appropriate pedestrian/cycle links should be provided. Where a site is currently poorly served by bus, the Council will negotiate with developers a contribution towards the operation of a local bus service to start during the early stages of development. Where a developer is unwilling to make reasonable provision for maximising the use of public transport, development will not be permitted;
- E12 (Nature and Geological Conservation) - The Council will ensure that any impacts upon wildlife, wildlife habitats, protected species and important geological features are taken into full account. Where development is permitted, developers will be required to minimise any adverse impact and/or create and provide for the appropriate management of compensatory wildlife habitats;
- E17 (Sites of County Conservation Importance) - Development likely to damage or destroy a County BHS or County Geological Heritage Site (GHS) will not be permitted unless the need for development outweighs the need to protect the site. Where development is permitted, developers will be required to minimise adverse impacts and to compensate for these by appropriate habitat creation or enhancement
- measures, either within the site or the immediate local area.
- E29 (Urban Greenspaces) - These areas will be protected from development and where appropriate enhanced. Exceptionally, essential education or community related development or the limited expansion of existing uses will be permitted.
- R1 (Outdoor Playing Space) - Areas designated as outdoor playing space will be protected from development. Development which would result in the loss of such space will only be permitted where sport and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site or alternative provision of equivalent community benefit is made available.

- R9 (Informal Recreation Areas) - The City Council will concentrate opportunities for informal recreation in the Lancaster Canalside Park (amongst a few other listed sites). The Council will also seek to improve access to and within the areas by foot, bicycle and public transport.
- Supplementary Planning Guidance (SPG) 16 - The Phasing of New Residential Development - must also be taken into account. Residential development on previously developed land in sustainable locations within settlements such as Carnforth will be permitted if they provide clear local benefits.

Assessment

The Planning Service has been involved in pre-application discussions with the developers regarding this scheme and we have involved many statutory consultees as part of our new 'Development Team' pre-application procedure.

In addition, a previous application (07/00633/HYB) was submitted in Spring 2007, with a report due to go before Members at the July Planning Committee. The applicant withdrew this application at a late stage after Officers recommended it for refusal. The report raised a number of concerns, which this current application now seeks to address.

Providing Inclusive Communities

PPS1 promotes the development of mixed, inclusive, sustainable communities. The proposal delivers in ways the previous proposal did not. The application proposes to redevelop a brownfield site that suffers from contamination whilst providing housing (including a percentage of affordable housing), establishing routes across the site, putting money towards local sport and community facilities and enhancing the residual areas of the BHS.

The layout and overall design of the scheme has also been improved to ensure the scheme is more inclusive, making it attractive to new residents and existing neighbouring residents alike.

Community Benefits

Development should also provide community benefits, and although the football ground falls outside the Housing Opportunity Site identified in the Local Plan, the developer has not incorporated this land into their proposals despite the benefits that would result. There would be many positives from utilising this land. Firstly, it would allow a greater developable area and thus minimise the need for land-take within the protected BHS sites. Secondly, a replacement football ground could be located in an area that would suit their needs better and where they could develop wider community involvement, making the club more sustainable in the long term and attracting youth into sports and recreation. And finally, the ground would not be surrounded, overlooked or encroached by development, which in effect would happen if they remain in situ as proposed in the application. The inclusion of the football ground in the proposals would make it possible for the site to be developed in reverse, ensuring that the west end was developed first, and the new foot/cycle bridge provided as part of the first phase of development. Regrettably the developer is not resolving to relocate the football ground at this time and hence gain these benefits. Though the proposed layout has been designed to incorporate the football ground as a possible third phase (should a suitable alternative site be made available for a football ground and the club agree to sell), there is no alternative than to approach the site in the way submitted. However, it should be noted that despite the advantages that the inclusion of the football ground would deliver, the ground is excluded from Lancaster Local Plan's housing opportunity site designation, and therefore there is no compulsion on the developer to incorporate it within their submitted scheme.

Desirable Infrastructure - the Cycle/Footbridge

The City and County Councils are both concerned about the timing of the delivery of the new foot/cycle bridge. The Councils deem the bridge to be highly desirable to the scheme; without it the site is not as sustainable, and would encourage the use of private motorised travel along the one access/egress track onto Kellet Road. If it is delivered half way through the second phase, there is a concern that by such time a significant proportion of the dwellings would be completed and occupied and travel habits would be formed. Though it is recognised that the positioning of the bridge is appropriate near the north west corner of the site to provide a link to the supermarket and other town centre facilities and services, the phasing of the site could be changed to ensure an early delivery. The delivery of the new bridge over the canal is an important part of the scheme to make the site accessible by other means than the motorised vehicle.

Wherever the bridge is located (location to be determined) it is recognised that there may be uncontrollable hurdles to delivery of a bridge so a pragmatic approach will have to be taken with a sustainable fallback position if the development is to take place.

Site Accessibility

Linked to the issue of the new bridge is the matter of accessibility and concerns relating to connections to and from the bridge. The Planning Service has maintained from the outset that a safe, designated foot/cyclepath away from the site's road network be provided linking the Highfield Estate (the existing residential area to the east of the application site) to the bridge through the centre of the development site. This link, also referred to as a 'greenway' because of the sustainable, safe and visually pleasant non-motorised route it would offer, is essential to the delivery of an effective pedestrian and cycle network. The developer altered their previous submission to incorporate such a path into the Masterplan. It would be preferable if the path was more 'off-road', but it does provide the permeability and connectivity sought.

The only proposed access onto Kellet Road provides an indirect route to services and facilities such as the supermarket, library, shops, public house, train station and some of the bus stops and schools, which will encourage car journeys through Carnforth, which already suffers severely from congestion. The provision of this direct, non-motorised link is the most notable sustainability benefit arising from the proposal.

Other possible alternatives to the pedestrian/cycle bridge, including enhancing the bus service provision, will clearly not be as effective in changing individual's travel habits in this congested market town.

Highway Layout

The road network previously raised a concern in relation to the canal. The applicant has revised their layout and removed the roads and parking spaces that abutted the canal. This is unavoidable along the access road, but once into the site the relationship between the canal setting and the built environment needs to be complementary. Though the detail is still to come at the reserved matters stage, the Masterplan shows a layout that is far superior to the previous scheme.

The Biological Heritage Site, Open Green Spaces and Informal Recreation Areas

The applicant has taken note, in part, of previous concerns raised by the Council in relation to open space and recreational needs. The informal recreation designation in the north west corner of the site by the marina has been addressed through more appropriate design. The detail to be provided at the reserved matters stage will be critical to ensure that opportunities at the marina to deliver community facilities, employment opportunities or local tourist attractions are maximised.

Also where previously the applicant sought to develop the area of Urban Green Space, the current application seeks to leave this area undeveloped. However, this space is not an open, grassed area for informal recreational and sport use, and therefore is limited in its use. Neither does the developable area of the proposed scheme provide such an area of open space, thereby relying upon the somewhat geographically-removed play space and kickabout area on Dunkirk Avenue.

This puts undue pressure on the neighbouring protected areas, namely the canal corridor and the BHS. Although a new towpath along the canal may provide some recreational value, it cannot provide for other informal recreational pursuits. Similarly, the BHS provides biodiversity value, but by nature of its protective designation, it should only attract limited public use in the interest of protecting plant and animal species. Though it is recognised that the developer proposes to pay £300 per dwelling towards the provision of sports facilities at the high school for the wider community, this does not address the above recreational need in the immediate vicinity. In line with good practice urban design principles, built environments should be broken up with adequate amounts of green spaces to create attractive places for recreational, environmental and social purposes.

One third of the BHS is due to be developed under the existing proposals; an area greater than that advised by the County Ecologist during a pre-application site meeting in early 2007. To address the loss of a large section of the BHS compensation/mitigation measures are required to ensure the remainder is enhanced and managed, and important species and habitats retained and safeguarded. However, 3 of the statutory consultees (Environment Agency, County Ecologists and the Wildlife Trust) have 3 key concerns regarding ecology. Firstly the developer is proposing to install infiltration basins (as part of their sustainable urban drainage system) into the BHS and claims that it will improve the biodiversity interest of that area without any evidence of such. The consultees disagree with this assumption and believe it will not only reduce the level of biodiversity value in this area but also disconnect the northern quarry BHS from the canal BHS. Secondly from the developer's submissions it is unclear what habitats/species are to be lost, transplanted or maintained and where such occurrences are to take place. Thirdly, especially in the central quarry BHS, the areas have not been tested to see if they are appropriate for transplantation, and therefore moving species into these areas may ultimately not be successful.

Prior to taking these points in order, it should be recognised that the existing condition of the BHS is quite poor, and the developer is only seeking to develop areas of the BHS that have little or no biodiversity value wherever possible. The proposed works and Management Plan will help to improve the north and central quarry areas and secure their future.

The infiltration basins can be designed to be wet or dry, but the developer's ecological consultants have shown in their submissions that greater biodiversity value can be gained from them being wet. Though the development of basins in this area will remove 2 existing ponds, these can be re-provided elsewhere within the BHS at a ratio of 2 new ponds for every 1 lost. This can be secured by way of the s106 agreement.

The issue regarding what is being maintained, transplanted or lost in each area has been confused somewhat by some areas of the BHS being split into 2 sections, such as 4a and 4b. Where previously it seemed that various habitats were being created one on top of another (which is not very often possible), resulting in queries being raised over what habitats were being lost/gained and how the biodiversity value could be accurately calculated, it became clear that habitat A was being transplanted into area 4a whilst habitat B was remaining in situ in area 4b, for example. This matter was clarified in writing by the developer's ecologists just prior to February's Committee, hence the verbal update at that meeting.

Lastly, the questionable success or otherwise of the transplantation of the calcareous grassland from the north quarry to the central quarry can be quashed as there is already this type of habitat within the central quarry site. In addition the developer's ecological consultants have provided an example of where such transplantation has been successful elsewhere.

Therefore the applicant has shown through its submissions to the Council that their development proposal is not detrimental to the biodiversity value of the BHS.

Affordable Housing

The applicant has addressed the Council's previous concerns regarding affordable housing (subject to the final wording of the s106 agreement being agreeable). It is proposed to provide a suitable mix of housing to meet local needs and meet the requirements of national planning guidance.

The application includes 20% provision of affordable housing to be pepper-potted around the site with a 50/50 split between socially rented and shared ownership. There will be a greater proportion of 1 and 2-bed properties provided in line with the Council's current Housing Needs Survey, though also a selection of 3 and 4-bed dwellings. The developer has also agreed to work with one of the Council's preferred Registered Social Landlord (RSL), so subject to the drafting of the s106, the properties should be provided to Housing Corporation standards.

By pepper-potting the affordable units around the site, in line with good practice for increased social inclusion, it will also ensure that the units will be delivered in Phases 1 and 2 rather than all at the end of the build programme. There should be no aesthetic difference between open market and affordable units in order to integrate residents within a diverse community.

The Draft s106 agreement also refers to a sum of money being made available to one of the Council's preferred RSL partners to purchase any property they wish for a social rent or shared ownership. This would be in lieu of provision of affordable units on site. The sum would be based upon £9,000 per dwelling that is granted reserved matters consent. However, this would achieve significantly less than the 20% affordable homes sought under Policy H10 of the LDLP, and therefore is not an acceptable option.

Design & Energy Efficiency

It is not proposed that the development be built to particularly high standards of energy efficiency or incorporate any form of renewable energy. The developer is seeking to use their standard house types, which meet the existing Building Regulations standards for energy efficiency. However, Building Regulations requirements do not even meet Level 1 of the Code for Sustainable Homes. The Council has sought for the affordable element to be provided to the Registered Social Landlord's requirements (i.e. built to Housing Corporation standards where higher energy efficiency standards and greater internal space are required). The detail would be needed in the s106 agreement, so this matter has not yet been concluded.

Nevertheless, the Council is concerned not only about the quality of the affordable housing element, but also about the design quality of all the residential properties. The design of the properties must relate to their environment. The properties and their layout must complement their surroundings, and not merely be an implanted, regional house type.

Summary

The current application is an improvement on the previous one. The applicant has addressed the concerns the Council had on the last proposal, including the provision of affordable housing, improvements to the general layout of the development and linkages to neighbouring parts of Carnforth, and the net gain to the biodiversity value of the BHS.

Though the inclusion of the existing football ground into the developable area and its relocation would have provided the applicant with a more suitable sized and shaped site for development (and thereby reduced the need to develop such a large portion of the BHS), the potential for an early delivery of the new bridge and delivered a new outdoor sports ground, it must be recognised that the ground falls outside the Housing Opportunity Site as designated in the Local Plan.

However, unlike the football ground, the north quarry BHS falls entirely within the Housing Opportunity Site. As such there is an assumption that part of the BHS will be developed to create a suitable shaped site, so in turn an appropriate layout can be achieved. Nevertheless, the applicant must demonstrate that the development does not result in a net loss of biodiversity value.

As set out above, the Council is satisfied that the developer has identified a suitable way forward to undertake works to the BHS and progress a Management Plan for the site to enhance its existing condition and secure its future. Though the geographical area of the BHS will be reduced the improvements will result in an overall net gain of biodiversity value over the north and central quarry sites.

The applicant has now satisfactorily explored the likely deliverability of the pedestrian/cycle bridge and this will be incorporated within a draft s106 agreement. The location of the bridge is still to be determined, and the wording of the s106 agreement will allow for this.

It is for these reasons that the Council recommends that planning permission is granted subject to the signing of a s106 agreement that incorporates the items set out below and the conditions listed thereafter.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATION

Subject to the signing of a **SECTION 106 LEGAL AGREEMENT THAT INCORPORATES;**

- Affordable housing;
- New canal bridge / public transport contribution;
- Off-site highway works;
- Countryside Access;
- Foot / cycle links to Highfield Estate;
- Community facilities;
- Off site space contribution;
- BHS Management Plan; and
- Management of on-site non-private open space

That **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

1. Outline Permission - Reserved Matters required (except access, site remediation and works to the Biological Heritage Site)
2. Development shall not exceed 200 residential units nor the amount of commercial space exceed 500 sq m
3. Section 106 is required
4. Affordable housing scheme required
5. Standard Landscaping Condition 2 detail required
6. Great Crested Newts survey required
7. Biological Heritage Site Management Plan required
8. Geological Heritage Site Management Plan required
9. Adoptable Highway details required

10. The approved scheme referred to in the condition above (including the installation of MOVA technology to the canal bridge traffic lights and the new road layout on Kellet Road) has been constructed and completed in accordance with the scheme details prior to occupation of any unit.
11. No obstructions to be placed within the highway's visibility splays
12. Provision of Garages & Car Parking (for new housing developments)
13. Wheel Cleaning Facilities - temporary during construction
14. Travel Plan - details required
15. Separate Drainage System
16. Hours of Construction
17. Scheme for Dust Control - earth moving & construction activity
18. Standard Contaminated Land Condition
19. Construction Noise - pile driving condition
20. Erection of ball-stop fencing around the football ground prior to occupation of any unit

DECISION DATE 5 February 2008	APPLICATION NO. 07/01535/REM A14	PLANNING COMMITTEE: 14 April 2008
DEVELOPMENT PROPOSED RESERVED MATTERS APPLICATION FOR THE ERECTION OF 353 RESIDENTIAL UNITS (178 ONE AND TWO BED APARTMENTS, 175 THREE AND FOUR BED HOUSES) AND ASSOCIATED PARKING AND OPEN SPACE		SITE ADDRESS LUNESIDE WEST (FORMERLY FORBO KINGFISHER) THETIS ROAD LANCASTER LANCASHIRE LA1 5QP
APPLICANT: Countryside Properties (Northern) Ltd Countryside House Lakeside Drive Centre Park Warrington WA1 1RW		AGENT:

REASON FOR DELAY

The Council did not receive any notification from the applicants of the forthcoming application prior to submission, and hence all the discussions on the proposal have taken place post-submission over a number of months.

PARISH NOTIFICATION

N/A

LAND USE ALLOCATION / DEPARTURE

The application site is identified under Policy EC5 of the Lancaster Local Plan as forming part of the existing Luneside Employment Area. However, the applicant gained outline planning permission (05/00103/OUT) at appeal for a mixed use development over a larger site comprising 356 residential units and 12,663 sq m (136,305 sq ft) of industrial/commercial usage. This application seeks reserved matters permission for the residential element of the abovementioned outline permission.

The site's north facing frontage borders on the River Lune County Biological Heritage Site and Informal Recreation Areas, and also the Strategic Cycle Network, which passes along New Quay Road.

STATUTORY CONSULTATIONS

County Highways - The Highway Authority does not object to the proposals subject to the following conditions:

- Adoptable highway details are required;
- The closure of existing accesses;

- The provision and retention of garages & car parking;
- Cycle storage details to be agreed; and
- The protection of visibility splays.

An Advice Note is also required regarding the Section 38 Agreement for the adoption of the highways.

The Highway Authority deems the levels of car parking acceptable, though consideration must also be given to both cycle and motorcycle parking especially for the apartment buildings.

County Archaeology - The Service requires a below-ground investigation of the site to be undertaken prior to development commencing.

County Planning (Development Control) - No comments received.

Environment Agency - The Agency has no objection to the scheme but recommends the use of SUDS, incorporation of water management (including grey water), use of sustainable forms of construction, and the building of energy efficient buildings within the scheme. They advise that the discharge of surface water into the Lune River at times of high tides will not be possible, and the developer will need to take this into consideration when designing their surface water drainage system. All surface water drainage from parking areas and hardstanding shall be passed through an oil interceptor. The design and construction of the development should incorporate flood proofing measures.

Natural England - The development does not affect a national or international protected site, nor require an EIA, so they do not wish to comment as it does not materially or significantly affect their interests.

The Wildlife Trust for Lancashire - Providing that the Mitigation and Compensation Strategy detailed in the Envirotech Bat Report (8 November 2007) is fully implemented by way of planning condition, the Trust has no further comments to make.

RSPB - No comments received within statutory timescale

Police - No comments received within statutory timescale

Fire & Rescue - No comments received within statutory timescale

United Utilities - The utilities company has no further comments to make upon the application other than what they penned on the previous application: It does not object to the proposal in principle provided the site drainage is designed so that surface water is discharged to soakaway, with foul only to the foul sewer. Access and/or maintenance strips need to be maintained to the 2 public sewers and the underground electricity cables. No building or planting of trees will be permitted within 3 metres of the centre line of the sewers.

Environmental Health Service - The service generally does not object to the proposals subject to the following conditions:

- Hours of work restriction during demolition, site preparation and construction, including vehicular access, deliveries and other movements of heavy and goods vehicles;
- No pile driving without the prior written approval of the local planning authority;
- Asbestos survey shall be submitted to, and agreed in writing by, the local planning authority before the development commences. All asbestos containing materials to be removed shall be disposed of properly by a licensed asbestos contractor;

- An updated noise survey of neighbouring industrial sites on the proposed development is required;
- Details of the bunding of fuel oil tanks to be submitted to, and approved in writing by, the local planning authority prior to commencement of development; and
- Standard conditions relating to Contaminated Land, the importation of soil, materials and hardcore, and the prevention of new contamination.

The Service does not seek to challenge the applicant's assertion that a reduced number of dwellings, and therefore reductions in vehicle movements, when compared with the corresponding outline planning application does not raise any significant new issue for local air quality. However, the Air Quality Action Plan seeks to minimise reliance on the private motor car, and contains an action in favour of car pooling. Therefore the Travel Plan condition will be required to incorporate the need for the introduction, operation and maintenance of car pooling.

An Advice Note is also required regarding burning of wastes.

Duchy of Lancaster - no comments received within statutory timescale

Lancaster Port Commissioners - no comments received.

Lancaster Civic Society - the Civic Society has 3 concerns: it questions the demand for 178 apartments; it finds the New Quay Road frontage unattractive and the layout mundane; and it believes the scheme over provides car parking spaces.

OTHER OBSERVATIONS RECEIVED

To date 3 letters have been received objecting to the scheme. The main points raised can be summarised as follows:

- Significant increase in traffic;
- Architecture is uninspiring;
- No demand for more apartments in Lancaster;
- Need for affordable houses for families, not flats;
- 4 and 5 storeys is too high - 3 storey maximum should be imposed;
- Concern regarding flooding;
- Speed of vehicles travelling along New Quay Road - speed restrictions should be imposed; and
- Too much car parking provision within the scheme.

REPORT

The Site and its Surroundings

The application site is located to the southern bank of the River Lune about 1 mile west of the centre of Lancaster. It faces onto the Salt Ayre Sports Complex and the restored landfill beyond on the opposite side of the river.

The site is flat and roughly triangular in shape. It is accessed from New Quay Road, which runs along the north edge of the site. The southern angled boundary abuts the Marsh housing area and Lancaster Cricket Club, though further west it falls adjacent to the existing Lune Industrial Estate. The applicant has outline planning permission for commercial uses on land to the west of the application site.

It formed the central part of the former Lune Mills complex, which stretched from what is now known as the Lune Industrial Estate in the west to Luneside East adjacent to the Carlisle Bridge to the east. It incorporates an extensive range of industrial buildings, which continued in use until the Forbo-Kingfisher business finally ceased in 2001. The site now contains a variety of industrial buildings and an extensive area of vacant land resulting from past demolition. Most of the buildings remaining on the site are currently awaiting demolition for health and safety reasons.

Site History

The site has an industrial past, and was once served by a rail branch line from Lancaster station. It was formerly known as Lune Mills and originally manufactured linoleum. The last commercial use ceased on site in 2000.

The applicant submitted an outline planning application (05/00103/OUT) in February 2005 for a mixed use development on a site of 10.7ha, comprising 356 residential units and 12,663 sq m (136,305 sq ft) of industrial/commercial usage and a neighbourhood centre. This outline application was refused in April 2006 for the following reasons:

1. Loss of potentially important long term employment site contrary to policies EC5 and EC8 of the Lancaster District Local Plan.
2. Inappropriate use of the site for housing which would significantly add to the current housing over-supply in the district, contrary to the Regional and District Strategic Housing Policies.
3. Unacceptable traffic impact on the local highway network and City Centre gyratory systems. The proposed introduction of traffic lights at the Damside Street/Cable Street junction, along with the levels of queuing and congestion would be detrimental to highway safety and convenience, and the amenities of those living/working nearby.
4. The proposal would result in a worsening of local air quality due to road traffic emissions in the Air Quality Management Area.
5. The inclusion of a significant amount of B8 Storage and Distribution floorspace is likely to lead to an increased number of HGV movements and consequent adverse impact on the local highway network and residents living nearby.

The applicant appealed the Council's decision (APP/A2335/A/06/2016588) and a Public Inquiry was held in January 2007. The Inspector issued his report on 15 May 2007 upholding the appeal, thereby granting the appellant outline planning permission for their proposed scheme.

The Proposal

This application seeks reserved matters planning permission for the residential element of the outline permission (05/00103/OUT).

Though the applicant has outline permission for 356 residential units, they are proposing 353 in their reserved matters application to help deliver a scheme of a suitable scale and layout. The buildings along the frontage facing the River Lune will be a mix of 3/4 storey apartment blocks and 3 storey houses with the exception of the most easterly apartment block that will be 5/6 storeys. This is to create a feature building that can be viewed when approaching the site from the city along New Quay Road. The remaining buildings on site will be 2 or 2.5 storey houses with one 3/4 storey apartment block to the east of the site. These heights reflect the existing situation with the remaining tall façades along the riverside

and the lower heights of the residential units in the adjacent Marsh housing area. This provides an approximate 50/50 split between the number of houses against the number of apartments proposed (178 and 175 respectively).

Centrally located within the site is a large area of landscaped open space (86m by 46m) providing easy access for all residents. Though the houses are provided with private amenity space in the way of back gardens, the apartments do not benefit from any amenity space adjacent to the blocks. This generous open space of virtually an acre in size is available for all to utilise.

Vehicular access is gained to the site by way of 2 access points from New Quay Road. Another access for pedestrians and cyclists is proposed further east along New Quay Road, providing residents with a potentially more direct and safer route to the nearest bus stops and other facilities. There is a further foot/cycle path link into the commercial part of the applicant's site to the west.

To facilitate the development, the developer will complete the demolition of the buildings and undertake the necessary remediation works required to decontaminate the site in line with a methodology to be agreed with the Council's Environmental Health Officers.

In addition to these proposals, a unilateral undertaking has been signed by the developer requiring them to provide:

- 20% provision of affordable housing, all of which is to be available for social renting;
- Not to occupy more than 20% of the dwellings until 10,000 sq ft of B1/B2 buildings are constructed (including the installation of windows and roofs);
- Public transport contribution of £400,000 for a bus to service the site for 5 years;
- Transport contribution of £175,000 towards the Intelligent Transport System;
- Contribution of £22,000 for 2 Quality Bus Stops to be provided within 400m of the site prior to occupation of the first unit; and
- A contribution of £12,707 for Air Quality Monitoring Equipment prior to the occupation of the first unit.

Planning Policy

Given the nature of the development proposals, a whole range of national and local policies are relevant. For the sake of simplicity these are only briefly summarised below:

National Policy Guidance

PPS 1 - Delivering Sustainable Development - provides generic advice for all new built development. Sites should be capable of optimising the full site boundary and should deliver an appropriate mix of uses, green and other public spaces, safe and accessible environments and visually pleasing architecture. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. This advice is echoed in PPG 13 - Transport. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources, conserving and enhancing wildlife species and habitats and the promotion of biodiversity.

PPS 3 - Housing - illustrates the need for good quality residential development in sustainable locations which have good access to a range of services and facilities. The use of previously developed (brownfield) land is an explicit objective, as is the delivery of different types of affordable housing. The guidance does make the distinction that 'low cost market' housing may not necessarily be considered (for planning purposes) as affordable housing.

Regional Spatial Strategy for the North West (RSS) 2003-21

Policy RDF1 (Main Development Locations) - seek to locate development in key urban areas, which includes Lancaster

Policy L4 (Regional Housing Provision) - 400 net dwellings per annum with at least 50% of them being built on previously developed land

Policy L5 (Affordable Housing) - seek a proportion of affordable housing on all development sites which are above the relevant thresholds

Policy RT6 (Parking policy and provision) - provide car parking spaces within the standards set whilst making best use of travel plans to promote non-motorised forms of transport. Also provide dedicated and secure parking facilities for cycles and motorcycles

Policy RT7 (Walking and Cycling) - develop integrated networks of continuous, attractive and safe routes for walking and cycling to widen accessibility

Policy EM2 (Remediating Contaminated Land) - reduce or render harmless any contamination that may be present

Policy EM3 (Green Infrastructure) - encouraging the inclusion of green spaces within new development

Policy EM5 (Integrated Water Management) - protect the quantity and quality of surface, ground and coastal waters and manage flood risk

Policy CNL4 (Overall Spatial Strategy for North Lancashire) - provide new development in Lancaster that enhances and is sensitively integrated with the historic character of the city

Joint Lancashire Structure Plan (JLSP) 2001-16

Policy 1 (General Policy) - encourages development in/regeneration of urban areas, high quality built environment, efficient use of land and buildings, a balance of land uses and high accessibility

Policy 2 (Main Development Location) - development to be focused on urban areas, including Lancaster, Morecambe and Heysham

Policy 7 (Parking) - provision of safe and secure cycle and motorcycle parking on all new developments

Policy 12 (Housing Provision) - sets targets for housing provision though now superseded by RSS figures

Policy 20 (Lancashire's Landscapes) - encourages suitable layout and scale of buildings and designed spaces, and quality and character of the built fabric

Policy 22 (Protection of Water Resources) - no adverse impacts on ecology and coastal waters

Policy 24 (Flood Risk) - protect the site to appropriate standards and ensure it does not increase the risk of flooding elsewhere

Lancaster District Local Plan (LDLP) 1996-2006

Policy H1 (New Residential Development) - establishes the principles for residential development and reinforces PPS1 and PPS 3

Policy H10 (Affordable Housing) - sets a threshold of 20% for affordable units

Policy H12 (Layout, Design and Use of Materials) - aims to achieve a high quality of design and local distinctiveness with new housing schemes

Policy T9 (Provision of Buses in New Developments) - seeks to locate development, which will significantly increase the demand for travel as close as possible to existing or proposed bus services (i.e. within a 5 minute walk or 400m).

Policy T17 (Travel Plan) - requirement to produce a Travel Plan for development likely to generate large numbers of daily journeys

Policies T26 and T27 (Footpaths and Cycleways) - requirements to include cycle and pedestrian links for new schemes

Policy E10 (Contaminated Land) - establishes the need to carry out investigations and identify means of the remediation of contaminated land

Policy E11 (Development affecting Flood Plains - requires measures for dealing with development in areas at risk of flooding

Policies E15, E16 and E17 (Protected Sites and Sites of Conservation Importance) - the need to protect important locally, nationally and internationally designated sites of conservation interest including Lune Estuary SPA and River Lune Biological Heritage Site

E18 (Development affecting Protected Species) - controlling development affecting protected species including bats

Policy R9 (Lancashire Coastal Way) - promotion of informal recreational in the vicinity of the Lune Riverside Park

Policy R11 (Open Space and Children's Play Areas in New Housing Development) - open space and play provision within new housing schemes

Policy R22 (Crime Prevention) - Secured by Design principles for new developments

Assessment

The Planning Service has been involved in post-submission discussions with the developers regarding this scheme. County Highway Officers and the City Council's Environmental Health Officers have also been involved in discussions with the applicant.

The site will be cleared of all the existing derelict buildings, most of which are partially demolished already and are therefore a health and safety concern. It will also be cleaned up of contaminants and checked for any contamination that may be seeping in from neighbouring sites, especially industrial areas both present and past. The site will then be developed as described in the 'Proposal' paragraph.

This proposed scheme deals with a number of issues which are discussed below:

Contamination

Due to the site being heavily used for industrial purposes in the past, there is a significant amount of ground contamination. Much work has already been undertaken to ascertain the levels and extent of contamination on the site, but further surveys are still required. In addition to the contamination reports, the applicant invited the City Council's Environmental Health Officers to see the site first hand. The Contaminated Land Officer is happy that the further surveys needed can be conditioned to a permission should Members be minded to approve this application, and do not need to be undertaken prior to determination.

Affordable Housing

The scheme proposes the inclusion of 20% provision of affordable housing comprising 34 houses and 36 apartments. All of these affordable units will be made available to one of the Council's preferred Registered Social Landlords for social renting.

The houses are pepper-potted around the inner areas of the site, with the 2 affordable apartment blocks facing onto New Quay Road. The design of the housing and apartments does not alter from that of the open market house types, and therefore they cannot be differentiated. This is in line with the principles for inclusive communities.

Design

The layout and scale of the proposal has been set out above. In terms of materials, the developer is proposing to use stone for the properties facing the River Lune, and red brick on the houses behind reflecting the facing materials used on site in its industrial past. To break this up, render will also be used where appropriate. The roofing material will be natural grey slate on the north boundary properties and an imitation grey slate tile to the other properties.

The designs of the houses are generally of a reasonable quality. Though they do not reflect the Georgian feel of the city, they are appropriately proportioned and balanced whilst providing suitable living accommodation. There is also a mix of house types and sizes within the site so not to create a monotonous feel to the development. It is proposed to provide 178 of 1 and 2 bed apartments and 175 of 3 and 4 bed houses. This equates to a density of about 58 dwellings per hectare.

Public Open Space

The scheme is designed essentially around a large area of public open space measuring 86m by 46m (almost an acre). Its central location within the site makes it easily accessible to all residents. It will be a landscaped area with footpaths, trees, shrubs, benches and large grassed areas. The old industrial gates to the site will be recycled to provide an entrance feature on 2 of the park's corners. This is to be maintained by the developer by way of a service charge levied on the new residents.

Landscaping

It is proposed to include new planting and other landscaping in the interface between the site and the existing housing area to the south. Further local planting is proposed within the site to enhance the appearance and to add character to the new housing development. Buffer planting is also proposed along the western boundary, screening the new residential development from the future commercial area.

Highway Issues

As stated above, two vehicular accesses to the site will be provided from New Quay Road, with a designated foot/cycle path providing another link further east along the same road towards the city.

The layout has been designed to create home zones; areas with shared surfaces to maximise safety and limit vehicular speeds. However, in discussions with County Officers, the applicant has had to alter their original scheme to meet the Highway Authority's requirements, resulting in the introduction of raised platforms in the roadways and at road junctions within the site to create speed deterrents. A home zone has been retained along the southern boundary.

The off street car parking is to be provided at a ratio of 1 space per apartment and 1.5 or 2 spaces per house. The details for the provision of secured parking for motorcycles and non-motorised cycles is still outstanding, and as such any planning permission should it be granted will be suitably conditioned.

In addition to the on-site highway works, in order for the local highway network to be able to accommodate the increase in traffic that will be generated by 353 new homes (and in due course, the proposed new commercial development to the west), alterations are required to the junction of Damside Street (the eastern end of New Quay Road) and Cable Street (the city's one-way system). To facilitate this, the developer will pay the monies required to the County Council for the necessary works to be undertaken. This will be achieved by way of a s278 highway agreement.

Renewable Energy & Energy Efficiency

This is a reserved matters application. When outline planning permission was granted, there was no requirement on the applicant to provide any renewable energy production on site. Therefore this has not been addressed within the reserved matters application. In terms of the residential units it is proposed that the development meets the existing Building Regulations standards for energy efficiency, and where possible the developer will seek to meet Level 1 of the Code for Sustainable Homes on the houses.

Summary

The application site comprises contaminated, brownfield land in the urban area of Lancaster, which the developer is seeking to clear, clean up and develop a new housing estate.

Though the land is designated in the Lancaster Local Plan for employment, the applicant was granted outline planning permission at appeal for a mixed-use scheme that incorporated 356 dwellings. Therefore the use of this site has been established, and cannot be re-visited in determining this application.

The scheme submitted for reserved matters approval is in accordance with the outline permission. Though the layout has evolved from the illustrative plans in the outline application, the key principles remain in terms of scale and provision of open space. The changes in layout are for the better, with the proposal seeking to deliver a substantial area of public open space in the centre of the site, making it more accessible for many of the residents.

The materials proposed are in keeping with the local area. The stone and slate to the river front match the materials further east along the southern bank of the River Lune, whilst the red brickwork of the inner properties provides the scheme with a link to the site's industrial past.

There is a mix of house types, sizes and affordability to make this an inclusive community. Each house not only benefits from access to the large area of public open space within the development, but also from adequately sized back gardens providing them with private amenity space.

It is for these reasons that the application is recommended for approval.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATION

The outline planning permission relating to this reserved matters application was subject to a Unilateral Undertaking. The provisions of the Unilateral Undertaking are still relevant to this application.

It is recommended that **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

1. Standard Reserved Matters Approval
2. Development to Accord with Plans
3. Condition to be used where an Agreement is required but has not yet been submitted/agreed
4. Phasing
5. Affordable Housing
6. Submission of Materials - Notwithstanding Plans
7. Slate Roof Required
8. Submission of Details - Boundary Treatments/Plot Boundaries
9. Submission of Details - Gates
10. Standard Landscaping Condition - Details Required
11. Provision of Public Open Space
12. Provision of Children's Play Facilities
13. Protected Species - Bat and Barn Owl Mitigation Measures
14. Breeding Birds condition
15. Adoptable Highway Details Required
16. Closure of Existing Access
17. Cycle Storage - Details to be Agreed
18. Protection of Visibility Splays - General
19. Wheel Cleaning Facilities - Temporary During Construction
20. Travel Plan - Details Required including car pooling
21. Finished Floor Levels - Details Required
22. Separate Drainage System
23. Surface water discharge
24. Provision of Interceptor
25. Garage Use Restriction
26. Hours of Construction - 0800-1800 Mon to Fri, 0800-1400 Sat
27. Standard Contaminated Land Condition
28. Contaminated Land - Importation of Soil, Materials & Hardcore
29. Contaminated Land - Prevention of New Contamination
30. Bunding of Tanks
31. Asbestos
32. Construction Noise - Pile Driving Condition
33. Updated noise survey
34. Archaeological/Building Recording

DECISION DATE 12 March 2008	APPLICATION NO. 08/00071/CU A15	PLANNING COMMITTEE: 14 April 2008
DEVELOPMENT PROPOSED CHANGE OF USE OF PART OF MAISONETTE/ PART OF SHOP TO CAFE/ PATISSERIE (A3 USE)		SITE ADDRESS 126 ULLESWATER ROAD LANCASTER LANCASHIRE LA1 3PX
APPLICANT: Mr Richard Dow 126 Ulleswater Road Lancaster Lancashire LA1 3PX		AGENT: Fisher Wrathall

REASON FOR DELAY

Committee Cycle

PARISH NOTIFICATION

None

LAND USE ALLOCATION/DEPARTURE

The site is unallocated in the Lancaster District Local Plan 1996-2006 and lies within a residential area.

STATUTORY CONSULTATIONS

County Highways- No objections

Environmental Health - No objections subject to conditions of hours of opening (11:00 till 21:00), hours of construction (8:00 till 18:00), restriction of external loudspeakers, scheme for odour control - cooking and food, light pollution - external lighting details and sound proofing to adjoining maisonette.

Access Officer - No objections.

Fire Officer - No objections subject to inspection, to be carried out under building regulations.

Police - No objections subject to hours of opening and removal of outdoor seating when the premises are closed.

OTHER OBSERVATIONS RECEIVED

The Council received letters/correspondence from 29 residents of the surrounding area. 5 were in favour of the proposal. 24 residents submitted objections and nine of whom reiterated their views following the submission of amended plans. The main areas of concern are summarised as follows;

- Increase in traffic and the pressure for parking spaces;
- Increase in late night disturbance;
- The need for an A3 establishment in this location;
- The possibility of the application site developing into an alcohol outlet;
- Noise from smokers outside the premises;
- Storage of refuse;
- Disabled access;
- The fact that building work is already being carried out at the subject property.

The number of public comments received has consequently raised the profile of what would normally be considered as a minor change of use application, resulting in the case being brought before Committee.

REPORT

Site and Surroundings

The application site is a part three storey, part two storey corner property of stone construction under slate. It is situated on the junction of Ulleswater Road and Moorgate within the Freehold area of Lancaster.

The property comprises of a ground floor corner shop, currently in use as a hairdressers, with a large maisonette above and associated outdoor amenity space in the form of a raised patio at first-floor. A white line marks out the curtilage of the property to the front and side.

The area is predominantly residential in character with a number of small retail premises, including a florists, pet shop and grocers within the immediate vicinity and a public house directly opposite. There are two bus stops close to the site and on street parking (which is in high demand) on Ulleswater Road and the surrounding streets.

Planning History

The ground and first floor of the two storey element of this building have extant planning use as A2 offices and planning permission for external alterations to the Ulleswater Road elevation which include the insertion of external steps down to the basement of the property. These steps have subsequently been created.

A previous application for change of use and conversion of retail storage facilities and residential property to create an additional residential dwelling with minor external alterations change to form two residential units was refused in 2006. The application was refused primarily due to the current restrictions on the creation of new residential units as outlined in Lancaster District Local Plan Supplementary Planning Guidance note 16 - 'The Phasing of New Residential Development'. Furthermore if approved the development would have resulted in a residential unit without accessible private external amenity space.

The Proposal

The proposal for change of use to café/patisserie (A3) relates to the two storey portion and basement of the property, which is currently vacant and was last used as a ground floor store with garaging facilities in conjunction with the adjoining ground floor shop unit and as first-floor bedroom accommodation in conjunction with the adjoining upper floor maisonette.

Relevant Local Plan Policy

Policy S19 of the Lancaster District Local Plan 1996-2006 (adopted 2004) indicates that food and drink uses outside town centres may be acceptable with the imposition of specific conditions to limit the possibility of adverse effects on the amenities of adjoining residents and other neighbouring uses in terms of noise, smell and disturbance.

Analysis of the proposal

The café will provide seating for up to fifty people over two floors, the basement and a small out door area (within the curtilage of the property) which fronts Ulleswater Road. The kitchen and food preparation area will be at first floor level with extraction flues inserted in the rear wall.

The existing first floor patio area will be enclosed by a pitched roof extension which will have windows in the rear elevation and two rooflights in the eastern roof plane. The remaining external alterations including the external steps and railings were granted planning permission following a previous application (mentioned earlier). All the external alterations will enhance the buildings appearance.

Refuse will be stored in a garage to the rear of the property which is in the ownership of the applicant and two extractor vents will be inserted into the rear elevation which faces a back lane.

The proposed hours of opening are 11am to 9pm seven days a week and the applicant anticipates that the business will generate an average of two deliveries per day.

Assessment

Transport/Highway Issues

The proposed change of use is permissible in this location which is well served by transport links and within a short walking distance of the City Centre. The site is also at the hub of other shops and services in the Freehold area. The concerns regarding traffic issues which have been put forward by local residents have been noted; however the Highways Department is satisfied and has raised no objections to the proposal.

Amenity

The other significant concern put forward by residents is one of noise and disturbance as well as the storage of refuse. As the premises will close at 9pm the local authority is of the opinion that the change of use will not contribute to late night noise and disturbance. A condition is also proposed to ensure the removal of outdoor seating when the premises are closed which will seek to discourage the congregation of people outside the property late at night. The amenity of the adjoining first floor residents of the maisonette will be further protected by a soundproofing condition. This is obviously the nearest neighbouring residential unit. The nearest residential property on Ulleswater Road is approximately 20 metres away.

As it is proposed to enclose the existing balcony area the potential for noise disturbance is further reduced.

A scheme for odour control to be submitted as a condition of approval will ensure that nearby residential amenity will not be detrimentally affected by smells as a result of the change of use.

After due consideration the Environmental Health Officer is satisfied that the proposal will not have a detrimental impact on the amenities of neighbouring residents providing that suitable conditions are attached to the permission. Such conditions will ensure that residential amenity is not compromised.

Other issues

Reference has been made by a number of objectors to the possibility of these premises developing into a wine bar (A4). The current proposal for determination is for A3 restaurant/café use. The local planning authority must assess the suitability of this proposal on its own merits and cannot pre-empt future applications. To use the site as a wine bar would constitute a further change of use requiring the benefit of planning permission and its suitability would be determined against relevant planning policies.

A number of objectors are opposed to the development of this property as commercial premises. However as the property already has planning permission for A2 use this principle has already been established.

Conclusion

Following the assessment of this application and consideration of third-party comments, it is considered that this proposal would not result in unacceptable adverse effects on the amenities of neighbouring residents. The proposed use is considered to be acceptable in this location subject to appropriate conditions and therefore accords with Local Plan Policy S19. Consequently Members are advised to view this application favourably.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PLANNING PERMISSION IS GRANTED** subject to the following conditions: -

1. Standard three year consent
2. Amended plan condition
3. A3 use class only (restaurants and cafes)
4. Hours of opening condition
5. Soundproofing condition
6. Details of extraction flues
7. Details of outdoor furniture
8. Removal of outdoor furniture when premises are closed
9. Storage of refuse
10. Hours of construction
11. Restriction of external loud speakers
12. Scheme for odour control
13. External lighting details

DECISION DATE 31 January 2008	APPLICATION NO. 07/01719/FUL A16	PLANNING COMMITTEE: 14 April 2008
DEVELOPMENT PROPOSED EXTENSION TO CARE HOME TO PROVIDE 14 ADDITIONAL BEDROOMS AND ASSOCIATED ACCOMMODATION		SITE ADDRESS SLYNE HOUSE THROSTLE GROVE HEST BANK LANCASTER LANCASHIRE LA2 6AX
APPLICANT: Hillcroft Limited Hillcroft Nursing Home Throstle Grove Slyne With Hest Lancaster LA2 6AX		AGENT: JMP Architects Ltd

REASON FOR DELAY

Awaiting revised proposals from the applicant.

PARISH NOTIFICATION

No Comment

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan- The site is within a countryside area and Slyne Conservation area.

STATUTORY CONSULTATIONS

County Highways- No objections subject to the provision and employment of a travel plan for the site cycle and disabled parking.

National Care Standards Commission- No Comment

OTHER OBSERVATIONS RECEIVED

Three letters have been received objecting to this proposal in its original form on the following grounds:-

- Proximity to residential boundaries
- Overshadows neighbouring bungalows and spoils views
- Loss of privacy from overlooking and additional disturbance from increased staff
- Increased light and noise from kitchen
- Increased light pollution from internal lighting and external security lighting
- Increased traffic and danger at junctions
- Noise and disturbance during construction

REPORT

Site and Surroundings

This site is located at the southern end of Slyne village on the west side of the A6 and within the Slyne Conservation Area. The site is within a slight hollow below the land of the A6 and is surrounded on three sides by residential development and particularly closely by an estate of bungalows to the west.

The existing built development on the site is long established as is its use for the housing and care of the elderly and infirm, although it has recently changed hands and been extensively refurbished. The site is surrounded by a mix of screen fences and mature hedges.

The Proposal

The proposal is a full application for the construction of one floor linked block to the north of the existing building, on split levels, to provide 14 additional bedrooms and a living/dining room.

The design and materials of the extension would be to match those of the existing building. The lounge area facing Throstle Walk would be at the same level as the existing complex. Between that and the A6, the bedroom section would step up one metre to accommodate the rising land levels but would still be cut one metre into the ground adjacent to the A6.

In its revised form the scheme provides adequate internal amenity space between facing bedroom windows and adequate space to the boundary of the neighbouring development to the north, which is set on a higher level behind and screened behind its own out buildings, screen fences and hedges. The front of the bungalow to the west is however somewhat exposed to the proposed lounge windows some 7.6m away and should be protected by additional screen planting on the boundary.

The existing development has a recognised shortage of parking and the scheme proposes an additional 10 spaces within the Throstle Grove frontage. The grounds around the extension will be reformed as lawned garden but with the addition of a decorative garden and sitting out area outside the living room for use by the primarily long stay residents of the new extension.

Policy Consideration

This is the extension of an existing care home facility, within its own grounds and as such raises no issues of policy principle. The design, materials and siting are appropriate within the Conservation Area and the proposal will not detract from the character and appearance of the area or conflict with Conservation Area policies.

Summary

This revised proposal represents an acceptable extension within the grounds of a long established care facility which will boost the number of spaces available to the community and the employment provided within the village. Subject to the provision of limited screen planting, the proposal will not detract materially from the existing residential amenities of the surrounding properties or the character of the Conservation Area and can therefore be supported.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PLANNING PERMISSION IS GRANTED** subject to the following conditions: -

1. Standard 3 year time limit
2. Amended plans
3. Development in accordance with approved plans
4. Additional screen planting to west and north boundaries
5. Disabled parking and cycle spaces to be provided
6. Travel plan to be agreed and implemented

DECISION DATE 21 April 2008	APPLICATION NO. 08/00261/DPA A17	PLANNING COMMITTEE: 14 April 2008
DEVELOPMENT PROPOSED RENEWAL OF TEMPORARY CHANGE OF USE OF LAND FOR SITING OF FAIRGROUND FROM 1 MAY TO 31 OCTOBER 2008		SITE ADDRESS FORMER BUBBLES SITE MARINE ROAD CENTRAL MORECAMBE LANCASHIRE LA4 4EJ
APPLICANT: Lancaster City Council Town Hall Dalton Square Lancaster LA1 1PJ		AGENT: Property Services

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Morecambe Neighbourhood Council - Observations awaited.

LAND USE ALLOCATION/DEPARTURE

The site falls within the Morecambe Tourism Opportunity Area as defined in the Lancaster District Local Plan. It is just outside the Town Centre, but within the Morecambe Conservation Area. The Promenade forms part of an Access Corridor.

STATUTORY CONSULTATIONS

County Council Highways - No objections.

Environmental Health - No objections, provided that the terms of the consent are the same as before.

Lancashire Fire and Rescue Service - No objections.

OTHER OBSERVATIONS RECEIVED

None, at the time this report was drafted.

REPORT

This application is the latest in a series of applications for temporary consent for the use of part of the Promenade as a fairground. The last one, application 07/00233/CU, expired in October 2007.

The following policies in the Lancaster District Local Plan are relevant:

- TO1, which indicates that within the Morecambe Tourism Opportunity Area new commercial leisure uses will be permitted which enhance Morecambe as a visitor destination, and make a positive contribution to the area through appropriate materials and design.
- E35, which requires that development proposals within Conservation Areas should reflect the scale and style of surrounding buildings.

The present proposal is for the use of land rather than a building but the policy guidelines are still relevant. In the long term a more permanent form of development is called for on the site but a further temporary consent for a fairground will not prejudice the prospects for this, which are likely to be improved with the reopening of the Midland Hotel later in the year.

Concerns have been expressed in the past by the Environmental Health Service about possible noise nuisance but this is a matter dealt with under the Control of Pollution Act and the use does not appear to have given rise to any recent complaints. As with previous consents, it is recommended that an appropriate advice note should be attached to the permission.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to the following conditions:

1. Temporary consent - to expire 31 October 2008.

DECISION DATE 8 April 2008	APPLICATION NO. 08/00128/DPA A18	PLANNING COMMITTEE: 14 April 2008
DEVELOPMENT PROPOSED LISTED BUILDING APPLICATION FOR ROOF REPAIRS		SITE ADDRESS WEST CHAPEL LANCASTER CEMETERY QUERNMORE ROAD LANCASTER LANCASHIRE LA1 3JT
APPLICANT: Lancaster City Council Town Hall Lancaster		AGENT: Capita Symonds

REASON FOR DELAY

Committee cycle

PARISH NOTIFICATION

None

LAND USE ALLOCATION/DEPARTURE

Green Space and Key Urban Landscape within the Lancaster District Local Plan 1996 - 2006

STATUTORY CONSULTATIONS

Conservation Officer - Involved at pre-application stage and has no objections

OTHER OBSERVATIONS RECEIVED

None

REPORT

Lancaster Cemetery is located on the eastern side of the city, close to the former Lancaster Moor Hospital. The West Chapel is a Grade II Listed Building. It forms one of a group of three chapels built in the Cemetery, which opened in 1855. The West Chapel, built in the Gothic Revival style in a cruciform plan, was the Anglican chapel and was designed by Edward Paley.

Unfortunately, the three chapels have become the latest targets of the metal theft which is rife in the District at present. In particular, much of the lead has been stripped. The decision has been taken not to reinstate the lead, as the same thing is likely to happen again. Instead, a grey liquid plastic system is to be used, 'Decothane'. In addition, two cast iron vents in front of the air bricks require reinstating and the roof is in need of repair. These buildings are deteriorating as they are no longer in use and they have not

been maintained for many years. It is therefore important that these works are carried out to ensure that they are weathertight whilst possible new uses are sought.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular, Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **LISTED BUILDING CONSENT BE GRANTED** subject to the following conditions: -

1. Standard Listed Building consent
2. Works as per approved plans
3. No development shall commence until details of the cast iron vent covers have been submitted to, and approved in writing by, the local planning authority. The development shall be undertaken in accordance with the approved details.

DECISION DATE 8 April 2008	APPLICATION NO. 08/00129/DPA A19	PLANNING COMMITTEE: 14 April 2008
DEVELOPMENT PROPOSED LISTED BUILDING APPLICATION FOR REPAIRS TO ROOF		SITE ADDRESS NORTH CHAPEL LANCASTER CEMETERY QUERNMORE ROAD LANCASTER LANCASHIRE
APPLICANT: Lancaster City Council Property Services Dalton Square Lancaster LA1 1PJ		AGENT: Capita Symonds

REASON FOR DELAY

Committee cycle

PARISH NOTIFICATION

None

LAND USE ALLOCATION/DEPARTURE

Green Space and Key Urban Space within the Lancaster District Local Plan 1996 - 2006

STATUTORY CONSULTATIONS

Conservation Officer - Involved at pre-application stage and has no objections

OTHER OBSERVATIONS RECEIVED

None

REPORT

Lancaster Cemetery is located on the eastern side of the city, close to the former Lancaster Moor Hospital. The North Chapel is a Grade II Listed Building. It forms one of a group of three chapels built in the Cemetery, which opened in 1855. The North Chapel, built in the Gothic Revival style, was the Roman Catholic chapel and was designed by Edward Paley.

Unfortunately, the three chapels have become the latest targets of the metal theft which is rife in the District at present. In particular, much of the lead has been stripped. The decision has been taken not to reinstate the lead, as the same thing is likely to happen again. Instead, a grey liquid plastic system is to be used, 'Decothane'. In addition, the roof requires repairs, and the rainwater goods have failed and are in need of replacement.

These buildings are deteriorating as they are no longer in use and they have not been maintained for many years. It is therefore important that these works are carried out to ensure that they are weathertight whilst possible new uses are sought.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **LISTED BUILDING CONSENT BE GRANTED** subject to the following conditions: -

1. Standard Listed Building consent
2. Works as per approved plans
3. In accordance with this permission all new rainwater goods shall be of cast iron construction, and shall be retained as such at all times thereafter

DECISION DATE 15 April 2008	APPLICATION NO. 08/00232/CPA A20	PLANNING COMMITTEE: 14 April 2008
DEVELOPMENT PROPOSED DEMOLITION OF 2 STOREY LIBRARY BUILDING AND ERECTION OF REPLACEMENT LIBRARY WITH ASSOCIATED WORKS		SITE ADDRESS 396 HEYSHAM ROAD HEYSHAM MORECAMBE LANCASHIRE LA3 2BJ
APPLICANT: Adult & Community Services Park Hotel East Cliff Preston PR1 3EA		AGENT: Property Group

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Heysham Neighbourhood Council - No observations received at the time this report was drafted.

LAND USE ALLOCATION/DEPARTURE

Within the Heysham Local Centre identified in the Lancaster District Local Plan 1996 - 2006. The site fronts on to a Primary Bus Corridor identified in the Plan.

STATUTORY CONSULTATIONS

As this is a County application, these are being carried out by the County Council in its capacity as the determining authority.

OTHER OBSERVATIONS RECEIVED

Any representations received will be reported orally at Committee.

REPORT

The existing Heysham Library building occupies land to the south of the junction of Heysham Road and Knowlys Road, between the site of the former police station and the post office. It is a two storey building, and is currently in need of renovation.

The County Council wishes to replace it with a modern library specifically designed for present day requirements. This involves the complete demolition of the existing building, together with the adjoining toilet block. The new library is to be a large single storey building, incorporating ancillary staff and meeting room facilities. The outside walls would have a rendered finish.

The roof is to be constructed using concrete tiles and will have a small cupola on top for ventilation purposes. There would be a ramp up to the front entrance.

The un-surfaced service yard at the rear is to be laid out as a car park, with five car spaces, of which two would be designed for use by disabled people. Provision has also been shown for motorcycle parking. No specific provision is shown for cycle parking but space is available to accommodate it.

The Lancaster District Local Plan contains few policies specific to community provision of this kind, though Policy R21 requires that appropriate provision should be made where appropriate for people with disabilities.

Redeveloping on the existing site means that there will be a period when no building is available and it is not indicated what temporary provision is to be made. Nonetheless the present library is exceptionally well located in relation to the community it is intended to serve. The design of the new building is an attractive one and in principle, the proposal is to be welcomed. However it will be noted that apart from a disabled accessible toilet within the library itself, no replacement provision for the existing public toilets is envisaged. There is also a need to ensure that adequate provision is made for cycle parking, and planting within the peripheral land associated with the site.

HUMAN RIGHTS IMPLICATIONS

The application has to be considered in relation to three sections of the Act: Article 8 (Privacy/Family Life), Article 1 of the First Protocol (Protection of Property), and Article 2 of the First Protocol (Education). In view of the nature of the proposal particular attention must be given to the third of these. Nonetheless, there do not appear to be any special issues arising from the proposal which override the responsibility of the City and County Councils to determine planning applications in the interests of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That Lancashire County Council be advised that the City Council has **NO OBJECTIONS** to this proposal, subject to appropriate temporary library provision being made while no permanent building is available, and conditions being attached to the consent requiring the following:

1. Landscaping scheme to be agreed and implemented.
2. Cycle parking to be provided.
3. Construction and demolition work to take place only between 8:00 and 18:00 Mondays to Saturdays, with no working on Sundays or officially recognised public holidays.

DECISION DATE 28 April 2008	APPLICATION NO. 08/00283/CPA A21	PLANNING COMMITTEE: 14 April 2008
DEVELOPMENT PROPOSED CREATION OF A NEW CAR PARK WITH RESURFACING OF AN EXISTING ALL WEATHER PITCH		SITE ADDRESS CARNFORTH HIGH SCHOOL KELLET ROAD CARNFORTH LANCASHIRE LA5 9LS
APPLICANT: Lancashire County Council Property Group County Hall PO Box 26 County Hall Preston PR1 8RE		AGENT: Croft Goode Ltd

REASON FOR DELAY

Awaiting additional information

PARISH NOTIFICATION

Formal views awaited- any comments will be reported to committee

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan - Adjacent to land allocated as a Youth and Community Centre (Policy R18)

The site of the application is allocated as Outdoor Play Space (Policy R1) and Urban Green Space (Policy E29).

STATUTORY CONSULTATIONS

County Highways – Formal consultation is undertaken by the County Council in their role as determining planning authority, however, the informal views of County Highways are being sought to inform members.

OTHER OBSERVATIONS RECEIVED

Tree Protection Officer - There are trees to the north, north-east, south and south-west boundaries of the proposed development site; they are not currently subject to legal constraints such as protection under Conservation Area status or Tree Preservation Orders.

Recommendations:

1. Provide an Arboriculture Impact Assessment, detailing trees within and immediately adjacent to the proposed development site, including Tree Constraints Plan detailing identified Root Protection Zones and barrier fencing proposals in compliance with BS 5837 (2005) Trees in relation to construction.
2. Provide a method statement for the development of the car parking area, adjacent grassed area and new access to the site including proposed changes in ground levels, excavation and regrading works, & re-surfacing, with particular attention to those areas of development within 10m of trees.
3. Detailed landscaping scheme, including nos. of proposed new trees, species, size at planting, precise location within the proposed development and maintenance regime during initial 5-years post planting.

REPORT

Site and its Surroundings

The application site is located off Kellet Road, Carnforth on a long slender plot of land with a north-south axis which runs alongside and to the east of the main complex of school buildings associated with Carnforth High School. The land is currently used as a car parking area in association with the high school with a direct access from the site into the school complex. Land to the north is open and forms the outdoor recreation area for the school.

The eastern boundary of the site is formed by a watercourse which runs along the full length of the application site and continues to flow northwards. Semi mature trees and hedgerow plants run alongside the water course at the top of a small embankment within the application site.

The Proposal

The application seeks to develop a car parking area within land currently made over to a grassed recreational field. In addition, the application seeks to resurface and upgrade an under utilised tarmac area to create an all-weather sports surface. The sports area has already gained the benefit of consent for floodlighting and is proposed to be available for both school and wider community use.

The car parking area would provide 41 additional parking spaces alongside the car parking area to be used in association with the community/children centre. This parking area approved in December 2007 provides 7 spaces allocated to the school, making the total provision of parking spaces allocated to the school as 53 (includes 5 disabled spaces). The surface of the car parking area is to be 'Grasscrete', a surfacing which allows grass to develop through open soil areas and allows surface water to drain naturally through. A ditch running along the north/south boundary of the site is also to be enhanced with additional planting to the top of the banking.

Planning History

The adjoining site has recently gained consent under 07/01496/CPA for the development of a community resource/children centre with associated car parking and access improvements. This was a County application which members determined to support subject to planning conditions. A copy of the earlier report is attached to this agenda item.

Prior to the submission and approval of the recent application, the site had no planning history, including any consents for use as a car parking area although it is clear from aerial photographs and local knowledge that the site has been used as a parking area for a considerable period.

Planning Policy

The site lies wholly within land allocated as Outdoor Play Space (Policy R1) and Urban Green Space (Policy E29).

Policy R1 reads – “The areas identified on the local plan proposals map as outdoor playing space will be protected from development.

Exceptionally where there is clear justification for development which would result in the loss of such space, this will be permitted only where sport and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site or alternative provision of equivalent community benefit is made available”.

Policy E29 reads – “The areas identified on the local plan proposals map as urban green spaces will be protected from development and where appropriate enhanced. Exceptionally, essential education or community related development or the limited expansion of existing uses will be permitted.”

The site also lies within a Zone 2 flood risk area and immediately alongside a Zone 3b flood risk area as identified in the “Lancaster City Council - Strategic Flood Risk Assessment.” As such any development should seek to improvements in the current situation.

Comments

The applicant has clearly indicated that the development of the community/children’s centre will not be built without the provision of some compensatory parking in the area. This application has been submitted to address the loss of the car parking associated with the building and operation of the community/children’s centre but acknowledges the need to address the policy issues in respect of the loss of Outdoor Play Space, Urban Green Space and broader issue of the creation of car parking areas.

Parking spaces for the Centre are likely to be occupied during the day and not available for dual use. The number of additional parking spaces proposed by the current application is reduced from those lost by the development of the community centre. The overall number of parking spaces available to the school being 53 rather than the original 72 currently available to the school on the existing facilities (approximately 25% reduction). It is also understood that the school has an active Travel Plan which is seeking to manage forms of transport to the school and encourage sustainable journeys. Precise details of the Travel Plan were unavailable at the time this report was written but will be available in time for the committee meeting. Details of the Travel Plan will be reported verbally to the committee.

The currently unused tarmac area to the rear of the school will provide a much needed floodlit all-weather surface which is currently lacking at the school. This area is considered to provide compensation for the loss of outdoor play space which, in practice, is of limited value due to topography and limited width.

The use of Grasscrete as a surface will improve the visual appearance of the parking area and aid the drainage of the site helping to ensure the ‘run-off’ rate for surface water from the site is maintained close to ‘Greenfield’ rate. Flood risk policy seeks to ensure that any development should improve the current situation. If approved, a condition would need to be attached to ensure that the run-off rates are less than Greenfield rate, reducing the potential of the site to contribute to surface water flooding in the area.

Overall, it is considered that the development has made compensatory provision for the loss of the limited outdoor playing space and is designed to reduce visual impact both with the surfacing of the car parking and the landscaping of the boundaries. Furthermore, the development of reduced parking numbers will enable the development of the previously approved community/children’s centre, an important community facility that has been allocated within the Local Plan since its formal adoption in 2004 and been desired for a period in excess of 10 years.

HUMAN RIGHTS ACT IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That subject to no significant objections being raised by County Highways, the City Council **HAS NO OBJECTIONS** to the development. The following conditions are suggested: -

1. Standard Time Limit (3 years)
2. New all weather sports pitch to be available for use prior to the development of the car parking area and be maintained available for use thereafter.
3. Arboricultural assessment and landscaping plans to be undertaken submitted and agreed.
4. External materials to be agreed.
5. Flood risk - The surface water 'run off' rate for the site shall be reduced to less than 'Greenfield' rate to reduce the potential of the site to contribute to surface water flooding in the area. Precise details to be submitted, approved and implemented.

DECISION DATE 30 November 2007	APPLICATION NO. 07/01496/CPA A15	PLANNING COMMITTEE: 10 December 2007
DEVELOPMENT PROPOSED ERECTION OF A SINGLE STOREY BUILDING FOR COMMUNITY RESOURCE/CHILDREN AND YOUNG PERSONS CENTRE, ASSOCIATED CAR PARK AND MODIFIED ACCESS ROAD		SITE ADDRESS LAND ADJ CARNFORTH HIGH SCHOOL KELLET ROAD CARNFORTH LANCASHIRE LA5 9LS
APPLICANT: Lancashire County Council Property Group PO Box 26 County Hall Preston PR1 8RE		AGENT: Croft Goode Limited

REASON FOR DELAY

Awaiting additional information

PARISH NOTIFICATION

Formal views awaited- any comments will be reported to committee

LAND USE ALLOCATION/DEPARTURE

Allocated as a Youth and Community Centre (Policy R18)

As originally submitted the site also sought to develop land allocated as Outdoor Play Space (policy R1) and Urban Green Space (policy E29). The area of the revised scheme reduces the scale of the site and omits areas covered by policies R1 and E29.

STATUTORY CONSULTATIONS

Environmental Health Services- No comments

OTHER OBSERVATIONS RECEIVED

Tree Protection Officer - There are trees to the north, north-east, south and south-west boundaries of the proposed development site; they are not currently subject to legal constraints such as protection under Conservation Area status or Tree Preservation Orders.

1. Provide an Arboriculture Impact Assessment, detailing trees within and immediately adjacent to the proposed development site
2. Provide a method statement for the development of the car parking area, adjacent grassed area and new access to the site.
3. Submission of a detailed landscaping scheme.

Single local resident concerned that the details were not available through the Lancaster City Council web site.

REPORT

Site and its Surroundings

The application site is located off Kellet Road, Carnforth on a long slender plot of land with a north-south axis which runs alongside and to the east of the main complex of school buildings associated with Carnforth High School. The land is currently used as a car parking area in association with the High School with a direct access form the site into the school complex. Land to the north is open and forms the outdoor recreation area for the school.

The eastern boundary of the site is formed by a watercourse which runs along the full length of the application site and continues to flow northwards. Semi mature trees and hedgerow plants run alongside the water course at the top of a small embankment within the application site.

The Proposal

The application seeks to develop a community resource, children's and young person's centre including an office and supporting accommodation. Internally, the development incorporates entrance foyer, exhibition space, café, waiting room, Carnforth Area Regeneration Partnership offices and general offices, meeting rooms, and storage and community rooms. Externally, the building is single storey in height and is designed in a contemporary flat roof style reflecting the external materials (stone and timber) of recently erected buildings on the neighbouring school site.

The site is accessed via a re-positioned vehicular access off Kellet Road, improving the current arrangement. This leads to car parking area with the main building located on the western boundary of the site beyond a small turning area and mobility parking space. The floor level of the building sits slightly lower than the footway to Kellet Road. Beyond the building the development as originally submitted leads onto a large extended car parking area which provided a limited number of dedicated parking spaces for the Centre, with the remainder being available for school use. The car parking area developed additional parking over and above that already available at the site and was to be partly constructed upon open outdoor play space (playing fields for the school).

The application has since been revised to reduce the number of car parking spaces and limit development to site area allocated within the Lancaster District Local Plan.

Planning History

The site has no planning history, including any consent for use of the site as a car parking area although it is clear from aerial photographs and local knowledge that the site has be used as a parking area for a considerable period.

Planning Policy

As originally submitted the site also sought to develop land allocated as Outdoor Play Space (policy R1) and Urban Green Space (policy E29). The area of the revised scheme reduces the scale of the site and omits areas covered by policies R1 and E29. As amended, the application site lies wholly within that area defined in the Lancaster District Local Plan as a Youth and Community Centre (Policy R18). The sire had been allocated following an identified shortfall (by Lancashire County Council) within the Carnforth area for such a use. The site has been allocated during the life of the current local plan adopted in April 2004.

The site lies within a Zone 2 flood risk area and immediately alongside a Zone 3b flood risk area as identified in the Lancaster City Council Strategic Flood Risk Assessment. As such any development should seek to improvements in the current situation.

Comments

The application as originally submitted raised a number of policy concerns as it proposed to develop a 'Greenfield' site for additional car parking, losing recreation space and urban green space. It was also considered to lack sufficient information to demonstrate a justification to override the development constraints identified in policies R1 and E29. The reduced site area reflecting the allocation site is now considered to be appropriate in principle.

The application is accompanied by a Flood Risk Assessment which acknowledges the constraints for development on the site and seeks to ensure that the 'run off' rate for surface water on the site is reduced at 'Greenfield rate'. The Lancaster City Council Strategic Flood Risk Assessment seeks to ensure improvements to existing situation. It is considered that a condition need be attached to ensure that the 'run-off' rates are less than Greenfield rate, reducing the potential of the site to contribute to surface water flooding in the area.

Subject to the suggested condition it is considered that the development should be supported.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That subject to the provision of a satisfactory flood risk assessment and the imposition of the following conditions the City Council would not wish to raise objections to the development. The following conditions are suggested: -

1. Amended plan reducing the site area to that allocated in the Lancaster Local Plan
2. Arboricultural assessment and landscaping plans to be undertaken submitted and agreed.
3. External materials to be agreed.
4. Flood risk - The surface water 'run off' rate for the site shall be reduced to less than 'Greenfield' rate to reduce the potential of the site to contribute to surface water flooding in the area. Precise details to be submitted, approved and implemented.
5. Car parking area and use to be restricted to those identified on the approved plan.

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
07/01363/LB	10 Gillison Close, Melling, Carnforth Retrospective listed building application for painting exterior of house for Mr And Mrs Vass	Application Permitted
07/01499/FUL	13 Meadow Drive, Bolton Le Sands, Carnforth Erection of dormer extensions to front and rear for Mr J S McEwan	Application Permitted
07/01510/FUL	Land At DamsideStreet/Rear Of 54-56, Church Street, Lancaster Variation of application no. 04/01248/FUL for the erection of 17 apartments and 4 retail units for Haycar Estates Ltd	Application Permitted
07/01549/CU	172 Westminster Road, Heysham, Morecambe Change of use from laundrette with maisonette above to 4 bed dwelling for Mr Arthur Wells	Application Permitted
07/01575/FUL	4 Peel Crescent, Lancaster, Lancashire Erection of a garage to side for Mr N. Mitchell	Application Permitted
07/01616/ADV	24 King Street, Lancaster, Lancashire Retrospective application for erection of various illuminated signs for Mr S. Patel	Application Refused
07/01646/FUL	6 Abbot Court, Bridget Street, Lancaster Installation of roof windows and external door and alterations to flat roof to create amenity/garden space for S. Western	Application Permitted
07/01705/OUT	Sand Villa Farm, Sandside, Cockerham Outline application for the erection of an agricultural workers dwelling for Mr P. Jones	Application Permitted
07/01708/FUL	17 Esthwaite Gardens, Lancaster, Lancashire Conversion of existing garage into additional living accommodation, erection of a first floor extension over the existing garage and erection of a conservatory to the rear for Mr And Mrs D. Griffin	Application Refused
07/01725/FUL	Ridge Farm Cottages, Ridge Lane, Lancaster Demolition of existing house and erection of replacement dwelling for Ms T. Noble	Application Withdrawn
07/01742/FUL	Lancaster Castle, Castle Park, Lancaster Various alterations to comply with fire safety regulations for Ministry Of Justice NOMS Custodial Property	Application Permitted
07/01762/FUL	Central Lancaster High School, Crag Road, Lancaster Erection of outdoor shelter canopy and portable building for Central Lancaster High School	Application Permitted
07/01797/FUL	11 Quernmore Road, Lancaster, Lancashire Erection of a two-storey rear extension for Mrs K. Bevington	Application Permitted
08/00004/FUL	Higher Barn, Aughton Road, Aughton Erection of a double garage for J. J. Metcalfe	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

08/00016/FUL	Clarksons Farm, Moss Lane, Thurnham Alterations, partial demolition and 2 storey extension to dwelling for Mrs J Coulton	Application Permitted
08/00017/LB	Clarksons Farm, Moss Lane, Thurnham Listed building consent for alterations, partial demolition and 2 storey extension to dwelling for Mrs J Coulton	Application Permitted
08/00019/CU	111 High Road, Halton, Lancaster Change of use from funeral directors into single dwelling house for Mr John Preston	Application Permitted
08/00020/LB	111 High Road, Halton, Lancaster Listed building application for change of use of buildings adjacent to Lime Tree House into single dwelling house for Mr John Preston	Application Permitted
08/00036/CU	Galgate Cricket Club Pavilion, Main Road, Galgate Replacement of existing building with temporary portable building for Ellel Parish Council	Application Permitted
08/00029/FUL	Hill Croft, Rigg Lane, Quernmore Alterations to ground floor and addition of a new first floor for Mr Hoad	Application Permitted
08/00030/FUL	Kings Arms Hotel, 248 Marine Road Central, Morecambe Alterations to rear facade and retrospective application for the retention of decked area to front for Tattershall Castle Acquisitions Ltd	Application Refused
08/00043/FUL	The Vicarage, Woodman Lane, Leck Erection of a two storey extension and a single storey extension for Mr And Mrs Nuttall	Application Permitted
08/00045/FUL	Moss House Farm, Spout Lane, Wennington Erection of an extension to existing garage and raising of roof for Mr And Mrs Atkinson	Application Permitted
08/00046/CU	Bay Cafe, Queen Street, Morecambe Change of use of first and second floors into two self contained flats for Mr R. Blackburn	Application Permitted
08/00060/FUL	Blackwood End Farm, Bay Horse Road, Quernmore Erection of replacement dairy young stock building for Mr J Fox	Application Permitted
08/00053/FUL	16 Kirklands, Hest Bank, Lancaster Erection of a two storey extension to the side and porch to the front for Mr N. McSporran	Application Permitted
08/00054/FUL	16 Betony, Morecambe, Lancashire Conversion of integral garage to living accommodation for Mr Paul Roberts	Application Refused
08/00056/FUL	3 Coastal Road, Hest Bank, Lancaster Erection of a two-storey side extension for Mr Peter Buckley	Application Refused
08/00057/CU	5 Grange Street, Morecambe, Lancashire Change of use of property from 4 flats to residential unit for Mr And Mrs Atkinson	Application Permitted
08/00061/FUL	Heaton Hall Farm, Heaton Bottom Road, Heaton With Oxcliffe Erection of an extension to existing agricultural building for M. E. Wannop And Sons Ltd	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

08/00072/FUL	Millstones, Rakehouse Brow, Quernmore Erection of an extension on eastern elevation for Mr J Metcalfe	Application Permitted
08/00068/FUL	Silverdale Golf Club, Red Bridge Lane, Silverdale Provision of a temporary storage container for a period of two years for Silverdale Golf Club	Application Permitted
08/00070/CU	20 Pedder Street, Morecambe, Lancashire Change of use from tattoo parlour to fast food/takeaway sandwich bar for Mr G. Mason	Application Permitted
08/00077/FUL	Silver Sapling Camp Site, Chapel Lane, Silverdale Erection of a bunk room to replace existing disused store for Mrs B Mills	Application Refused
08/00079/FUL	Forrest Hills, Hazelrigg Lane, Ellel Erection of a resource centre for Mr K. Newsham	Application Permitted
08/00074/FUL	30 Ash Tree Grove, Bolton Le Sands, Carnforth Erection of a new porch, dormer window and roof lights for Mr D Dixon	Application Permitted
08/00080/FUL	2 Rock Cottages, Rigg Lane, Quernmore Erection of a shed for Mr B Harris	Application Permitted
08/00082/FUL	19 Hillsea Avenue, Heysham, Morecambe Erection of a two storey extension to the rear for Ms W Longridge	Application Permitted
08/00086/FUL	142 Hampsfell Drive, Morecambe, Lancashire Erection of a rear conservatory for Mrs D Lawton	Application Permitted
08/00089/FUL	16 Emesgate Lane, Silverdale, Carnforth Erection of a rear extension and installation of satellite dish and combined condenser housing for The Co-operative Group Ltd	Application Permitted
08/00076/FUL	Police House, Abbeystead Road, Dolphinhholme Erection of a 2 storey side extension for Mr M Horne	Application Permitted
08/00084/ADV	85 Penny Street, Lancaster, Lancashire Retrospective application for the retention of an internally illuminated fascia sign and a non illuminated projecting sign for Swinton Colonnade	Application Refused
08/00088/FUL	Land North Of Ashford House, Ashton Road, Lancaster Retrospective application for the retention of an access track, pedestrian path, hardcore areas, fences and concrete yard for Mr And Mrs D Wilson	Application Permitted
08/00107/FUL	7 Rochester Avenue, Morecambe, Lancashire Erection of a rear and side extension and roof conversion with dormers to front for Mr J Quigley	Application Permitted
08/00085/FUL	Hillside Farm, Lancaster Road, Heaton With Oxcliffe Erection of a general purpose agricultural storage/livestock building (partial replacement) for B And N Wilcock	Application Permitted
08/00092/PAM	9 Broadacre, Caton, Lancaster Erection of replacement telegraph pole for British Telecommunications PLC	Further Details Not Required (AD/PA)
08/00093/PAM	13 Vicarage Avenue, Brookhouse, Lancaster Erection of a replacement telegraph pole for British Telecommunications Plc	Further Details Not Required (AD/PA)

LIST OF DELEGATED PLANNING DECISIONS

08/00096/FUL	Kitchen Ground, Langshaw Lane, Ellel Extension of existing farm stock building for E And K Woodhouse	Application Permitted
08/00099/FUL	42 Lindeth Road, Silverdale, Carnforth Demolition of existing bungalow and erection of replacement dwelling for Mr And Mrs M Evans	Application Permitted
08/00109/FUL	15 Needham Avenue, Morecambe, Lancashire Erection of a single storey extension to the side and rear for Mr J. McGahon	Application Permitted
08/00103/FUL	Five Oaks, Abbeystead Road, Abbeystead Demoliton of existing detached bungalow and erection of replacement dormer bungalow for Mr R Metcalfe	Application Permitted
08/00113/FUL	Bazil Farm, Bazil Lane, Overton Amendment to previously approved application no. 01/00980/ful for proposed extension and refurbishment for Mr T Butler	Application Permitted
08/00116/FUL	10 Phoenix Street, Lancaster, Lancashire Demolition of existing single storey lean-to extension and erection of two storey extension for Mr A Robinson	Application Permitted
08/00126/FUL	196 Main Street, Warton, Carnforth Erection of a detached garage for Mr P Holroyd	Application Permitted
08/00131/FUL	Melling With Wrayton CE School, Lodge Lane, Milling Erection of an awning to the front for Melling St Wilfred C Of E	Application Permitted
08/00132/CU	Burrow Farm, Burrow Heights Lane, Lancaster Change of use of agricultural land to domestic curtilage, replacement side extension and alterations to front amenity area to form a court yard with new access for Mr And Mrs Parkinson	Application Permitted
08/00133/FUL	10 Parkgate Drive, Lancaster, Lancashire Erection of a conservatory to rear for Mrs Laura Fisher	Application Permitted
08/00148/FUL	16 Alderley Heights, Lancaster, Lancashire Erection of a ground floor extension and second floor side extension for Mr A. Johnson	Application Permitted
08/00143/FUL	2 Hazelwood Drive, Morecambe, Lancashire Erection of a ground floor extension to rear for Mr B Handley	Application Permitted
08/00144/FUL	63 Lancaster Road, Carnforth, Lancashire Retrospective application for the retention of a rear extension for Mr P Benson	Application Permitted
08/00153/FUL	2 Laund Villas, Main Road, Galgate Erection of a first floor extension for Mr And Mrs P Johnston	Application Permitted
08/00158/FUL	10 Windermere Avenue, Morecambe, Lancashire Erection of a 2 storey extension to the side with conservatory to the rear for Mr E. Samiloglu	Application Permitted
08/00150/VCN	Beech Farm, Abbeystead Road, Abbeystead Variation of conditions 6 and 7 on approved application no. 07/01595/CU relating to occupation of building and parking of vehicles etc for Mr Parker	Application Permitted
08/00165/CU	4 Park View, Woodman Lane, Cowan Bridge Change of	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

	use of land from agricultural to domestic, erection of a two storey side extension and detached garage/shed for Mr J Robinson	
08/00166/FUL	26 Palatine Avenue, Lancaster, Lancashire Erection of a two-storey rear extension for Mr C Pinder	Application Permitted
08/00169/LB	The Vicarage, Wennington Road, Wray Listed building consent for an extension to existing porch for Mr And Mrs Halsey	Application Permitted
08/00170/FUL	The Vicarage, Wennington Road, Wray Extension to existing porch for Mr And Mrs Halsey	Application Permitted
08/00171/ADV	16 Penny Street, Lancaster, Lancashire Replacement of fascia signage and installation of a new hanging sign for Clarks International	Application Withdrawn
08/00180/FUL	63 Fulwood Drive, Morecambe, Lancashire Retrospective application for the retention of a conservatory to rear for Mrs J Hogburn	Application Permitted
08/00182/ADV	Rayrigg Motors, Northgate, Morecambe Erection of an illuminated fascia sign, wall sign and pylon sign, non-illuminated entrance panel, directional, test parking, customer parking and pagoda for Rayrigg Motors	Application Permitted
08/00183/FUL	St Margarets CE Primary School, Main Street, Hornby Proposed relocation of front boundary wall for The Governors Of St Margarets CE Primary School	Application Permitted
08/00175/FUL	7 St Michaels Close, Bolton Le Sands, Carnforth Erection of a single storey kitchen and utility room extension and erection of a detached garage for Mrs C Dewhurst	Application Permitted
08/00178/FUL	Stable Nook, Dykes Lane, Yealand Conyers Enlargement to existing rear window for Mr And Mrs G Tyson	Application Permitted
08/00190/FUL	4 Webster Grove, Morecambe, Lancashire Erection of a double garage for Mr J Knowles	Application Permitted
08/00208/ADV	Unit C, Central Drive, Morecambe Erection of fascia sign for Next Retail Ltd	Application Permitted
08/00210/FUL	7 Thorpe Avenue, Morecambe, Lancashire Erection of first floor side extension over existing garage for Mr J Waller	Application Permitted
08/00215/FUL	65 Crag Bank Road, Carnforth, Lancashire Erection of a two storey extension to the side for Mr Michael Jackson	Application Permitted
08/00217/FUL	Brantholme, Hasty Brow Road, Slyne Various alterations and extensions for Mr Philip Rogerson	Application Withdrawn
08/00218/FUL	22 Pinewood Avenue, Bolton Le Sands, Carnforth Alterations to conservatory approved on application 07/01012/ful for Mr David Park	Application Permitted
08/00200/FUL	1 Chapel Lane, Overton, Morecambe Extension to existing cottage to form new stairway, entrance hall and shower room at first floor. Internal alterations to existing cottage, and replacement porch/conservatory for Ms	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

Lynne McQuinn

08/00223/FUL	7 Arrow Lane, Halton, Lancaster Erection of a conservatory and pitched roof over existing kitchen for Mr D Coultas	Application Permitted
08/00229/FUL	7 Hawthorn Road, Morecambe, Lancashire Erection of rear conservatory for Mrs Cooper	Application Permitted
08/00234/FUL	2 Rennie Court, Lancaster, Lancashire Erection of a conservatory for Mr And Mrs Belbin	Application Permitted
08/00236/FUL	53 And 55 Yorkshire Street West, Morecambe, Lancashire Erection of a rear storeroom extension for Morecambe Business Services	Application Permitted
08/00243/FUL	5 Greenways, Over Kellet, Carnforth Erection of a rear conservatory for Mr Fothergill	Application Permitted
08/00245/FUL	5 The Roods, Warton, Carnforth Erection of a second storey extension to side for Mr And Mrs A Brayshaw	Application Permitted
08/0019/TPO	15 Dunbar Drive, Heysham, Morecambe 2 x Poplar trees - wish to crown raise, reduce and remove certain branches for Mr G J Lear	Application Permitted
08/00256/FUL	Four Acres Detron Gate Farm, Dertern Lane, Bolton Le Sands Erection of a side extension for Mr Makinson	Application Permitted
08/00270/FUL	16 Grosvenor Road, Carnforth, Lancashire Erection of a 2 storey extension for Mr And Mrs A S Jackson	Application Permitted
08/0021/TCA	The Green, Borwick Lane, Borwick Wish to fell one dead Sycamore tree for Mr J Thomas	Application Permitted
08/0020/TCA	12 Belle Vue Drive, Lancaster, Lancashire 2 x small trees - wish to prune for Barbara Mawson	Application Permitted

PLANNING ENFORCEMENT SCHEDULE

DISTRICT	FILE REF.	DESCRIPTION OF PROPERTY	NATURE OF BREACH	PRESENT POSITION
Lancaster	109/2/194	Higher Moorhead, Quernmore	Erection of a building & unauthorised use.	S330 issued 4/01/06. Planning Application refused 26/06/06. Enforcement Notice issued. Appeal pending. Hearing date 20/05/08.
	109/2	The Waterwitch, Canal Towpath (adj. Footbridge)	Use of land for bin storage.	Planning application approved 28/04/06. Yet to be implemented. Land ownership issues.
	109/2/190	Land north of Ashford House, Ashton Road, Lancaster	Erection of stables & use of site for livery purposes.	Enforcement Notice issued 02/03/06 Planning Application refused 09/05/06. Appeal upheld – details agreed for conditions – still seeking compliance with conditions. AP for track & other works now approved.
	109/2/191	108 St. Leonardgate, Lancaster	Unauthorised work to a listed building.	S330 issued 09/01/06. Conservation Officer monitoring situation.
	109/2/185	Bowling Green Petrol Station, Scotforth Road, Lancaster	Breach of condition – Hours of operation.	Planning application received to vary the hours – Refused. Instructions sent to Legal 02/08/06 to prosecute for continued breach. Appeal lodged. Appeal held- awaiting outcome. Appeal dismissed. Prosecution adjourned to 18/04/08.
	109/2/193	Cuba, Mary Street, Lancaster	Unauthorised advertisements.	S16 Requisition for information issued 18/06/07. Not returned- considering appropriate action.
	109/2/196	21 Brock Street, Lancaster	Breach of conditions- hours of operation and use of café as café/restaurant.	Instructions sent to Legal. 17/9/07 to serve Breach of Condition notice. Prosecution court date 4/1/08 – Adjourned due to current application to regularise p/app refused. Court proceedings to continue.
	109/2/199	Railton Hotel, Station Road, Lancaster	Untidy land.	S215 Notice issued – agreed works – awaiting compliance.

9.	109/2/200	Land, Alfred Street, Lancaster	Unauthorised use of land as a car park.	EN issued – effective from 21/04/08 unless appealed.
10.	109/2/198	Total Fitness, Caton Road, Lancaster	Display of unauthorised signs.	S16 requisition for information sent. Considering prosecution.
11.		Old Filter House, A6 Scotforth	Use of approved landscaped area for car sales.	Considering Enforcement Notice.
12.	109/2/202	Woodside, Ashton-with-Stodday	Change of use of land to form car park.	S330 served. Two applications received, both refused. Appeal received. Appeal dismissed – instructions sent to Legal for Enforcement Notice. Enforcement Notice issued.

PLANNING ENFORCEMENT SCHEDULE

DISTRICT	FILE REF.	DESCRIPTION OF PROPERTY	NATURE OF BREACH	PRESENT POSITION
Morecambe & Heysham	13.	20 Lonsdale Avenue, Morecambe	Erection of a building.	Considering appropriate action.
	14.	10 Queen Street, Morecambe	Unauthorised roller shutters.	Enforcement Notice served 24/10/05. Appeal dismissed. Conservation officer negotiating new scheme. Ongoing policy review.
	15.	Trinity Methodist Church, Marine Rd West, Morecambe	Unauthorised works to a listed building.	S330 issued 10/01/06. Planning application and Listed Building Application refused – awaiting further applications. Conservation Officer in discussions. Listed Building Repair Notice being considered.
	16.	221 Marine Road, Morecambe.	Unauthorised works to Listed Building – works not in accordance with approved plan.	S330 issued and returned. Considering what further action is required. Planning Permission granted – awaiting implementation but continue consideration of formal action.
	17.	23 Sugham Lane, Heysham.	Change in levels.	S330 issued. Planning Permission granted. Awaiting completion of work.
	18.	20 Dudley Street, Morecambe	Use of residential property in connection with operation of a business.	Planning Contravention Notice served and returned. Monitoring and considering action. Caravans still on site- awaiting removal of one caravan.
	19.	236+237 Marine Road, Morecambe	Construction of front and rear dormers.	EN issued-awaiting compliance (removal of them). Appeal submitted.
	20.	43+45 Devonshire Road, Morecambe	Increase in height of boundary enclosure.	PP refused. EN issued to remove fence (leave existing wall). Appeal submitted, awaiting decision.
	21.	23 Westmoor Grove, Heysham	Erection of a fence.	S 330 issued. Partial compliance – monitoring.
	22.	Lidl, Westgate, Morecambe	Development not in accordance with approved plans.	Instructions sent to legal to serve Breach of Condition Notice. Notice served – compliance date 08/05/08.

PLANNING ENFORCEMENT SCHEDULE

DISTRICT		FILE REF.	DESCRIPTION OF PROPERTY	NATURE OF BREACH	PRESENT POSITION
Carnforth	23.	109/4/23	Landscaping at Canal Turn, Lancaster Road, Carnforth	Failure to implement planning condition 5 relating to landscaping.	Compliance.
	24.	109/4/28	9 Grosvenor Court, Carnforth.	Non compliance with Condition re: obscure glazing and opening windows.	Breach of condition notice served – Non compliance – considering formal action.
	25.	109/4	Blue Anchor, Main Road, Bolton-le-Sands.	Unauthorised works to a TPO'd tree in beer garden.	Referred to Legal Services. Prosecution proceedings commenced. Defendant pleaded not guilty. Trial 08/06/07. Defendant convicted & fined £2,250.00 & ordered to pay Council's costs of £750.00. Appeal trial at Preston Crown Court 12/10/07. Appeal withdrawn by defendant. Awaiting confirmation of replacement tree. PCN served. Meeting held. Considering situation.
	26.		Meadowbanks, Stiles Lane, Carnforth.	Siting of a caravan. Erection of a menage. Siting of trailers.	

PLANNING ENFORCEMENT SCHEDULE

DISTRICT		FILE REF.	DESCRIPTION OF PROPERTY	NATURE OF BREACH	PRESENT POSITION
Rural Areas	27.	109/5/311	Ireby Hall Farm, Ireby	Siting of a caravan.	Enforcement Notice issued 7/1/05. Not complied with. Advised caravan has now been removed. SV needed.
	28.	109/5/320	Lot 2, Hampson Farm, Stoney Lane, Galgate.	Removal of hedgerow. Unauthorised works and unauthorised use.	Enforcement Notices issued. Appeal submitted- Inquiry held. Notices upheld – awaiting compliance.
	29.	109/5/344	Raisbeck, Over Kellet	Storage of caravans & creation of bund.	S330 issued 24/05/06 & returned 20/06/06. Enforcement Notice issued 24/11/06. Awaiting compliance. Appeal lodged with Planning Inspectorate against refusal. Appeal dismissed. Instructed legal re: proceedings. Compliance achieved.
	30.	109/5	Bridge House Farm Tea Rooms, Wray	Failure to comply with condition no. 6 details of western boundary.	S330 issued and returned.
	31.	109/5/346	Redwell Fisheries, Arkholme	Breach of condition re: storage of caravans.	S330 issued. Instructions sent to Legal for Breach of Condition Notice. Notice served. Compliance achieved.
	32.	109/5	Near Moss Farm, Gulf Lane, Cockerham	Breach of condition re: limit of season for caravan occupancy.	S330 issued and returned.
	33.	109/5	Land North of Beaumont Grange, Slyne-with-Hest.	Erection of a building in connection with commercial / equestrian / livery.	Monitoring for compliance with conditions.
	34.	109/5/352	Kilross House, Flat Lane, Yealand Conyers	Columns and window frames.	Failure to return s330, instructions sent to Legal to prosecute re non-return. Instructions sent to issue Breach of Conditions notice. Notices served. Appeal lodged.
	35.	109/5/351	Swarthdale Cottage, Swarthdale, Over Kellet	Unauthorised building works. Unauthorised use. Breach of conditions.	Planning Contravention Notice served. Use for events ceased. Planning application for works now approved. Expecting new application re: use.

PLANNING ENFORCEMENT SCHEDULE

DISTRICT	FILE REF.	DESCRIPTION OF PROPERTY	NATURE OF BREACH	PRESENT POSITION
36.	109/5/355	Land R/o The Sands, Carr Lane, Middleton	Use of land for siting of caravans.	Planning contravention notice served but planning appeal submitted and use approved.
37.		Beachside, Carr Lane, Middleton	Use of site for siting of caravans and vehicle repairs.	PP refused. Appeal allowed – checking conditions.
38.	109/5/357	Land off B6254, Over Kellet	Creation of an access.	PP refused, EN issued – not fully complied with. Considering further action.
39.	109/5/356	Toll Cottage, A683 Hornby Road, Hornby with Farleton	Erection of a fence.	Planning Permission refused. EN issued. Enf appeal lodged and further application pending. Further planning application granted.
40.	109/5	Letterbox Field, Ford Lane, Silverdale	Erection of building not in accordance with approved plans.	Section 330 issued – Not returned – considering next action.
41.		Overton Memorial Hall, Overton	Installation of security barb wire.	Instructions sent to Legal to issue EN.

PLANNING AND HIGHWAYS REGULATORY COMMITTEE**Formal Adoption of Lancaster City Council's Planning
Application Validation Guide****Monday 14th April 2008****Report of Head of Planning Services****PURPOSE OF REPORT**

This report advises Members of the national and local changes to the planning system in respect of the validation of planning applications.

This report is public.

RECOMMENDATIONS

- (1) **That, subject to the approval of the Planning Committee, the post-consultation version of the Planning Application Validation Guide be formally adopted, and thereafter used to determine whether planning applications are technically valid.**

1.0 Introduction

- 1.1 As part of the ambition to provide a quicker, more predictable and efficient planning service, the Government has introduced new requirements for the validation of all planning applications submitted to local authorities. These requirements took effect on 6 April 2008.
- 1.2 Different types and scales of application require different levels of supporting information. In all cases, the level of information required will be stipulated in each individual local authority's Planning Application Validation Guidance.
- 1.3 Government advises that each Guide shall comprise of: -
- A national, 'core list' of validation requirements, which sets out the list of statutory documents, such as the planning application form, the fee, the Design & Access Statement and all necessary plans;

- A specified, 'local list' of validation requirements, compiled by each individual local authority, which will also be required to accompany planning applications.

1.4 In response to this new legislation, Lancaster City Council published a consultation draft of the Planning Application Validation Guide. Formal consultation commenced on 1 February 2008 and ended on 17 March 2008. The comments received during this period have been evaluated and are discussed in this report. Any revisions considered appropriate have been incorporated into the post-consultation edition of the Guide, a copy of which is attached to this report.

2.0 Validation Requirement Details

2.1 Lancaster City Council's Planning Service has taken a different approach to most other local planning authorities regarding this matter. Rather than producing a document which just provides the necessary validation advice, our Validation Guide contains useful information about the planning process as a whole.

2.2 In addition, in an attempt to raise the standard of planning submissions locally, the document directs applicants to other national documents which we consider should inform their submission. These documents include Government Circulars, Planning Policy Statements, Design Guides and Sustainability Good Practice.

2.3 In drafting the local list of validation requirements, the following documents were considered to be particularly appropriate to the Lancaster District: -

- Additional Plans (such as photomontages)
- Affordable Housing Statements
- Air Quality Assessments
- Arboricultural Implications Assessments
- Biodiversity and Geological Conservation Report (including Bat Surveys and Appropriate Assessments)
- Daylight & Sunlighting Assessments
- Environmental Statements (including Environmental Impact Assessment)
- Flood Risk Assessments
- Heritage Statement (including Listed Building Statements, Archaeological Assessments and Structural Surveys)
- Land Contamination Assessments
- Noise & Vibration Impact Assessments
- Open Space Assessments
- Planning Obligation Documents
- Public Realm/Art Statements
- Retail Impact (and Town Centre) Assessments
- Statements of Community Involvement
- Structural Surveys
- Sustainability (and Energy Efficiency) Statements
- Telecommunications Development
- Transport Assessments (including Travels Plans and Car Parking Proposals)
- Utilities Statements
- Ventilation and Extraction Statements

It should be stated that these statements will not be required to accompany every planning application. The Validation Guide contains detailed advice as

to when each Statement will be required. However, where statements are required, a planning application will not be validated unless the necessary information has been provided in full.

3.0 Matters Arising from Public Consultation

- 3.1 The consultation process adopted by the Planning Service accords with that suggested by Government. Statutory organisations, Parish Councils, Community Groups and local planning agents/architects were all consulted.
- 3.2 Comments were received from the North West Regional Assembly, the Environment Agency, the Lancaster Civic Society, the North Lancashire Bat Group and Marshall Ecology Ltd. Late representation was received from Natural England, and their comments have been summarised for inclusion in this report.
- 3.3 The North West Regional Assembly raised only one additional matter, namely the North West Sustainable Development Checklist. This was already referred to in the Validation Guide but the Planning Service has agreed to amend the wording of the paragraph to make reference to this item more explicit.
- 3.4 The Environment Agency supports the Guide in principle, and would like to see reference to flood mapping. The Guide has been amended to incorporate this advice.
- 3.5 Lancaster Civic Society welcomes the publication of the Guide and they have no further comments to make.
- 3.6 The North Lancashire Bat Group (NLBG) have made a number of comments, including a recommendation to amend the building age restrictions and distances that affect the submission of Bat Surveys. The Planning Service agrees with their comments and the guidance has been updated accordingly.
- 3.7 A further comment requesting that the Bat Survey criteria should be omitted from the guide is not, however, accepted. It is the Government's objective that such criteria for supporting statements be included wherever possible to provide a degree of certainty for applicants.
- 3.8 NLBG also comment that Bat Surveys may be required where demolition is proposed. This is accepted and the checklists at the end of the Guide are amended accordingly. A similar request to amend the notification process for agricultural buildings is, however, not appropriate. Agricultural Determination applications differ from planning applications in that they seek to determine whether the siting of a new building or agricultural works is acceptable, in relation to the agricultural permitted development rights.
- 3.9 Marshall Ecology Ltd have raised similar issues to those raised above. In addition a request for a Biodiversity Report to be submitted to take account of potential Great Crested Newts sites (ponds) is accepted.
- 3.10 Natural England make general comments regarding the use of validation checklists, the distinctions between national and local requirements, and the use of internal ecologists and landscape specialists. They also welcome the boxed cross references to policy, and the inclusion of a local requirement for sustainability.

- 3.11 Natural England advocates the inclusion of 'Geological Conservation' within the biodiversity requirements paragraph, and the inclusion of a 'Landscape Report' section. The geological conservation suggestion is most welcome, and the suggested template for such a report will be valuable to developers and applicants. The Planning Service is less convinced about the need for the Landscape Report element and considers that the detail that may be included in such a report can be adequately covered in the existing arboricultural validation requirements, with a few minor amendments.
- 3.12 Cross-reference to the guidance issued by The Association of Local Government Ecologists would be useful and the Planning Service amends the validation advice accordingly. Similarly, reference to the measures adopted by the Accessible Natural Greenspace Standards are also included in the amended document.
- 3.13 Finally, minor amendments to the at-a-glance checklists at the end of the document were accepted.
- 3.14 No other comments from statutory bodies were received.
- 3.11 No formal objections were received from planning agents/architects.
- 3.12 No formal comments from Parish Councils or Planning Committee Members were received within the consultation timescale.

4.0 Options and Options Analysis

- 4.1 There are two options available to Members.
- 4.2 The first option is to formally adopt the post-consultation Planning Application Validation Guide and use it as a tool for assessing the content of all future planning applications. This would provide certainty for all users of the Planning Service.
- 4.3 The second option is to refuse to adopt the Guide. The consequences of this action would be that the Planning Service would be wholly reliant on the Government's National 'Core List' of validation requirements, which would mean that the Service would not be able to insist upon detailed additional information to support planning applications.
- 4.4 The preferred option therefore is Option 1.

5.0 Conclusion

- 5.1 This new system provides a number of benefits to users of the Planning Service: -
- **Developers and Applicants** will benefit because they will be able to cost the documents and studies that are necessary to validate planning applications in advance of planning application submission.
 - **The Public** will benefit because the detail submitted at the outset with each planning application will be commensurate to the level of each proposal. The document should also prevent the late submission of new documents (although, of course, amended documents are still permissible).

- **Planning Officers and Planning Committee Members** will benefit because applications will not be validated without the necessary information, and therefore recommendations and decisions can be made in confidence with the full details readily available.

5.2 If Members are minded to formally adopt the Planning Application Guide, the Planning Service will publish the document on the Council’s website and will provide the Government’s Planning Portal with a weblink to the document.

5.3 In accordance with Government advice, the Guide will then be formally reviewed every three years. Minor amendments to the Guide (for example, as a consequence of national legislation changes) are permissible without formal review.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>The provisions of the Human Rights Act have been taken into account in the consideration of this report. The Planning Application Validation Guide should ensure that all applicants are treated equitably and validation provisions apply to all users of the Planning Service.</p> <p>The insistence on the submission of Sustainability Statements with certain types of planning applications will result in environmental matters being considered by developers prior to the submission of planning applications, to the benefit of the district.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>None.</p>	
<p>SECTION 151 OFFICER’S COMMENTS</p> <p>None.</p>	
<p>LEGAL IMPLICATIONS</p> <p>None.</p>	
<p>MONITORING OFFICER’S COMMENTS</p> <p>None.</p>	
<p>BACKGROUND PAPERS</p> <p>Post-Consultation (Version 2.1) Edition of the Planning Application Validation Guide.</p>	<p>Contact Officer: Mark Cassidy Telephone: 01524 582390 E-mail: mcassidy@lancaster.gov.uk Ref: MPC/Valid2.1</p>



PLANNING APPLICATION VALIDATION GUIDE



Planning Services
Version 2.1 – Adopted April 2008
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1.0 Introduction

1.1 Reasons for Introducing this Guidance

As part of the drive to provide a more predictable and efficient national planning service, the Government has introduced new information requirements for the validation of planning applications. These requirements comprise of a 'national list' and a 'local list'.

The national list sets out the statutory requirements for planning applications, such as application forms, ownership certificates and fees. The local list comprises additional information which Lancaster City Council will require in order to validate an application. Examples of additional information may include Environmental Statements, Land Contamination Assessments and Statements of Community Involvement.

The City Council has combined the national and local lists in this ***Planning Application Validation Guide***. It is anticipated that this will provide a single reference point for users of the Planning Service when submitting planning applications.

In addition to the validation advice, this document provides generic planning advice and links to other documents which applicants may find useful.

Following public consultation, ***this version (2.1) of the document has been formally adopted by the City Council's Planning & Highways Regulatory Committee*** and it now constitutes the City Council's formal requirements regarding the validation of planning applications.

1.2 How to Submit Planning Applications

The most simple and preferred method of submitting a planning application is via the City Council's website. From 6th April 2008 planning applications will only be accepted where they contain the national '1APP' application form.

There is a direct link to the 1APP application form via this weblink: - www.lancaster.gov.uk/1app

To ensure that your online application is processed quickly, electronic copies of all plans and supporting documents should be attached, preferably in PDF (Adobe Acrobat) format.

The planning fee can be paid using a credit or debit card, or by forwarding a cheque with the electronic reference number marked on the back.

If your application includes a considerable number of plans or large files containing supporting documentation, then you may wish to send this information on a CD or DVD disk. This could speed up the statutory consultation process.

Alternatively paper-based applications are still acceptable although they can take longer to process. These too must use the 1APP application form.

All paper applications, plans and supporting documents should be sent to the address listed in Paragraph 1.6.

1.3 How to Use This Guide

Different types and scales of application will require different levels of information and supporting documentation.

A comprehensive list of all the relevant forms, plans and supporting documents is contained in this Guide. There is also a weblink to help you calculate your planning application fee.

The **Validation Checklists** at the end of this Guide provide an at-a-glance reference for each type of planning application. If this still does not resolve your query then a list of all Officers and their contact telephone numbers is provided in this Guide.

1.4 Submitting Quality Planning Applications

To give you the best opportunity of obtaining planning permission the City Council would advise that applicants take account of the following matters:

- Research the national planning policies that may be applicable to your proposal. The Government produces a series of planning guidance notes (known as Planning Policy Statements), which underpin the planning system in England and Wales.
- The planning system also contains **Development Plans** at the regional, county and district levels. These development plans include policies that will affect your proposal.

At the regional level the **Regional Spatial Strategy** sets out the framework for the future development of the North West of England. For latest developments regarding the Regional Spatial Strategy please visit <http://rpg.nwra.gov.uk/planning/spatial.php>.

At the county level the **Joint Lancashire Structure Plan (2001-2016)** sets out the broad, strategic policies for the development, use and conservation of land within Lancashire. A copy of the document can be downloaded via <http://www.lancashire2016.com/>.

At district level, the **Lancaster District Local Plan (1996-2006)** and the accompanying **Supplementary Planning Guidance Notes** are relevant and can be accessed via www.lancaster.gov.uk by following the 'Forward Planning' link. Alternatively these documents are available at our reception desk in Palatine Hall. The Lancaster District Local Plan will be replaced by the emerging **Local Development Framework** in due course.

- Discuss your proposals with all affected neighbouring residents or businesses prior to submitting your planning application.
- Once you have researched the matter contact an Area Team Planning Officer to discuss the merits of your application.
- Aside from validation advice, this Guide contains links to documents which you may find useful. These links are indicated by a '**Further Reading**' box.

1.5 What Happens to Your Planning Application?

Once your application has been registered as valid, the City Council commences a process of public consultation. This usually involves consulting statutory organisations and adjoining residents. Your planning application will appear on the Council's **Public Access to Planning** system, where it can be viewed by the public. This system allows you to track the progress of your application. The consultation process takes 3 weeks, during which the Case Officer will aim to visit the site and make an initial assessment of the proposal.

If any complications arise the applicant may be approached so that amendments to the proposal can be made. If the amendments affect the statutory bodies or local residents, a further round of consultation may ensue.

After taking all relevant matters into account, the Case Officer will then make a recommendation to either approve or refuse the application.

Most applications are dealt with under the **Scheme of Delegation**, where the Head of Planning Services reviews the Case Officer's recommendation to ensure it accords with the Council's adopted policies, and that it is consistent with other material considerations. If this is the case then the decision notice is signed and issued.

For more complex or controversial proposals, the applications are referred to the City Council's Planning & Highways Regulatory Committee, which meets monthly. Here the elected Councillors make the decision following consideration of the Head of Planning Services' recommendation.

If your application is refused then you have the right to appeal within 6 months of the date of the decision. For further information you should contact the Planning Inspectorate, which is the Government department responsible for processing planning appeals. The preferred method of contact is via www.planning-inspectorate.gov.uk. Planning appeal forms can also be downloaded at this site. If you do not have access to the web you can call their General Customer Service Line on 0117 372 6372.

1.6 Contacting the Development Control Section

The Development Control Team can be contacted via the following methods:

- By Post, c/o Lancaster City Council, Planning Services (Development Control), Palatine Hall, Dalton Square, Lancaster, LA1 1PW.
- By email, c/o developmentcontrol@lancaster.gov.uk. This address should be used for ***general queries only***.
- By email, c/o dcconsultation@lancaster.co.uk. This address should be used ***solely for consultation responses to planning applications***.

For all other matters, please contact the relevant Planning Officer or the Planning Support Team direct. A list of contact names, telephone numbers and email addresses is provided in this section. All Area Team Officers and Planning Control Officers are available to answer telephone queries at set times of the day. For Area Team Officers this is 0930-1130 Monday to Friday, and for Planning Control Officers this is 1000-1200. At times outside these hours it is often the case that Officers will be away from the office visiting sites.

Your planning application will be allocated to either the ***North*** or ***South*** Team, dependent on the location of your site or property.

The ***North Area Team*** covers Morecambe, Heysham, Carnforth and all parishes north of the River Lune (with the exception of Slyne with Hest and Halton with Aughton).

The ***South Area Team*** covers Lancaster and all parishes south of the River Lune, but including Slyne with Hest and Halton with Aughton.

Major planning applications of strategic importance are allocated to the Senior Planning Officer responsible for Major Applications, irrespective of their geographical location. Paragraph 4.2 provides further information regarding this process.

Finally, if you have queries regarding the validation of planning applications and this Guide does not resolve your query, then please contact the Planning Support Team for further assistance.

Development Control Management

Development Control Manager

David Hall

01524 582338

dhall@lancaster.gov.uk

Assistant Development Control Manager

Mark Cassidy 01524 582390 mcassidy@lancaster.gov.uk

Strategic (Major) Planning Applications

Senior Planning Officer (Major Applications)

Andrew Drummond 01524 582351 adrummond@lancaster.gov.uk

North Area Team – Planning Applications

Senior Planning Officer

Peter Rivet 01524 582366 privet@lancaster.gov.uk

Planning Officer

Andrew Holden 01524 582345 aholden@lancaster.gov.uk

Planning Assistants

Daniel Ratcliffe 01524 582561 dratcliffe@lancaster.gov.uk

Richard Bamforth 01524 582341 rbamforth@lancaster.gov.uk

South Area Team – Planning Applications

Senior Planning Officer

Martin Culbert 01524 582333 mculbert@lancaster.gov.uk

Planning Officer

Joanne Peaks 01524 582564 jpeaks@lancaster.gov.uk

Planning Assistants

Petra Connell 01524 582582 pconnell@lancaster.gov.uk

Karl Glover 01524 582589 kglover@lancaster.gov.uk

Planning Control and Planning Compliance Officers

Senior Planning Control Officer

Debbie Threlfall 01524 582344 dthrelfall@lancaster.gov.uk

Planning Control Officer

Alison Hesketh 01524 582350 ahesketh@lancaster.gov.uk

Planning Compliance Officer

Jackie Barwise 01524 582320 jbarwise@lancaster.gov.uk

Specialist Advice – Lancaster City Council

Tree Protection Officer

Maxine Knagg 01524 582384 mknagg@lancaster.gov.uk

Senior Conservation Officer

Stephen Gardner 01524 582340 sgardner@lancaster.gov.uk

Assistant Conservation Officer

Emma Nafzger 01524 582535 enafzger@lancaster.gov.uk

Environmental Protection Manager (including Air Quality)

Nick Howard 01524 582734 nhoward@lancaster.gov.uk

Contaminated Land Officer

Mark Edwards 01524 582741 medwards@lancaster.gov.uk

Public Arts & Regeneration Officer

Suzanne Dimmock 01524 582603 sdimmock@lancaster.gov.uk

Specialist Advice – External Contacts

Lancashire County Council - Business Travel Plans Advisor

Jane Swindlehurst 01772 532415

Lancashire County Council - Planning Contributions Officer

Neil Whittingham 01772 533857

Police & Community Safety – Crime Prevention Office

Jan Brown or Phil Corris 01524 596696

Planning Support Team (Administrative Advice)

Systems Manager

Chris Quinn 01524 582342 cquinn@lancaster.gov.uk

Planning Advice Assistants

Sue Butterworth 01524 582374 sbutterworth@lancaster.gov.uk

Anne Shepherd 01524 582346 ashepherd@lancaster.gov.uk

Gail Hendren 01524 582348 ghendren@lancaster.gov.uk

Sarah Watson 01524 582332 swatson@lancaster.gov.uk

John Hammond 01524 582381 jhammond@lancaster.gov.uk

Linda Harrison 01524 582343 lharrison@lancaster.gov.uk

Stephanie Bradshaw 01524 582343 sbradshaw@lancaster.gov.uk

Planning Clerks

Zoe Spence 01524 582328 zspence@lancaster.gov.uk

Cameron MacMillan 01524 582328 cmacmillan@lancaster.gov.uk

1.7 The Role of the County Council

Some types of applications are made to Lancashire County Council, rather than Lancaster City Council. The County Council has specific responsibility for applications that involve mineral extraction and waste management

infrastructure, and developments that relate to the provision of its services (e.g. schools, care homes and libraries).

For further information applicants are advised to contact the Lancashire County Council's Development Control Group via:

devcon@env.lancscc.gov.uk.

2.0 The National (Core) List – Forms, Certificates, Plans and The Design & Access Statement

2.1 Planning Application Forms

From 6 April 2008, all planning applications must be submitted using the national, standard application form, known as **1APP**. This is available electronically. Please see Paragraph 1.2 for details of how to use **1APP**.

Applicants are still able to submit paper-based applications, but these must also use the **1APP** form. When submitting paper-based applications, Lancaster City Council requires three copies of all forms, plans and supporting statements. Paper copies can take longer to validate.

2.2 Ownership Certificates and Agricultural Holdings Certificates

The City Council cannot accept an application unless the relevant 'ownership' certificates have been completed. Certificate A is a declaration that the applicant is the owner of the property or land to which the application refers. If this is not the case, then either certificate B, C, or D must be completed. Guidance relating to ownership certificates is contained within the **1APP** application form.

An Agricultural Holding Certificate is required regardless of whether the site includes an agricultural holding. The applicant either signs this Certificate to say that none of the site is an agricultural holding, or signs the Certificate to indicate that they have served notice upon all agricultural tenants.

The only instances where an Agricultural Holding Certificate is not required is when an application is made for Reserved Matters, a renewal of temporary permission, an application to discharge or vary planning conditions, a Tree Preservation Order application, or an Advertisement application.

2.3 The Design and Access Statement

A Design and Access Statement (DAS) must accompany applications for **all** applications, **except**:

- Engineering or mining operations;
- Developments within the curtilage of a single dwellinghouse (outside the District's Conservation Areas, Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest);
- Applications to change the use of land or buildings where there is no operational development;
- Applications for Advertisement Consent;
- Applications for works to protected trees.

All other applications will **not** be validated unless accompanied by a DAS. This includes Listed Building submissions.

The DAS is a short report that should explain and justify the proposal in a structured manner. The level of detail required in a DAS will be commensurate to the scale and complexity of each application. It is not a substitute for detailed, scaled plans but can include sketches and photographs.

There are **4 steps** to consider when producing a satisfactory DAS:

- **Site Analysis** – Assess the site and consider the environmental, social, economic and physical characteristics;
- **Design Principles** – Explain the design principles applicable to the submission.
- **Access Principles** – Identify the internal and external access principles that apply.
- **Justify the Design and Access Options** – Evaluate all the potential design and access options and provide a justification for choosing your final design solution instead of the other options.

Further Reading:

Lancaster City Council has published more detailed advice on producing a DAS, and this is available at our website via:

<http://www.lancaster.gov.uk/Documents/designstatements.pdf>

Further advice is contained in **Government Circular 01/06 – ‘Guidance on Changes to the Development Control System’**.

2.4 General Rules – Submission of Plans

A list of the plans required to submit applications follows. However, in all circumstances, the following general rules should be adhered to:

- All plans shall be to a metric scale. Drawings using Imperial measurements will **not** be validated;
- Existing and proposed drawings are required in **all** cases;
- Where demolition is proposed the area/building to be demolished should be shown;
- Where possible drawings larger than A1 size should be avoided;

2.5 The Site Location Plan

All applications must include copies of a site location plan based on an up-to-date map. This must be at a scale of 1:1250 or 1:2500. This plan shall show at least two named roads and all of the surrounding buildings and features. The surrounding buildings shall be numbered and/or named to ensure the exact location of the site is clear.

The application site shall be edged clearly with a red line and hatched in red too. It should include any of the land required for access to the site from a public highway, proposed landscaping areas, car parking areas and open areas around buildings. A blue line shall be drawn around any other land owned by the applicant.

Where the site is located in an isolated part of countryside, a further site plan at a larger scale may be necessary to indicate the precise position of the site in relation to nearby settlements.

2.6 The Site Layout (Block) Plan

A site layout plan must be provided for *all* applications involving building work. Not to be confused with a site layout plan, the site layout plan should be shown at 1:200 or 1:500 and should show more accurate details of the location of the development and its relationship to other buildings, features, landscaping and highways. All site boundaries should be shown and a North Arrow provided.

2.7 Existing and Proposed Elevational Plans (Including Roof Plans)

Existing *and* proposed elevational drawings are required for all new, extended, altered or replacement structures/buildings, and should be drawn at a scale of 1:50 or 1:100.

They must show all of the relevant elevations and not just a part of it. All sides of the proposal must be shown.

Where the elevation adjoins another building or is in close proximity, the drawing should clearly show the relationship between the buildings, and detail the positions of the openings on each property.

2.8 Existing and Proposed Floor Plans

Existing *and* proposed floor plans are required for all new, extended, altered or replacement structures/buildings, and should be drawn at a scale of 1:50 or 1:100.

Floor plans must show all of the floor area and not just a part of it. They should also denote the existing and proposed use of each room. This is so that the proposal can be assessed against the Council's minimum room standards.

The use of colour to distinguish between existing and proposed areas of floorspace is encouraged. Again it is considered good practice to mark the key dimensions on floor plan drawings.

2.9 Sectional Plans and Site Levels Plans

Sectional plans should be provided whenever a proposal involves a new building, or a change in land levels, or an application on a significantly sloping site. These plans shall be at a scale of 1:50 or 1:100 and should show a cross-section through the new building.

Site level plans are required where there is a variation in the level of the site (measured above Ordnance Datum). The plans should show the existing levels of the site and the finished floor levels of any new building(s). The level of adjoining buildings should also be indicated to demonstrate how the proposal will relate to existing structures.

2.10 Planning Fees

The correct fee must be enclosed at the time of submitting your planning application.

A full list of fees can be downloaded using the following weblink:

http://www.lancaster.gov.uk/Documents/Planning/Downloads/planning_fees.pdf

Alternatively the Planning Portal website offers a *fee calculator*. It takes the form of a series of 'yes or no' answers from which data is compiled to calculate the total cost of the application, ranging from a simple householder development to large scale development such as housing schemes or industrial estates. Please use the following link to launch the fee calculator:

<http://www.planningportal.gov.uk/PpWeb/jsp/redirect.jsp?url=../../pins/FeeCalculatorStandalone>

3.0 The Local List Adopted By Lancaster City Council – Additional Plans and Supporting Statements

3.1 General Guidelines

Central Government has produced a list of additional (local) information that planning authorities can require before validating an application.

Following public consultation, Lancaster City Council has compiled its own Local List. It is acknowledged that not all of this information will be required in every case. The Validation Checklists at the end of this document are designed to assist you in terms of the specific plans and statements that will be required for your proposal.

It should also be noted that *some of these statements can be incorporated into a single, homogenous statement, on the proviso that each individual section is headed accordingly.*

3.2 Additional Plans – Streetscene Plans, Specialist Plans, Photographs and Photomontages

In addition to the standard plans required for all applications, you may occasionally be required to submit additional plans. The most common of these will be 'Streetscene' plans and 'Specialist' plans.

Streetscene plans will be necessary where the proposal significantly affects a road frontage, or where there are concerns about the scale or appearance of new buildings. These plans would usually be at a scale of 1:100 or 1:200 and shall illustrate the proposal alongside existing neighbouring buildings.

Specialist plans will be required where it is necessary to show certain details at a larger scale (e.g. 1:5, 1:10 or 1:20). These plans are often required on applications for listed buildings, where issues such as the detail of joinery may be critical. Specialist plans may also be required on Advertisement Applications, for example to illustrate the means of illumination behind a fascia sign. If you are in doubt, please consult the Area Team Planning Officers for further guidance.

Photographs and Photomontages are never a substitute for plans. However in certain cases they provide useful background information and are effective presentational aids at Planning Committee.

3.3 Affordable Housing Statement

An Affordable Housing Statement is required for all proposals that involve new residential development. The Statement should identify what provisions are to be made for affordable housing on the site, including the size, distribution and tenure of the affordable units and the proposed arrangements for their management. This may be through Registered Social Landlords.

Further Reading:

The Government has produced a companion guide to Planning Policy Statement 3: Housing. The guide is titled '**Delivering Affordable Housing**' and is available via www.communities.gov.uk.

Locally, a new Supplementary Planning Document regarding affordable

3.4 Air Quality Assessment

An Air Quality Assessment will be required where:

- The development is proposed inside or adjacent to an Air Quality Management Area (AQMA); or,
- The development could in itself result in the designation of an AQMA; or,
- Where the grant of planning permission would conflict with, or render unworkable, elements of the local authority's Air Quality Action Plan.

The Air Quality Assessment should contain information to allow a full consideration of the impact of the proposal on the air quality of the area.

In this district there are *two AQMA's* – one in *Lancaster Centre* and one in *Carnforth Centre*.

Further Reading:

Planning Policy Statement (PPS) 23 provides national guidance on planning and pollution control.

The National Society for Clean Air document, '**Development Control – Planning for Air Quality – 2006 Update**' is a good reference point.

The City Council has produced a Technical Advice Note – E2 – entitled '**Development and Air Quality** – Advice for Developers, Land Owners and Consultants. To discuss air quality further please refer to the list of contacts contained in Paragraph 1.6.

3.5 Arboricultural Implications Assessment

All proposals involving new buildings or the change of use of land ***on sites where trees are present*** will require an Arboricultural Implications Assessment (AIA). This is regardless of whether the tree(s) are protected.

The AIA must be undertaken by a qualified and suitably experienced Arboriculturist and should include a survey, method statement and tree protection plan in accordance with the recommendations of BS 5837:2005 (*'Trees in Relation to Construction – Recommendations'*). The AIA should include all trees within the proposed development site and all trees on adjacent land. It should also specify all works, including felling, to trees within or affecting the application site. Other landscape impacts, such as earthworks and surfacing, must be considered.

Further Reading:

A list of approved tree surgeons and arboriculture consultants appears on our website via the following link:

<http://www.lancaster.gov.uk/Documents/Planning/Contractors.doc>

3.6 Biodiversity and Geological Conservation Report (including Bat Surveys and Appropriate Assessments)

Where a proposal may have impacts on wildlife and/or biodiversity, the applicant shall produce a report considering those impacts and identifying the necessary mitigation/compensation measures that may be required. Proposals will also need to outline the longer-term management and maintenance regime that will be put in place. The Biodiversity and Geological Report (BGCR) also requires the applicant to justify why any interests have been omitted. ***Please refer to the suggested BGR template at Annex 1.***

The BGCR should indicate areas of significant wildlife habitats or features, and the location of any species protected by the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992 or the Conservation (Natural Habitats etc) Regulations 1994.

For the avoidance of doubt, a BGCR must automatically be produced if it occurs within, or would have an impact upon, any of the following designations:

- Sites of Special Scientific Interest;
- Special Protection Areas;
- Special Areas of Conservation;
- RAMSAR Sites;
- Biological Heritage Sites;
- Geological Heritage Sites;
- Regionally Important Geological or Geomorphological Sites;

- Sites involving Ancient Woodland;

The presence of a protected species is a material consideration when considering planning applications. The Natural England guidance regarding protected species is referred to in the 'Further Reading' box.

The BGCR must also include *a Bat Survey*, where: -

- Developments involve changes or disturbance to an existing roof structure within 100m of fresh water or woodland;
- Conversion or disturbance to the roof structure of existing barns or churches is proposed.

Similarly, the BGCR should include *a Great Crested Newt Survey* where the development involves ground excavation within 250m of a pond.

Other examples of proposals that could affect biodiversity include the demolition of older buildings, the removal of tree, scrub, and hedgerows, and the alteration of water courses.

An *Appropriate Assessment* has to be undertaken by the City Council where a proposal is considered to be likely to have a significant impact upon a designated Special Area of Conservation, Special Protection Area (SPA) or a RAMSAR site. The local planning authority takes advice from Natural England in this regard. However, it may be necessary for the applicant to provide sufficient details to allow the Council to make this Assessment.

Further Reading:

Planning Policy Statement (PPS) 9 sets out national policies for Biodiversity and Geological Conservation. It is accompanied by **Government Circular 06/2005; 'Statutory Obligations and their Impact within the Planning System'**.

There is a wealth of important information and a good practice template at the website of The Association of Local Government Ecologists, which is www.alge.org.uk/publications/index/php. The British Standards Institute's '**Planning to Halt the Loss of Biodiversity**', also provides useful advice.

Lancashire County Council's '**Landscape and Heritage Supplementary Planning Guidance**' is essential reading for developers, accessed via: www.lancashire2016.com/landscapeheritageSPG.asp.

Natural England has produced guidance for all protected species, and this can be viewed at www.naturalengland.org.uk. Specific guidance concerning bats, including information sheets relating to the planning system, is available at The Bat Conservation Trust, via www.bats.org.uk.

3.7 Daylight and Sunlighting Assessment

Daylight and Sunlighting Assessments are only required where the proposals involve tall buildings (usually in excess of four storeys) or if the proposals may potentially affect the daylight or sunlight enjoyed by adjoining properties and private garden areas.

Further Reading:

The Building Research Establishment website www.bre.org.uk contains a guide to good practice in terms of 'Site Layout Planning for Daylight and Sunlight'.

3.8 Environmental Statement (Environmental Impact Assessment)

Environmental Statements must be provided for any development that falls within Schedule 1 of the Environmental Impact Assessment Regulations 1999, and for some Schedule 2 projects too.

The Assessment should analyse the likely and potential environmental impacts of the development and be accompanied by a non-technical summary.

It may be helpful to all parties for the developer to request a **Screening Opinion** from the local planning authority before submitting a planning application. A Screening Opinion determines whether a full Environmental Statement will be required.

Where an Environmental Statement is required, Schedule 4 of the Regulations sets out the information that should be included. Applicants may request a **Scoping Opinion** from the local planning authority, whereby the Council will seek to provide information regarding the scope and content of the Environmental Statement.

Further Reading:

The Town & County Planning (Environmental Impact Assessment) Regulations, as published via **Statutory Instrument Number 293 (1999)** provides full details, available via www.communities.gov.uk or www.opsi.gov.uk

3.9 Flood Risk Assessment

A Flood Risk Assessment (FRA) will be required for proposals of 1 hectare or greater in Flood Zone 1 and for all proposals for new development (not including sheds, greenhouses and minor curtilage buildings) that are located

in Flood Zones 2 and 3, as designated by the Environment Agency). A FRA will also be required in any 'Critical Drainage Areas' designated by the Environment Agency.

The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how flood risk will be managed and how the probability of flooding can be reduced. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SUDs).

Applications for development in areas at risk of flooding which do not contain a FRA will be likely to be refused.

Further Reading:

Planning Policy Statement (PPS) 25 relates to Development and Flood Risk and its associated **Practice Guide** provides useful advice, available via www.communities.gov.uk

The Environment Agency's Flood Maps are available at www.environment-agency.gov.uk

3.10 Heritage Statement (Including Listed Building Statements, Archaeological Assessments and Structural Surveys)

A single Heritage Statement can be produced which incorporates the following matters:

- Archaeological Assessment
- Conservation Area Impact Assessment
- Listed Building Statement of Justification
- Scheduled Ancient Monument Impact Assessment

The scope and detail of each Heritage Statement will vary according to the circumstances of the application. Pre-application discussions involving **both** the Senior Conservation Officer and the Area Planning Officer are advised.

The Heritage Statement will **always** be required for any development which affects Listed Buildings, Scheduled Ancient Monuments, Archaeological Interests and the setting of Conservation Areas.

The Heritage Statement should include the following:

- A history of the building/site and its historical development, including current uses;
- A justification for the works proposed, including why the works are necessary or desirable;

- An evaluation of the impact upon the heritage asset(s) in question, including: -
 - (a) Loss or changes to the historic fabric (e.g. windows, doors, fireplaces, panelling, trusses, original partitions, mouldings etc);
 - (b) Changes to the layout;
 - (c) Impacts upon appearance, character and setting;
 - (d) Construction details (e.g. mortar mixes, forms of pointing etc);
 - (e) Any Building Regulation issues that could affect the structure.
- Consideration of the reversibility of the proposals in the future.
- A Structural Survey (where required by the Senior Conservation officer and Area Planning Officer – please discuss for details).

Photographic records of the interior and exterior of listed properties are also useful and often form part of the Structural Survey.

Proposals that involve ground disturbance in an area of archaeological potential, *regardless of whether the site involves a Listed Building or Conservation Area, will require an Archaeological Assessment*. In most minor cases this work is unlikely to be onerous and may require a desk-based assessment of the site. But where significant ground disturbance is involved, then a formal evaluation including trial excavation may be required.

All Archaeological Assessment work will need to be compiled by a suitably-qualified and experienced person. Lancashire County Council's Archaeology Service (01772 531734) can provide further details.

Further Reading:

Planning Policy Guidance Note (PPG) 15 'Planning and the Historic Environment' provides national advice. Paragraph 3.4 discusses justification for the proposed works in more detail. **PPG 16** 'Archaeology and Planning' provides national archaeology advice.

The English Historic Towns Forum document, '**Making Better Applications for Listed Building Consent**', is essential reading for all applicants. This can be viewed at <http://www.ehtf.org.uk>.

Lancashire County Council has provided two useful documents – '**Planning & Archaeology in Lancashire**' and '**Recording Historic Buildings in Lancashire**'. These can be viewed via:

<http://www.lancashire.gov.uk/environment/archaeologyandheritage/index.asp>

3.11 Land Contamination Assessment

A Land Contamination Assessment (LCA) will usually be required for proposals on land where an unacceptable risk to health or the environment may be caused, by virtue of:

- The development site being potentially contaminated by existing or former uses or activities (including unauthorised activities such as waste dumping); **or**,
- Land outside the development site itself being potentially similarly contaminated and being potentially capable of impacts on the development site (for example migrating contaminants such as fuel oils or landfill gases);
- In addition development on or within 250 metres of any possible landfill site will require a LCA due to the potential for migration of landfill gases.

As a minimum it is considered good practice to provide a 'desktop study' identifying any potential contamination issues.

Developers will also benefit from pre-application site investigations that provide clearer indications of the likely extent of full site investigations and remediation works (and to minimise the risk of encountering unforeseen contamination during the development).

Further Reading:

Planning Policy Statement (PPS) 23 'Planning and Pollution Control' provides essential information regarding the methodology of assessing land contamination and the required content of LCA's.

Locally the City Council has published a Technical Advice Note (No. E1) '**Development and Land Contamination – Advice for Developers, Land Owners and Consultants**'. This can be viewed via:

http://www.lancaster.gov.uk/Documents/EnvHealth/EP/DRAFT_RevisedTechnicalGuidanceVer1_1.pdf

To discuss contaminated land further please refer to the list of contacts contained in Paragraph 1.6.

3.12 Noise and Vibration Impact Assessment

The Council will normally require a Noise Impact Assessment (NIA), produced by a suitably competent acoustic consultant, where:

- Developments have the potential to raise issues of disturbance by noise; either due to the proposed introduction of housing in a

potentially noisy location or a potentially noisy activity in an existing residential area.

- Developments that are demonstrably noisy, such as the installation of a new road or proposals involving heavy industry;

Assessment methods and reporting should conform to BS 7445:2003, other relevant British Standards and established good practice.

Where the transmission of vibration may be a significant adverse impact – for example from quarrying or certain heavy industrial activities – NIAs should incorporate full assessments of vibration as well as noise.

Further Reading:

Planning Policy Guidance Note (PPG) 24 'Planning and Noise' provides national guidance. The City Council has published a Technical Advice Note (No. E3) '**Development and Noise/Vibration – Advice for Developers, Land Owners and Consultants**'. This can be viewed via:

http://www.lancaster.gov.uk/Documents/EnvHealth/EP/DRAFT_RevisedTechnicalGuidanceVer1_1.pdf

Additionally the City Council's '**Policy on Noise Control**' (December 2002) defines high, medium and low-sensitivity noise environments and sets standards and targets for noise control. To discuss noise-related issues further please refer to the list of contacts contained in Paragraph 1.6.

3.13 Open Space Assessment

Open Space Assessments (OSAs) are required for proposals that involve:

- Development on any part of an existing area of publicly-accessible open space; or,
- Development for new residential development or other uses that may require additional open space provision.

OSAs should identify the existing and proposed open space provision, and identify the types of open space in question (e.g. play areas, playing fields, allotments etc).

Further Reading:

Planning Policy Guidance Note (PPG) 17 'Planning for Open Space, Sport and Recreation' provides national guidance.

At the present time the City Council's **Lancaster District Local Plan 1996-2006 (Appendix 1)**' contains minimum specifications for play provision arising from applications for new residential developments.

When considering the quality of open spaces (existing or proposed), applicants are recommended to consult Natural England's **Accessible Natural Greenspace Standards (ANGSt)**.

3.14 Planning Obligations – Draft Heads of Terms

Planning Obligations (or 'Section 106 Agreements') are agreements generally negotiated between the City Council and the applicant. They often involve contributions to infrastructure outside the site (e.g. public transport, off-site open space provision), but sometimes they can refer to on-site matters (e.g. the provision of affordable housing or public art).

In each case the Case Officer will advise the applicant at an early stage whether a Section 106 Agreement is likely to be required. It is envisaged that a proposed Heads of Terms Statement should, where possible, be submitted with planning applications at the outset, following pre-application discussion. The onus is on the applicant to provide the draft document at an early stage.

Further Reading:

Government Circular 06/2005 – 'Planning Obligations' provides detailed advice. A model Section 106 Agreement is also available on the Communities and Local Government website via:

<http://www.communities.gov.uk/index.asp?id+1500817>

Lancashire County Council's '**Planning Obligations in Lancashire**' document was adopted in 2006 and it identifies their thresholds for planning contributions. It is available via www.lancashire.gov.uk.

In the long term the City Council will produce a Supplementary Planning Document (SPD) clarifying the Council's approach to planning obligations. This Validation Guide will be updated accordingly.

3.15 Public Realm and Public Art Statement

Lancaster City Council is committed to working with developers and artists locally and nationally to encourage the provision of high quality public realm improvements and public art in new developments and in public spaces.

Features can include high quality paving, signs, lighting, and the use of public art (including the performing arts and other temporary visual arts events such as festivals).

A Public Realm and Public Art Statement should be prepared for all proposals involving:

- New developments of 50 or more dwellings; or,
- Non-residential development in excess of 1,000m² gross floor area (if town centre, retail, leisure or business uses).

The Statement should identify what provisions are to be made for Public Realm/Public Art and should explain the dimensions, location and nature of the works, and the proposed arrangements for maintenance and management. Artworks measuring over 4 metres in height require planning permission in their own right. Each proposal should be discussed with the Public Art and Regeneration Officer (see Paragraph 1.6).

Where it has been identified in local planning policy, 'Percent for Art' (an internationally-held concept promoting quality in the built environment) will form the basis for planning obligations, particularly in town centres, Conservation Areas, and at gateways to major developments such as business parks. Contributions of at least 1% of the total development cost (excluding land costs) are required for each individual development.

Further Reading:

Visit www.lancaster.gov.uk/publicart for further information and ideas and information regarding 'Percent for Art'.

The North West Regional Development Agency document, '**Creating Inspirational Spaces – A Guide for Quality Public Realm in the North West**', provides guidance and contains case examples.

3.16 Retail Impact (and Town Centre) Assessments

A Retail Impact Assessment (RIA) is required for new 'edge-of-centre' and 'out'-of-centre' retail development. Major 'in-centre' proposals that have the potential to affect other retail centres will also require a RIA.

A RIA should justify the scale and need for the development, and assess the likely impacts upon the vitality and viability of existing retail centres and locations. The level and type of evidence and analysis should be proportionate to the scale and nature of the proposal.

Applications for ***other non-retail uses***, such as leisure, sport, offices, culture and tourism development, will require a statement confirming that a

'sequential approach' has been taken to site selection in accordance with the provisions contained in Government advice (see below).

Further Reading:

Planning Policy Statement (PPS) 6 'Planning for Town Centres' provides national guidance and lists the key considerations for which applicants should present evidence. Paragraphs 2.32 to 2.50 are relevant. The document can be viewed at www.communities.gov.uk

3.17 Statement of Community Involvement

The City Council has drafted policies and standards and policies regarding involving the community in the planning application process. All applications will be expected to adhere to these standards.

The outcome of pre-application consultation should be recorded in the Statement of Community Involvement and it should be demonstrated that the views of the community have been appropriately assessed.

Further Reading:

The City Council's '**Submission Statement of Community Involvement**' (adopted 12 June 2006) is available via:

<http://www.lancaster.gov.uk/Category.asp?cat=830>

Chapter 7 of '**Creating Local Development Frameworks – A Companion Guide to Planning Policy Statement 12**' is available via www.communities.gov.uk

3.18 Structural Surveys

A Structural Survey may be required to support applications where the development involves substantial demolition, or the conversion of redundant buildings, or any proposals where the stability of structures or land is questionable.

Where demolition and/or re-construction is proposed, these areas should be clearly marked on all plans.

Where Structural Surveys involve Listed Buildings, Buildings in Conservation Areas or Scheduled Ancient Monuments, please refer to Paragraph 3.10.

3.19 Sustainability (and Energy Efficiency) Statement

A Sustainability Statement is required on all applications involving new buildings. *The 'North West Regional Assembly Sustainability Checklist' must form the basis of this Statement.* See the 'Further Reading' box for details.

Any development impacts on the environment both directly - in terms of generating carbon emissions and using natural resources, and indirectly - by affecting the lifestyle decisions of its communities.

Previous recommendations to the Regional Spatial Strategy recommend that where developments propose 5 or more residential units, or developments comprising new buildings in excess of 500 square metres, they should incorporate renewable energy production measures to provide at least **10%** of the development's predicted energy requirements. At the time of drafting this report the recommended revisions to the Regional Spatial Strategy for North West England suggest that the 10% mandatory figure is replaced by each Authority's own figure. At the time of writing this guidance this figure has not been set, *but until the recommended revisions are adopted the 10% figure is a minimum requirement.*

This Statement should also demonstrate what measures are being incorporated to improve energy efficiency and to maximise the use of sustainable and/or renewable resources. The Statement should also include details of any external lighting.

Further Reading:

Planning Policy Statement (PPS) 1 'Delivering Sustainable Development' sets out the Government's framework for the planning system. The document also has a supplement – '**Planning & Climate Change**'.

'**The Code for Sustainable Homes**' is a national standard for sustainable design and construction of new homes. The guidance and a set of useful explanatory notes can be viewed via:

<http://www.planningportal.gov.uk/england/professionals/en/1115314116927.html>

Locally the **North West Sustainability Checklist for Developments** is a method of assessing how sustainable your development is, and how potentially sustainable it could be. Lancaster City Council believes that this is the most effective, relevant (and free) web-based tool. It is available to use at www.sdchecklist-northwest.org.uk.

The BREEAM assessment tools are designed to help construction professionals understand and mitigate the environmental impacts of the developments they design and build. Their website is: www.breeam.org.uk

Lancashire County Council's website has detailed background reading on climate change including a '**Lancashire Action Plan**', available at: <http://www.lancashire.gov.uk/environment/envpolicy/climate/index.asp>

3.20 Telecommunications Development – Supporting Information

Applications for mast and antenna development by mobile phone network operators in England should be accompanied by a range of supplementary information, including the area of search, details of consultation undertaken, details of the proposal, technical information and justification for the development.

Applications must also include a signed declaration that the proposal will comply with the requirements of the Radio Frequency Public Exposure Guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

Further Reading:

National advice is contained in the '**Code of Practice on Mobile Network Development**' (2002), which can be accessed via:

<http://www.communities.gov.uk/publications/planningandbuilding/codebest>

3.21 Transport Assessments, Travel Plans and Car Parking Proposals

There are three levels of documents that may be required in relation to transportation and parking. They are; The Simple Transport Assessment, The Full Transport Assessment, and a Travel Plan.

Simple Transport Assessments are necessary for all new developments involving 500 square metres (and over) gross floor area.

Full Transport Assessments (TA's) should be submitted with all applications that exceed the Joint Lancashire Structure Plan thresholds indicated in the table at the end of this paragraph. TA's may also be required where a proposal may not increase traffic, but may directly or indirectly affect vehicular traffic flows.

The TA should contain data regarding existing and proposed vehicular and non-vehicular movements to and from the site. It should then identify the effects of any additional traffic generation and list the works considered necessary to overcome the traffic impacts. Parking spaces, manoeuvring areas and loading arrangements should also be explicitly stated on both the application form and on the Site Layout (Block) Plan.

Travel Plans (TP's) are always required for major applications and other applications where there are likely to be significant transport implications. Again the thresholds in the following table are applicable. In exceptional circumstances a Travel Plan may be required even where the threshold is not exceeded. Discussion with the Business Travel Plan Advisor is recommended and contact details can be found in Paragraph 1.6 of this Guide.

A TP should seek to reduce reliance upon the most environmentally damaging modes of transport and promote journeys by public transport, bicycle and by foot. Please refer to the list of contacts in this document for assistance in compiling a Travel Plan.

All car parking proposals should comply with the Lancashire County Council Joint Lancashire Structure Plan Parking Standards. These standards include thresholds for mobility-impaired, motorcycle and cycle spaces. A link to these standards is included in the 'Further Reading' box.

Use Class	TA Required	TP Required
A1 Food Retail	1000 sq.m (gross floor area)	1000 sq.m (g.f.a)
A1 Non Food Retail	1000 sq.m	1000 sq.m
A2 Financial and Professional Services	2500 sq.m	2500 sq.m
A3, A4 and A5 Food and Drink Uses	1000 sq.m	Discuss with officer
B1(a) Offices	2500 sq.m	2500 sq.m
B1(b) and (c) Light Industry, Research	2500 sq.m	2500 sq.m
B2 General Industry	5000 sq.m	5000 sq.m
B8 Storage or Distribution	10000 sq.m	Discuss with officer
C1 Hotels	1000 sq.m	Discuss with officer
C2 Hospital	2500 sq.m	1000 sq.m
C2 Residential College/School	250 sq.m	500 sq.m
C3 Dwelling Houses	100 dwellings or more	Discuss with officer
D1 Primary Schools	1000 sq.m	All
D1 Secondary Schools	2500 sq.m	All
D1 Further Education	2500 sq.m	500 sq.m
D1 Medical	2500 sq.m	Discuss with officer
D1 Conference Facilities	1000 sq.m	1000 sq.m
D1 Other Uses	2500 sq.m	2500 sq.m
D2 Cinemas	1000 sq.m	1000 sq.m
D2 Stadia	1500 seats or more	1500 seats or more
D2 Other Uses	1000 sq.m	1000 sq.m

Figure 1: Table E, Joint Lancashire Structure Plan – Access & Parking Standards Supplementary Planning Guidance

Further Reading:

Planning Policy Guidance Note (PPG) 13 'Transport' establishes national transport policy. Paragraphs 87-91 refer specifically to Travel Plans.

A separate '**Guidance on Transport Assessments**' (March 2007) is published by the Department of Transport.

The documents '**Making Travel Plans Work** (2002) and '**Making residential travel Plans Work**' are also published by the Department of Transport.

Lancashire County Council has a new website called '**Transport for Lancashire**', which provides excellent advice for employers, schools and individuals. Visit <http://www.transportforlancashire.com/twise/>

In relation to car parking standards, this **County Council weblink** provides guidance and an electronic parking standards calculator:
<http://www.lancashire.gov.uk/environment/policyanddevelopment/devplans/index.asp>

3.22 Utilities Statement

A Utilities Statement (US) is required for all development involving the construction of new buildings, including new residential dwellings (but excluding applications for domestic household extensions).

The US should provide details of provisions for all utilities (gas, electricity, and water, including foul and surface water drainage systems) and should demonstrate that the development will not result in undue pressure on the delivery of these services.

Where connection to a mains sewer is not practical, then the applicant will be required to demonstrate why this is the case and prove that the alternative means of disposal are satisfactory.

Further Reading:

Government Circular 03/99 provides useful advice regarding non-mains sewerage and associated sewage disposal aspects of development, so as to avoid environmental, amenity or public health problems which could arise from the inappropriate use of non-mains sewerage systems, particularly those incorporating septic tanks. It can be viewed via:

<http://www.communities.gov.uk/publications/planningandbuilding/circularplanningrequirement>

3.23 Ventilation/Extraction Statement

Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications for the uses of premises for the purposes within **A3 (Restaurants and Cafes)**, **A4 (Drinking Establishments)** and **A5 (Hot Food Takeaways)**.

Occasionally uses such as laundrettes, hotels and major commercial or industrial developments will require a Ventilation/Extraction Statement.

Applicants may decide to incorporate this Statement within the Design & Access Statement, so that the visual impact of the proposed equipment can be mitigated.

4.0 Other Planning Guidance

4.1 Guidance on Outline Planning Applications

In 2006 the Government made changes to the minimum thresholds of detail necessary to accompany outline planning applications. The following details must be submitted with every outline application:

- ***Use*** – Identify the existing and proposed uses of the building/site;
- ***Amount of Development*** – Indicate the amount of development proposed for each use (e.g. gross floor areas);
- ***Indicative Layout*** – Identify separate development zones or phases where appropriate;
- ***Scale Parameters*** – Indicate the upper and lower heights, widths and lengths for the proposed buildings;
- ***Indicative Access Points*** – Illustrate where vehicular and pedestrian access is likely to be taken from.

4.2 Major Planning Applications and the Role of the Development Team

Where the application involves ‘major’ development, and the City Council is satisfied that the proposal is broadly in accordance with the Development Plan and that there are unlikely to be significant conflicts with national, regional and local planning policy, the City Council will offer to form a ‘Development Team’ to assist with pre-application discussions.

A ‘major’ application is one that: -

- Proposes 10 or more dwellings, or if the number of dwellings is not yet determined, the site area exceeds 0.5 hectare;
- Proposes a building floorspace of 1000 square metres or greater;
- Comprises development on a site which has an area of 1 hectare or greater.

The City Council’s aim is to determine major applications within 13 weeks, or 16 weeks where an Environmental Impact Assessment (Environmental Statement) has been submitted.

A Development Team is where the City Council invites a range of professionals to engage in discussion with developers regarding all aspects of the planning application and consultation process.

The aim of the Development Team is to involve statutory consultees so that all parties are aware of the key issues and any potential Section 106 contribution requests prior to the submission of the application.

In the first instance the point of contact will be the Senior Planning Officer (Major Applications). Please see the list of contacts for details. This Officer will act as a co-ordinator for the Development Team and will invite the appropriate statutory consultees. The type and scale of the proposal will determine the participants at the Development Team meeting. Representatives could include officers responsible for highways and transport, conservation, environmental health, ecology and community safety.

The City Council advises that effective advice can only be provided via a Development Team if the scheme is capable of evolving in response to the matters raised at the meeting(s).

The Development Team approach is offered free of charge and our anticipated timescale for determination is provided below. ***The use of a Development Team approach does not guarantee a planning approval.***

Key Stages	Aims
Pre-Application	<ul style="list-style-type: none"> Establish the Development Team and formally agree timetable Agree the range of supporting documents required Resolve requests for Screening or Scoping under Environmental Impact Assessment Regulations Commence work on a Draft Heads of Terms for any planning obligation agreement. Case Officer to provide an initial assessment of merits of proposal
Week 0	<ul style="list-style-type: none"> Submission of a valid planning application. Draft Heads of Terms submitted (where appropriate) Additional copies of documents and plans submitted on CD (where requested)
Week 0-1	<ul style="list-style-type: none"> City Council registers application and commences consultation process
Weeks 1-4	<ul style="list-style-type: none"> Consultation time period – consultees to provide comment within 21 days, preferably by email Formal site visit made by Case Officer
Week 5-6	<ul style="list-style-type: none"> Case Officer summarises consultation comments and contacts applicant or applicant’s agent
Weeks 6-11	<ul style="list-style-type: none"> Case Officer confirms the likely final requirements, including any amended plans Further rounds of public consultation if required Draft committee report produced – (this is not publicly available until the publication of the Planning Committee Agenda)
Weeks 12-13	<ul style="list-style-type: none"> Draft Heads of Terms Agreement finalised following consultation and ready for signing by both parties Planning Committee meets to determine the application
Week 13	<ul style="list-style-type: none"> Decision Notice issued If approved, the Planning Obligation Agreement is signed and issued
Post-Application	<ul style="list-style-type: none"> A programme of planning condition monitoring is agreed The timetable for delivery of any Planning Obligation measures is adhered to

Figure 2: *The Timescale for Determining Major Applications*

5.0 Validation Checklists

5.1 How to Use This Section

The following pages contain a series of Validation Checklists that can be used as a quick guide to check the content of applications prior to submission.

*The checklists are split into two sections – National Requirements that are **always** necessary and the Local Requirements that Lancaster City Council advises are necessary.*

The scenarios are as follows:

- Householder Development Applications;
- Applications for Full and Outline Planning Permission;
- Applications for Approval of Reserved Matters (following Outline Planning Approval);
- Applications for Conservation Area Consent (demolition in Conservation Areas);
- Applications for Listed Building Consent;
- Applications for Advertisement Consent;
- Applications for Lawful Development Certificate;
- Applications for Prior Approval of Agricultural Development;
- Applications for Prior Notification of Proposed Telecommunication Development;
- Applications for Prior Notification – Proposed Demolition;
- Applications to Remove or Vary an Existing Planning Condition (Section 73 of the Town and Country Planning Act 1990);

5.2 How to Use This Section

In relation to all applications, it is the applicant's responsibility to ensure that the appropriate notice has been given and/or published in accordance with either (or both) of the following legislation:

- Article 6 of the Town and Country planning (General Development Procedure) Order 1995;
- Regulation 6 of the Planning (Listed Building and Conservation Areas) Regulations 1990;

5.3 Validation Checklist – Householder Development Applications

National Requirements

- ❑ Completed Application Forms (See Paragraph 2.1)
- ❑ Completed Ownership Certificate and Agricultural Holdings Certificate (See Paragraph 2.2)
- ❑ Design & Access Statement (If Required – See Paragraph 2.3)
- ❑ Site Location Plans to 1:1250 or 1:2500 (See Paragraph 2.5)
- ❑ Site Layout (Block) Plans to 1:200 or 1:500 (See Paragraph 2.6)
- ❑ Existing and Proposed Elevational Plans to 1:50 or 1:100 (See Paragraph 2.7)
- ❑ Existing and Proposed Floor Plans to 1:50 or 1:100 (See Paragraph 2.8)
- ❑ Sectional Plans and Site Levels Plans (If Required – See Paragraph 2.9)
- ❑ The appropriate fee (See Paragraph 2.10)

Local Requirements

- ❑ Photographs (Optional – See Paragraph 3.2)
- ❑ Arboricultural Implications Assessment (See Paragraph 3.5)
- ❑ Biodiversity and Geological Conservation Report (If the development is in a Protected Area or Protected Species are present – See Paragraph 3.6)
- ❑ Daylight/Sunlight Assessment (See Paragraph 3.7)
- ❑ Flood Risk Assessment (See Paragraph 3.9)
- ❑ Land Contamination Assessment (See Paragraph 3.11)
- ❑ Car Parking Provision (See Paragraph 3.20)

5.4 Validation Checklist – Applications for Full and Outline Planning Permission

National Requirements

- ❑ Completed Application Forms (See Paragraph 2.1)
- ❑ Completed Ownership Certificate and Agricultural Holdings Certificate (See Paragraph 2.2)
- ❑ Design & Access Statement (If Required – See Paragraph 2.3)
- ❑ Site Location Plans to 1:1250 or 1:2500 (See Paragraph 2.5)
- ❑ Site Layout (Block) Plans to 1:200 or 1:500 (See Paragraph 2.6)
- ❑ Existing and Proposed Elevational Plans to 1:50 or 1:100 (See Paragraph 2.7)
- ❑ Existing and Proposed Floor Plans to 1:50 or 1:100 (See Paragraph 2.8)
- ❑ Sectional Plans and Site Levels Plans (If Required – See Paragraph 2.9)
- ❑ The appropriate fee (See Paragraph 2.10)

Local Requirements (Continued on Next Page)

- ❑ Specialist Plans, Photographs and Photomontages (See Paragraph 3.2)
- ❑ Affordable Housing Statement (See Paragraph 3.3)
- ❑ Air Quality Assessment (See Paragraph 3.4)
- ❑ Arboricultural Implications Assessment (See Paragraph 3.5)
- ❑ Biodiversity and Geological Conservation Report (See Paragraph 3.6)
- ❑ Daylight/Sunlight Assessment (See Paragraph 3.7)
- ❑ Environmental Statement (See Paragraph 3.8)
- ❑ Flood Risk Assessment (See Paragraph 3.9)
- ❑ Heritage Statement (Including Archaeology – See Paragraph 3.10)
- ❑ Land Contamination Assessment (See Paragraph 3.11)
- ❑ Noise & Vibration Impact Assessment (See Paragraph 3.12)
- ❑ Open Space Assessment (See Paragraph 3.13)

- Planning Obligations Draft Heads of Terms (See Paragraph 3.14)
- Public Realm and Public Art Statement (See Paragraph 3.15)
- Retail impact/Town Centre Assessment (See Paragraph 3.16)
- Statement of Community Involvement (See Paragraph 3.17)
- Structural Surveys (See Paragraph 3.18)
- Sustainability (& Energy Efficiency) Statement (See Paragraph 3.19)
- Telecommunications Development Supporting Information (See Paragraph 3.20)
- Transport Assessment, Travel Plans and Car Parking Provision (See Paragraph 3.21)
- Utilities Statement (See Paragraph 3.22)
- Ventilation/Extraction Statement (See Paragraph 3.23)

5.5 Validation Checklist – Applications for Reserved Matters Approval

National Requirements

- ❑ Completed Application Forms (Including details of the corresponding Outline Planning Permission) (See Paragraph 2.1)
- ❑ Completed Ownership Certificate and Agricultural Holdings Certificate (See Paragraph 2.2)
- ❑ Design & Access Statement (If Required – See Paragraph 2.3)
- ❑ Site Location Plans to 1:1250 or 1:2500 (See Paragraph 2.5)
- ❑ Site Layout (Block) Plans to 1:200 or 1:500 (See Paragraph 2.6)
- ❑ Existing and Proposed Elevational Plans to 1:50 or 1:100 (See Paragraph 2.7)
- ❑ Existing and Proposed Floor Plans to 1:50 or 1:100 (See Paragraph 2.8)
- ❑ Sectional Plans and Site Levels Plans (If Required – See Paragraph 2.9)
- ❑ The appropriate fee (See Paragraph 2.10)
- ❑ Other such particulars as are necessary to deal with the matters reserved in the Outline Planning permission (For clarity - Check your Outline Planning Permission)

Local Requirements (Continued on Next Page)

- ❑ Specialist Plans, Photographs and Photomontages (See Paragraph 3.2)
- ❑ Affordable Housing Statement (See Paragraph 3.3)
- ❑ Air Quality Assessment (See Paragraph 3.4)
- ❑ Arboricultural Implications Assessment (See Paragraph 3.5)
- ❑ Biodiversity and Geological Conservation Report (See Paragraph 3.6)
- ❑ Daylight/Sunlight Assessment (See Paragraph 3.7)
- ❑ Environmental Statement (See Paragraph 3.8)
- ❑ Flood Risk Assessment (See Paragraph 3.9)
- ❑ Heritage Statement (Including Archaeology – See Paragraph 3.10)
- ❑ Land Contamination Assessment (See Paragraph 3.11)

- Noise & Vibration Impact Assessment (See Paragraph 3.12)
- Open Space Assessment (See Paragraph 3.13)
- Planning Obligations Draft Heads of Terms (See Paragraph 3.14)
- Public Realm and Public Art Statement (See Paragraph 3.15)
- Retail impact/Town Centre Assessment (See Paragraph 3.16)
- Statement of Community Involvement (See Paragraph 3.17)
- Structural Surveys (See Paragraph 3.18)
- Sustainability (& Energy Efficiency) Statement (See Paragraph 3.19)
- Transport Assessment, Travel Plans and Car Parking Provision (See Paragraph 3.21)
- Utilities Statement (See Paragraph 3.22)
- Ventilation/Extraction Statement (See Paragraph 3.23)

5.6 Validation Checklist – Applications for Conservation Area Consent

National Requirements

- ❑ Completed Application Forms (See Paragraph 2.1)
- ❑ Completed Ownership Certificate and Agricultural Holdings Certificate (See Paragraph 2.2)
- ❑ Site Location Plans to 1:1250 or 1:2500 (See Paragraph 2.5)
- ❑ Site Layout (Block) Plans to 1:200 or 1:500 (See Paragraph 2.6)
- ❑ Existing and Proposed Elevational Plans to 1:50 or 1:100 (See Paragraph 2.7)
- ❑ Existing and Proposed Floor Plans to 1:50 or 1:100 (Proposed floor plans only necessary if part of a building is being retained - See Paragraph 2.8)
- ❑ The appropriate fee (See Paragraph 2.10)

Local Requirements

- ❑ Photographs and Photomontages (See Paragraph 3.2)
- ❑ Air Quality Assessment (See Paragraph 3.4)
- ❑ Arboricultural Implications Assessment (See Paragraph 3.5)
- ❑ Biodiversity and Geological Conservation Report (If Bats and/or Breeding Birds are present within the roof structure, See Paragraph 3.6)
- ❑ Heritage Statement (Including Archaeology – See Paragraph 3.10)
- ❑ Land Contamination Assessment (See Paragraph 3.11)
- ❑ Noise & Vibration Impact Assessment (See Paragraph 3.12)
- ❑ Structural Surveys (See Paragraph 3.18)

5.7 Validation Checklist – Applications for Listed Building Consent

National Requirements

- ❑ Completed Application Forms (See Paragraph 2.1)
- ❑ Completed Ownership Certificate and Agricultural Holdings Certificate (See Paragraph 2.2)
- ❑ Design & Access Statement (If Required – See Paragraph 2.3)
- ❑ Site Location Plans to 1:1250 or 1:2500 (See Paragraph 2.5)
- ❑ Site Layout (Block) Plans to 1:200 or 1:500 (See Paragraph 2.6)
- ❑ Existing and Proposed Elevational Plans to 1:50 or 1:100 (See Paragraph 2.7)
- ❑ Existing and Proposed Floor Plans to 1:50 or 1:100 (Proposed floor plans only necessary if part of a building is being retained - See Paragraph 2.8)
- ❑ The appropriate fee (See Paragraph 2.10)

Local Requirements

- ❑ Photographs and Photomontages (See Paragraph 3.2)
- ❑ Biodiversity and Geological Conservation Report (If Bats and/or Breeding Birds are present within the roof structure, See Paragraph 3.6)
- ❑ Heritage Statement (Including Archaeology – See Paragraph 3.10)
- ❑ Structural Surveys (See Paragraph 3.17)

5.8 Validation Checklist – Applications for Advertisement Consent

National Requirements

- ❑ Completed Application Forms (See Paragraph 2.1)
- ❑ Site Location Plans to 1:1250 or 1:2500 (See Paragraph 2.5)
- ❑ Site Layout (Block) Plans to 1:200 or 1:500 (See Paragraph 2.6)
- ❑ Existing and Proposed Elevational Plans to 1:50 or 1:100 (See Paragraph 2.7)
- ❑ The appropriate fee (See Paragraph 2.10)

Local Requirements

- ❑ Specialist Plans, Photographs and Photomontages (See Paragraph 3.2 for specific advice in relation to Specialist Plans for Advertisements)
- ❑ Details Concerning the Means of Illumination (If any)

5.9 Validation Checklist – Applications for Lawful Development Certificate Applications

National Requirements

- Completed Application Forms (See Paragraph 2.1)
- Site Location Plans to 1:1250 or 1:2500 (See Paragraph 2.5)
- Such evidence verifying the information included in the application
- Such other information as is considered appropriate to the application
- The appropriate fee (See Paragraph 2.10)

Local Requirements

- Specialist Plans (See Paragraph 3.2 – For example plans may be required if the applicant is attempting to prove the use of a building across a number of floors)

5.10 Validation Checklist – Applications for Prior Approval of Agricultural Development

National Requirements

- Completed Application Forms (See Paragraph 2.1)
- Site Location Plans to 1:1250 or 1:2500 (See Paragraph 2.5)
- The appropriate fee (See Paragraph 2.10)

Local Requirements

- Arboricultural Implications Assessment (See Paragraph 3.5)
- Site Layout (Block) Plan (See Paragraph 2.6)

5.11 Validation Checklist – Applications for Prior Notification of Proposed Telecommunication Development

National Requirements

- Completed Application Forms (See Paragraph 2.1)
- Site Location Plans to 1:1250 or 1:2500 (See Paragraph 2.5)
- The appropriate fee (See Paragraph 2.10)
- Evidence that the developer has given notice of the proposed development in accordance with A.3 (1) of Part 24 of Schedule 24 to the General Permitted Development Order 1995.

Local Requirements

- Arboricultural Implications Assessment (See Paragraph 3.5)
- Telecommunications Development Supporting Information (See Paragraph 3.20)

5.12 Validation Checklist – Applications for Prior Notification of Proposed Demolition

National Requirements

- Completed Application Forms (See Paragraph 2.1)
- A statement that the applicant has displayed a Site Notice in accordance with A.2(b)(iii) of Part 31 of Schedule 2 to the General Permitted Development Order 1995.
- The appropriate fee (See Paragraph 2.10)

Local Requirements

- Site Location Plans to 1:1250 or 1:2500 (See Paragraph 2.5)
- Specialist Plans, Photographs and Photomontages (See Paragraph 3.2)
- Arboricultural Implications Assessment (See Paragraph 3.5)
- Biodiversity and Geological Conservation Report (If Bats and/or Breeding Birds are present within the roof structure, See Paragraph 3.6)
- Structural Surveys (See Paragraph 3.18)

5.13 Validation Checklist – Applications to Vary or Remove a Planning Condition

National Requirements

- Completed Application Forms (See Paragraph 2.1)
- Completed Ownership Certificate and Agricultural Holdings Certificate (See Paragraph 2.2)
- Design & Access Statement (If Required – See Paragraph 2.3)
- The appropriate fee (See Paragraph 2.10)

Local Requirements (Continued on Next Page)

- Site Location Plans to 1:1250 or 1:2500 (See Paragraph 2.5)
- Site Layout (Block) Plans to 1:200 or 1:500 (See Paragraph 2.6)
- Existing and Proposed Elevational Plans to 1:50 or 1:100 (See Paragraph 2.7)
- Existing and Proposed Floor Plans to 1:50 or 1:100 (See Paragraph 2.8)
- Sectional Plans and Site Levels Plans (If Required – See Paragraph 2.9)
- Any supporting information considered relevant to explain and justify why compliance with the previous condition(s) is not necessary

ANNEX 1

Model Template: Biodiversity and Geological Conservation Report

The following basic template provides direction for applicants that need to submit a Biodiversity and Geological Conservation Report.

1 Introduction

- 1.1 Description of the site area and the nature of the proposal.
- 1.2 Identification of International statutory sites subject to the Habitat Regulations (SAC, SPA, Ramsar sites).
- 1.3 Identification of National statutory sites subject to the provisions of the Wildlife and Countryside Act (Sites of Special Scientific Interest) and National Nature Reserves.
- 1.4 Identification of Local Statutory sites (Local Nature Reserves) and non statutory sites (Sites of Biological Importance/Regionally Important Geological Sites).

2. Consideration of Legally Protected Species that may be/are present, and the impacts that the proposal will have (both positive and negative).

3. Discussion of all Biodiversity Habitats and Species and the impacts that the proposal will have (both positive and negative).

4. Discussion of Geological and Geomorphological Features and the impacts that the proposal will have (both positive and negative).

5. Mitigation measures that have been considered and reasons for selecting/omitting these measures.

6. Conclusion and Justification

Each of the above sections will require cross references to lists of sites, species, habitats and geological interests and details of when these would be relevant.