



**Committee:** PLANNING REGULATORY COMMITTEE

**Date:** MONDAY, 24 APRIL 2023

**Venue:** MORECAMBE TOWN HALL

**Time:** 10.30 A.M.

## A G E N D A

Officers have prepared a report for each of the planning or related applications listed on this Agenda. Copies of all application literature and any representations received are available for viewing at the City Council's Public Access website <http://www.lancaster.gov.uk/publicaccess> by searching for the relevant applicant number.

### 1 Apologies for Absence

### 2 Minutes

Minutes of meeting held on 27<sup>th</sup> March 2023 (previously circulated).

### 3 Items of Urgent Business authorised by the Chair

### 4 Declarations of Interest

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

## 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 that the proposed development has particular implications for community safety, the issue is fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

## Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to local finance considerations when determining planning applications. Local finance considerations are defined as a grant or other financial assistance that has been provided; will be provided; or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has, will or could receive in payment of the Community Infrastructure Levy. Whether a local finance consideration is material to the planning decision will depend upon whether it could help to make development acceptable in planning terms, and where necessary these issues are fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

## Human Rights Act

Planning application recommendations have been reached after consideration of The Human Rights Act. Unless otherwise explicitly stated in the report, the issues arising do not appear to be of such magnitude 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.

- |   |                                 |  |                                       |                            |
|---|---------------------------------|--|---------------------------------------|----------------------------|
| 5 | A5 <a href="#">21/01341/OUT</a> | <b>Land East Of Fulwood Drive<br/>Morecambe Lancashire</b>   | <b>Bolton and<br/>Slyne</b>           | <b>(Pages 4 -<br/>28)</b>  |
|   |                                 | Outline application for the development of 129 residential dwellings and creation of new access.         |                                       |                            |
| 6 | A6 <a href="#">21/01284/FUL</a> | <b>Land South Of Hawthorn Avenue<br/>Hawthorn Avenue Brookhouse<br/>Lancashire</b>                       | <b>Lower<br/>Lune Valley<br/>Ward</b> | <b>(Pages 29 -<br/>51)</b> |
|   |                                 | Erection of 25 adaptable bungalows for over 55's with associated access, internal roads and landscaping. |                                       |                            |
| 7 | A7 <a href="#">22/01463/OUT</a> | <b>Land East Of Arkholme Methodist<br/>Church Kirkby Lonsdale Road<br/>Arkholme Lancashire</b>           | <b>Kellet Ward</b>                    | <b>(Pages 52 -<br/>66)</b> |
|   |                                 | Outline application for the development of up to 23 residential dwellings and creation of a new access.  |                                       |                            |
| 8 | A8 <a href="#">22/01518/OUT</a> | <b>Land To The North And South Of<br/>Cinder Lane Nurseries Cinder<br/>Lane Lancaster Lancashire</b>     | <b>Scotforth<br/>West Ward</b>        | <b>(Pages 67 -<br/>74)</b> |

Outline application for the erection of  
2 dwellings with associated  
accesses.

**9 Delegated List (Pages 75 - 83)**

**ADMINISTRATIVE ARRANGEMENTS**

**(i) Membership**

Councillors Sandra Thornberry (Chair), Keith Budden (Vice-Chair), Victoria Boyd-Power, Dave Brookes, Roger Cleet, Roger Dennison, Kevin Frea, June Greenwell, Mel Guilding, Colin Hartley, Mandy King, Jack Lenox, Robert Redfern, Malcolm Thomas and Sue Tyldesley

**(ii) Substitute Membership**

Councillors Fabiha Askari (Substitute), Mandy Bannon (Substitute), Alan Biddulph (Substitute), Jake Goodwin (Substitute), Tim Hamilton-Cox (Substitute), Debbie Jenkins (Substitute), Geoff Knight (Substitute), Sally Maddocks (Substitute), Joyce Pritchard (Substitute) and Peter Yates (Substitute)

**(iii) Queries regarding this Agenda**

Please contact Eric Marsden - Democratic Services: email [emarsden@lancaster.gov.uk](mailto:emarsden@lancaster.gov.uk).

**(iv) Changes to Membership, substitutions or apologies**

Please contact Democratic Support, telephone 582000, or alternatively email [democracy@lancaster.gov.uk](mailto:democracy@lancaster.gov.uk).

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

Published on 6<sup>th</sup> April 2023.

<b>Agenda Item</b>	A5
<b>Application Number</b>	21/01341/OUT
<b>Proposal</b>	Outline application for the development of 129 residential dwellings and creation of new access
<b>Application site</b>	Land East Of Fulwood Drive Morecambe Lancashire
<b>Applicant</b>	Oakmere Homes (Northwest) Ltd
<b>Agent</b>	Mr Graham Love
<b>Case Officer</b>	Mrs Eleanor Fawcett
<b>Departure</b>	Yes
<b>Summary of Recommendation</b>	Approval subject to conditions and a Section 106 legal agreement

## 1.0 Application Site and Setting

- 1.1 The application site relates to a roughly triangular shaped piece of agricultural land comprising two fields. It is located within the Parish of Slyne with Hest but adjacent to the existing built-up area of Morecambe, specifically Torrisholme. The western boundary of the site adjoins the gardens of residential properties on Fulwood Drive, Hamilton Road and Williams Avenue which are bungalows. The site is mostly at a lower level than these properties. The levels on the site vary between approximately 5 metres and 10 metres, with the higher points towards the eastern boundary. A railway line runs adjacent to the eastern and northern boundary forming an arc. At this point the railway splits from the West Coast Mainline, forming a separate line to Bare and Morecambe.
- 1.2 Torrisholme Barrow lies to the southwest of the site and often refers to the drumlin feature which is approximately 40 metres high and is prominent in the local area. It is also an archaeological feature at the top of the hill which is designated as a Scheduled Monument. The site is located within Flood Zone 1, however, the site is identified as being susceptible to groundwater flooding (50-75%) and there are two watercourses that cross the site. There are also some small areas on the site which are identified as being at risk of surface water flooding. Just over half of the site is located within a Mineral Safeguarding Area. The site is located approximately 900 metres, at its closest point, from Morecambe Bay which is designated as a Special Protection Area (SPA), Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Ramsar Site.
- 1.3 The site is designated as Key Urban Landscape and Open Countryside in the Local Plan. It was previously located within the North Lancashire Green Belt and was removed when the Local Plan was adopted in 2020, following the Green Belt Review. The boundary of the Green Belt now lies to the east of the adjacent railway line.

## 2.0 Proposal

- 2.1 Outline planning permission is sought for the erection of 129 dwellings. All matters are reserved, with the exception of access, which is proposed from Fulwood Drive. A secondary access is

proposed from Williams Avenue towards to the north of the site, which would be used for pedestrians, cyclists and emergency vehicles. The application originally proposed 140 dwellings, however, this has been reduced to address issues that have arisen during the course of the application. An illustrative layout has been provided in addition to a parameter plan which identifies areas that would be developed and those that would be kept open, including for watercourses. These both indicate that the dwellings along the southern boundary would be roughly in line with the development to the east, although extending slightly further to the south. An area of open space would be provided in the southwest corner where the site boundary projects closer to Torrisholme Barrow.

### 3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
21/01359/EIR	Screening opinion for the erection of up to 140 dwellings (C3), associated infrastructure, public open space and off-site mitigation land and associated vehicular access	ES not required
21/01080/PRETWO	Erection of up to 140 dwellings	Informal advice provided

### 4.0 Consultation Responses

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

Consultee	Response
Slyne with Hest Parish Council	<p><b>Object</b> and raise the following concerns:</p> <ul style="list-style-type: none"> <li>Designated as Key Urban Landscape and Open Countryside, formally within the Green Belt and is not included as a Strategic Development Site in the emerging Neighbourhood Plan;</li> <li>It is considered not to be an area for potential development particularly due to its closeness to the historic site of the Torrisholme Barrow and because of any adverse environmental impact;</li> <li>The proposed development area and adjoining area is open space with natural wildlife habitats.</li> <li>The Council attaches great importance to maintaining the open nature of this designated area and to protect it from inappropriate development.</li> <li>Land is rough, wet and boggy with potential for flooding;</li> <li>Proximity to railway line;</li> <li>Would not support an access onto Hasty Brow Lane.</li> <li>Pending application for the addition of a public bridleway which needs to be taken into consideration</li> <li>Importation of land to change levels would have a potentially significant disruptive impact on Fulwood Drive and the surrounding roads</li> </ul>
Morecambe Town Council	<p><b>Object</b> and raise the following concerns:</p> <ul style="list-style-type: none"> <li>Designated as Key Urban Landscape and Open Countryside therefore not consistent with the development strategy and designation of the site and would impact on its integrity;</li> <li>The percentage of affordable homes required at the site is 30%;</li> <li>The Land regularly suffers from floods which result from rainfall and inadequate land permeability;</li> <li>Harm to the significance of the Scheduled Monument;</li> <li>The site's location on the edge of the urban area is relatively remote from many services such as schools, employment areas, health facilities and walking and cycling has not been prioritised.</li> </ul>

Environmental Health	<b>No objections</b> subject to conditions requiring: provision of electric vehicle charging points; measures to manage dust and disturbance to residents during construction; detailed scheme for investigation of contamination; noise mitigation measures.
Planning Policy	<b>Comments.</b> Given the site's sensitive location and adopted open countryside and local landscape designation, the adverse impacts of developing this site, protected from development in a very recently adopted Local Plan, would significantly and demonstrably outweigh the benefits. Also raise the following: <ul style="list-style-type: none"> <li>• The location on the edge of the urban area is relatively remote from many services such as schools, employment areas, health facilities and the indicative layout shows that walking and cycling is not prioritised. Suggest upgrade of the existing Public Right of Way which runs from the site to Hasty Brow Road.</li> <li>• Identify harm to the significance of the Scheduled Monument.</li> <li>• The proposal does not propose energy efficiency standards beyond the minimum suggested by Government, has excluded the use of renewable energy on site, does not suggest that buildings be oriented or built to support renewable retrofitting by owners, and states that fossil fuel burning will be used to heat the homes.</li> <li>• 30% affordable housing should be provided on site and all dwellings should meet the Nationally Described Space Standards and 20% should meet M4(2) of Building Regulations (adaptable and accessible dwellings).</li> <li>• Acknowledge that the Council cannot demonstrate a 5 year supply of deliverable housing sites.</li> </ul>
Arboricultural Officer	<b>Comments.</b> It is positive to see that there is an intention to retain the historic hedge line incorporating it into the design of the development. However, this could go further, retaining and enhancing the whole feature, creating a wildlife corridor through the centre of the site. Where removal cannot be avoided due to the road network, planting of larger growing trees could be used to create arboreal bridges. It is essential to ensure that the landscaping drives the layout of the buildings and greater green links should be created across the site (east-west), with further opportunities for tree planting explored outside of front gardens.
Conservation Team	<b>Not providing comments.</b>
Engineering Team	<b>No comments received.</b>
Public Realm Officer	<b>Comments.</b> Based on 129 three bedroom dwellings, 2347 square metres of amenity space would be required on site in addition to a play area. All other requirements may require off site contribution. The maximum contribution would be £249,705.30, with £142,377.30 for outdoor sports and £67,080 for young persons provision.
Waste and recycling Team	<b>No objection in principle.</b> Raise following concerns about the layout: <ul style="list-style-type: none"> <li>• There are aspects of the development which have shared driveways serving multiple houses which are, in some instances, excessively long which would result in residents having to wheel bins over unreasonable distances; and</li> <li>• There should be collection points at the end of each shared driveway to ensure vehicular and pedestrian access is not blocked.</li> </ul>
Economic Development	<b>Comments.</b> The Employment and Skills Plan is acceptable save for the level of outputs offered. It has used the band 4 level of outputs for developments between £10M-15M, which seems quite light for the scale of development and would advise that this is updated to Band 5 benchmarks.
County Highways	No objection subject to conditions requiring:  <b>And a contribution of £440,379 (based on 140 dwellings) towards wider highway infrastructure.</b>
County Schools Planning Team	<b>Comments.</b> An education contribution is not required.
Lead Local Flood Authority	<b>No objection</b> subject to conditions requiring: a final surface water drainage strategy; construction surface water management plan; a sustainable drainage system operation and maintenance manual; and a verification report of constructed sustainable drainage system.
County Archaeology	<b>No objection</b> subject to a condition requiring a programme of archaeological work, in particular in the area around an identified feature of interest (a kiln in trench 1).

Public Rights of Way Officer	<b>Comments.</b> The application for a Definitive Map Modification Order, which runs across the land to the east of Hamilton Avenue and Fulwood Drive, has been refused and the decision has not been appealed.
County Planning Policy (Mineral Safeguarding)	<b>No comments received.</b>
Greater Manchester Ecology Unit	<p><b>Comments.</b> Recommend conditions requiring:</p> <ul style="list-style-type: none"> <li>• A Landscape and Ecological Management Plan for the ongoing 30 year management of the site.</li> <li>• Details of the culvert design for the scheme to allow passage of mammals under the roads.</li> <li>• Be supported by detail of a species enhancement scheme for bat/bird boxes, but hotels and ecological permeability through the new development via mammal gaps on boundary features within gardens.</li> <li>• A full landscape proposal to include details of locally native species planting to all new habitats including trees/shrubs, grass seed mixes and marginal aquatic vegetation to the attenuation basins.</li> <li>• updated protected species surveys provided (as part of any reserved matters)</li> <li>• No works to trees or shrubs shall occur or earthworks commence between the 1st March and 31st August in any year unless a detailed bird nest survey has been carried out</li> <li>• reasonable avoidance measures method statement of mammals and amphibians covering site clearance and construction</li> <li>• a detailed assessment of potential peat deposits including area and depth and potential for reuse elsewhere in fenland restoration</li> <li>• updated metric as part of reserved matters, that clearly continues to demonstrate 10% net gain for area based habitats and the ditch line and provides evidence that 10% net gain will be achieved for hedge lines.</li> </ul>
Network Rail	<b>No objection</b> subject to the bridge not being used as part of the current proposed development. There is a requirement to maintain access to the structure from the south for the routine inspection and maintenance of this bridge. Asset Protection input will be required on site to review the RAMS as well as drainage, excavation/earthworks. The developer will need to supply a minimum 1.8m high trespass proof fence set back 1m from the railway boundary to prevent unauthorised access to the railway by residents of the development. A method statement will be required if piling is to occur on the site, all surface and foul waters must drain away from the direction of the railway boundary and Soakaways must be placed at least 30 metres from the railway boundary. The development should include a minimum 3 metres gap between the buildings and structures on site and the railway boundary. It should be ensured that the most appropriate measures to mitigate noise and vibration are determined.
Natural England	<b>No objection</b> , subject to securing the provision of homeowner packs and the production and implementation of a Construction Environmental Management Plan (CEMP).
Historic England	<b>No comments to make.</b>
United Utilities	<b>Comments.</b> the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Suggest conditions relating to surface water drainage scheme and maintenance and management.
Lancashire Constabulary	<b>Comments.</b> Recommend that the scheme is designed and constructed to Secured by Design security specifications. Raise concern around the green open space in terms of how it will be used and surveillance. Recommend the area is well lit and ideally covered with CCTV. Recommend landscaping is kept to a minimum with trees and foliage allowing for natural surveillance.
Lancashire Fire and Rescue Service	<b>Comments.</b> It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.
Ramblers Association	<b>No comments received.</b>

NHS	<b>No objection</b> subject to a contribution of £38,587 (based on approximately 336 new patient registrations) towards extension and reconfiguration at York Bridge Surgery.
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4.2 127 pieces of correspondence have been received from members of the public, to the original scheme, which raise an objection to the application. These include the following concerns:

- **Highway impacts:** increased traffic; impact on highway and pedestrian safety; Fulwood Drive and other local roads unsuitable for level of traffic; construction traffic and parking; increased congestion at road junctions; impact on condition of existing roads; negative cumulative impact on the local road network; result in longer queues on Bare Lane at the level crossing
- **Flood risk/ drainage:** site suffers from flooding from overflowing watercourses on the site; site collects water; fails to address the consequences of turning the dykes into culverts; drainage relies on culverts being maintained both inside and outside the site; increased flood risk outside the site; potential for groundwater flooding; drainage report should consider the hydrology of the whole site; increasing land levels will increase flooding; will disrupt the hydrology of the area; existing flooding in the surrounding area should be considered; flooding to Morecambe Golf Course and surrounding fields; responsibility for maintenance of drainage system
- **Heritage:** Impact on historical importance of Torrisholme Barrow; will significantly impact on the view from the Barrow; impact on views and appreciation of the Ancient Monument; comprehensive archaeological dig of the area is required
- **Landscape/ visual Impact:** Impact on view from Torrisholme Barrow across to Slyne and Lakeland hills; loss of green space/ open countryside; not in keeping with design of existing housing; loss of views; pollution to future occupants from adjacent agricultural activity; urban sprawl
- **Residential amenity:** Increased noise, including during construction; overlooking and loss of privacy; loss of visual amenity; loss of light; increased pollution from cars; mud and dust during construction; noise and air pollution from railway line to future occupants; distress and anxiety
- **Local plan designation:** Open Countryside and Key Urban Landscape; not identified for development purposes; has recreational and historical importance; clear departure from the Local Development Plan; alternative sites in Local Plan that have not been developed
- **Housing need:** need for more bungalows rather than family houses; unsuited to families being next to a large area of bungalows and retired people; land not identified as necessary by the Parish or City Council to meet housing demands; existing vacant properties in Morecambe
- **Increase in crime:** Isolated location for children and the bridge under the railway is already a focal point for graffiti.
- **Impact on/ loss of wildlife/ ecology:** potential impact on newts and frogs; deer, foxes and heron are seen on or near the site; impact on peat bog on site; loss of valuable wetland; water pollution via runoff/ watercourses; impact on a variety of birds; impact on nearby Biologically Heritage site and Morecambe Bay designations
- **Services/ facilities:** Limited/ no capacity of local health services and schools
- **Infrastructure:** capacity of existing sewerage system; poor water pressure at present
- **Ground stability:** risk of subsidence; existing sink hole in the area
- **Impact on railway line:** this includes the West Coast Main line which has high passenger numbers and carries a large amount of freight
- **Climate change:** release of CO<sub>2</sub> from removal of peat from the site; raising site will create unnecessary CO<sub>2</sub>; lack of renewable sources of energy
- **Precedent:** Could lead to further development to the south
- **Contamination:** Question why part of the site was not included in the assessment
- **Impact on footpath:** Development will be built across a footpath; concerns about Network Rail's proposal to infill bridge under railway
- Will be in a different Parish to the development it adjoins
- Raise demand for rail services at peak times

4.2 2 pieces of correspondence have been received from members of the public, to the original scheme, neither objecting to or supporting the application and raise the following:

- Concerns that the development could take place prior to the proper archaeological investigation of the site;
- The land owner could explore the possibility of a different use for this land, for example tree planting/ carbon off setting with public access

4.3 1 piece of correspondence has been received from a member of the public, to the original scheme, in support of the application and raises the following:

- Much needed housing on poor quality land

4.4 Following the reduction in the proposed number of dwellings, the application was re-advertised and an additional 30 comments have been received raising an objection to the application. These include similar concerns to those set out above and also set out the following:

- Affordable housing provision
- Question viability due to rising costs
- Use of Hamilton Road as a main access point
- Potential seepage from the canal into surrounding ditch/ drainage network
- Amended drawing would still require culverting under properties
- Question if a TRICS traffic flow matrix has been applied
- Question why contribution towards sports funding will be used in Lancaster rather than Morecambe.

4.5 An objection has been received from the ward councillor, Roger Dennison, for the following reasons:

- Policy grounds - the land is not designated for housing and has a protected landscape designation;
- Flood risk - has not shown appropriate methods to mitigate risk both on site, and effects on adjoining areas;
- Traffic movements - the site will require considerable infill and the site access is limited and unsuited to multiple heavy commercial vehicle movements;
- General traffic - the site has limited road access, it's not a bus, extra traffic will be considerable, and will adversely affect existing properties on the access route;
- Noise - the site is immediately adjacent to the elevated west coast main line, with overhead power lines, and the junction to Morecambe. Rail wheel interaction and power coupling surges together with acceleration and braking and diesel units on the Morecambe route, will produce an unsatisfactory residential amenity.

## 5.0 Analysis

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

- Principle of residential development;
- Landscape impact, layout, design and open space;
- Impact on Heritage Assets;
- Traffic impacts, access, parking and sustainable travel;
- Flood risk and drainage;
- Biodiversity and Trees;
- Residential Amenity;
- Affordable housing, housing standards and mix;
- Education and health;
- Sustainable design and renewable energy; and
- Mineral Safeguarding

5.2 **Principle of Residential Development** NPPF paragraphs: 7 – 12 (Achieving Sustainable Development), 60-61 and 73-79 (Delivering a Sufficient Supply of Homes), and 174 (Protecting and Enhancing Valued Landscapes); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement

Hierarchy), SP3 (Development Strategy for Lancaster District), SP6 (The Delivery of New Homes), EN3 (The Open Countryside) and EN5 (Local Landscape Designations); Development Management (DM) DPD policies: DM1 (New Residential Development and Meeting Housing Needs), DM4 (Residential Development Outside Main Urban Areas), DM46 (Development and Landscape Impact)

- 5.2.1 The site is located adjacent to the existing built-up area Morecambe and is designated as Open Countryside and Key Urban Landscape in the Local Plan. The policies map does show the site within the urban boundary of Morecambe. However, the Local Plan does not contain an urban area policy and the purpose of the boundary is to help delineate the land within the district which is not subject to open countryside policy. Therefore, for the purpose of the assessment of this application, it will be considered against Policy EN3 of the Strategic Policies and Land Allocations (SPLA) DPD. The site was previously located within the North Lancashire Green Belt and was removed when the Local Plan was adopted in 2020, following the Green Belt Review. It was given a new designation as Key Urban Landscape, which also includes adjacent land to the south and west. The Green Belt boundary now lies to the east of the railway line, which abuts the site.
- 5.2.2 Policy EN3 states that any development proposals located within open countryside should have due regard to all relevant policies contained within the Local Plan, in particular policies within the Development Management (DM) DPD relating to development in the rural areas. Policy DM4 of the DM DPD sets out that the Council will support proposals for residential development outside main urban areas where they reflect sustainable patterns of development and accord with the Council's settlement hierarchy, as described in Policy SP2 of the SPLA DPD. Policy SP3 goes on to set out the development strategy for the District, and promotes an urban-focussed approach to development, concentrated towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. It also sets out that, in addition to the main urban areas of the district, development will be supported in sustainable settlements as defined in the settlement hierarchy. The site is within the open countryside and not within a sustainable settlement. However, it is adjacent to one of the main urban areas and the wider facilities and services that it provides.
- 5.2.3 As set out above, the site is also located within an area designated as Key Urban Landscape, which is a local landscape designation. Policy EN5 of the SPLA DPD seeks to conserve areas designated as Key Urban Landscape and safeguard natural features. It sets out that development proposals will only be permitted where they preserve the open nature of the area and the character and appearance of its surroundings. Policy DM46 of the DM DPD adds to this approach by outlining that particular regard will be made to the historic townscape and built form of the urban areas. The supporting text to the policy sets out that Key Urban Landscapes are identified as those areas within the main urban areas which are integral to the built form of the district, providing a setting for important features and/or heritage assets. It goes on to say that they play an important role in defining the townscape of the main urban area and are inextricably linked to the experience of the wider setting of these features.
- 5.2.4 The originally submitted scheme proposed the development of 140 dwellings, which has now been reduced to 129 dwellings. The application seeks outline planning consent, including details of the access; all other matters are reserved, and although it does not seek permission for the layout or scale, an indication of this has been given with the submission to demonstrate that the principle of development is acceptable. Even though the number of units has decreased slightly, the proposed residential development would fail to preserve the open nature of the area as it would result in an amount of built development and associated infrastructure on an area of land which is currently open fields. The impact of the development on the surrounding area, including the historic landscape and built form is considered within the sections below. However, it is clear that the proposal technically conflicts with policies EN5 and DM46 of the Local Plan.
- 5.2.5 Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The Council's most recent Housing Land Supply Statement (November 2022) identifies a housing land supply of 2.1 years, which is a significant shortfall against the required 5-year supply set out in paragraph 74 of the NPPF. Paragraph 11 of the NPPF also requires that, where a local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, permission should be granted unless the application of policies in the NPPF that protect areas or assets of importance (such as heritage assets and areas at risk of flooding) provide a clear reason

for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. This means applying a tilted balance towards the delivery of residential development.

- 5.2.6 As set out above, the proposal will conflict with the aims and objectives of policies EN5 and DM46 which seek to conserve areas designated as Urban Setting landscape. However, the local planning authority currently has a significant undersupply of deliverable housing sites. In addition, the development strategy for the District, set out in policy SP3 of the SPLA DPD, promotes an urban-focused approach to development concentrated towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. Whilst the site is within the open countryside, it does lie immediately adjacent to the existing built-up area of Morecambe and the services and facilities that it contains. Therefore, this proposal of 129 dwellings is considered to be sited in a sustainable location, adjacent to the existing built-up area, and great weight is afforded to this factor in the planning balance. However, as this requires consideration of all the impacts of the development, this will be fully considered within the conclusion of the report.
- 5.3 **Landscape Impact, Layout, Design and Open Space** NPPF paragraphs: 92-93, 98-100 (Promoting Healthy and Safe Communities including Open Space and Recreation), 126-134 (Achieving Well-Designed Places), 174 (Valued Landscapes and the Countryside); Strategic Policies and Land Allocations (SPLA) DPD: SP8 (Protecting the Natural Environment), EN3 (The Open Countryside) and EN5 (Local Landscape Designations); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM43 (Green Infrastructure), DM46 (Development and Landscape Impact) and DM57 (Health and Well-Being)
- 5.3.1 The site is located to the east of Fulwood Drive, between existing housing and the railway line. The land is predominantly rough grazing, subdivided by a mature hedgerow and hedge bank. It is bordered by mature trees and shrubs to the west, between the fields and the railway line. The land is relatively low lying and is mostly lower than the adjacent residential development, and is highest towards the east and south of the site. To the south east of the site, outside its boundary, the land rises considerably, forming a prominent local landscape feature, Torrisholme Barrow.
- 5.3.2 The site lies adjacent to the urban area within the Low Coastal Drumlins landscape character type, sub-type Carnforth-Galgate-Cockerham (12a), as identified in the Lancashire County Council Landscape Strategy for Lancashire (December 2000). This character type is characterised by areas of low, whaleback hills around 40 metres high, with broad rounded tops towards the north west coast of the study area. The landscape is characteristically gentler and of lower altitude than that of the drumlin field and individual drumlins are more isolated. There are often areas of poorly drained pasture, standing water and occasionally mosses, fens and fen meadows between the drumlins and the alignment of drumlins gives the landform a distinctive grain. The strong pattern of pastures emphasises the undulating topography, with neat, low cut thorn hedges traversing the drumlins. Trees and shrubs are limited in this agricultural landscape, although small copses occur on the tops and sides of the drumlins. Scattered large farmsteads are reached by a network of winding hedged lanes and tracks, but large housing estates and industrial development are also features of the landscape today. This particular sub-type supports an extremely high proportion of built development including the large settlements of Lancaster and Morecambe and transport corridors.
- 5.3.3 As discussed in the section above, the site is allocated as Key Urban Landscape and the proposed residential development of much of the land will conflict with the purpose of policies EN5 and DM6 to preserve the open nature of the area. This site is within an area that was identified as one of 10 new local landscape designations by landscape consultants Arcadis in their 'Key Urban Landscapes Review' document (May 2018). The boundaries of the landscape designation in this area (AS-03 – Torrisholme Barrow) are formed by the railway line to the north and east of the site, the existing residential development to the north and west of the site and the Bay Gateway, which is approximately 750 metres to the south of the southern site boundary. The area encompasses land to the north and south of Slyne Road/ Hasty Brow Road, including Torrisholme Barrow. The report concluded that this area contained strong cultural heritage with distinctive landform and mature well-managed landscape features and that it was a landscape which has significant qualities and is distinct in appearance, providing a setting for the adjacent areas. It was scored the highest from the new areas assessed and was recommended as Key Urban Landscape.

- 5.3.4 The site is relatively low lying and forms the northern portion of the designation where it is narrowest, constrained by the existing residential development and the railway line. Given the sites characteristics and location, it is considered that it provides a lower contribution to the wider designation than other areas of the land, particularly in relation to the quality and appearance of the landscape and the setting of Torrisholme Barrow, which will be discussed in more detail in the section below. An illustrative layout plan was submitted with the application and was subsequently amended to address issues of drainage, and the number of units was reduced from 140 to 129. Approval of the layout is not being sought as part of the application; however, the illustrative plan shows how the site could be developed, and has informed a parameters plan which indicates areas to be developed and those to be left open. This could be conditioned at this stage to give a level of certainty over the areas to be developed. The plan shows the southwest corner and land along the eastern and southern boundaries as open space which is broadly the higher parts of the site and the part closest to Torrisholme Barrow. The area shown for housing extends slightly to the south of the adjacent residential development to the west.
- 5.3.5 The development of the site will require some of the levels to be raised quite significantly as the land is much lower than the adjacent properties in some places. An indication of this has been given within the submitted drainage strategy, which has been amended during the course of the application. The levels would be agreed at a layout stage when the layout is determined, however it is considered that the increase in levels would not result in a development that will be unduly prominent in the landscape. Whilst the development will encroach into an open area of land, it will be seen within the context of the existing development and the railway line. It is quite enclosed at this point and does not have the same open character or distinctive landform as other parts of the local landscape designation. It is proposed further south than the adjacent houses, however this is not significant and should not give the impression of wrapping around Torrisholme Barrow, with most of the land to the east of this still left open. There is some planting proposed both within and outside the application site, however this would not be out of keeping with the character and appearance of the landscape in this location, as there are existing groups of trees in the locality.
- 5.3.6 Much of the existing housing development immediately to the east comprises bungalows, and the dwellings adjoining the site all appear to be true bungalows with low eaves and ridge heights. The application does not seek approval for the scale or appearance of the dwellings, however the design and access statement sets out that there would be a mix of sizes and these would all be two storey. It would be expected that some bungalows would be provided on the site to ensure that an appropriate mix to meet different needs is provided. It may also be appropriate that dwellings adjacent to the existing houses are kept quite low in terms of both visual and residential amenity. At this stage the layout is only indicative, therefore full consideration of this would be given at reserved matters stage. However, given the low heights of the adjacent development, it is considered appropriate to restrict the heights of the proposed dwellings on this site to no more than 2 storey.
- 5.3.7 In terms of the layout, the indicative plan shows that the number of dwellings can be accommodated and open space provided. Whilst it would probably be preferable for a larger central area, the location of the open space is likely to be similar to the indicative plan as it occupies the higher land and that projecting closer to the Torrisholme Barrow, in addition to smaller elements within the housing. It would need to be ensured that this has sufficient natural surveillance, however the layout does currently show most of this to be overlooked. The plans were amended and the number of dwellings reduced to accommodate the open watercourses as much as possible which should improve the overall design, environment and sense of place. The Public Realm Officer has advised that 2347 square metres of amenity space would be required on site in addition to a play area. The amount shown does significantly exceed this, although some is on the periphery of the site, as discussed above. This would be considered as part of the overall layout at reserved matters stage. All other requirements may require off site contribution.
- 5.3.8 Policy DM27 sets out the planning policy position in relation to 'Open Space, Sports and Recreation Facilities' stating that 'development proposals located in areas of recognised open space, sports and recreational facility deficiency will be required to provide appropriate contributions toward open space, sports and recreational facility provision, either through provision on-site or a financial contribution toward the creation of new or the enhancement of existing open spaces, sports and recreational facilities off-site'. In terms of off-site provision, as this is an outline application, the calculation has been based on 129 three bedroom dwellings and can be recalculated once the

housing mix is known at reserved matters stage. The total figure has been calculated at £249,705.30, with £142,377.30 for outdoor sports, £67,080 for young persons provision and £40,248 for parks and gardens. In relation to young persons provision, the contributions would be used to enhance and improve the multi use games area and pavilion at Happy Mount Park. For parks and gardens, it would be used to enhance public open space within Morecambe and/ or contribute to the nearest park, which is happy Mount Park. For outdoor sports, the Public Real Officer has advised that this can be used to enhance changing facilities for football at both Rylands Park and King Georges football fields. Whilst these are both within Lancaster, rather than Morecambe, the site's location means that both these parks are within an appropriate distance of the site for contributions, where occupants on the development could reasonably travel, at around 6 and 8 minutes driving time respectively.

5.3.9 Whilst the development will result in the loss of open agricultural land, it is considered that it would not be overly prominent within the landscape and would be seen in the context of the existing residential development. It will obviously conflict with the local landscape designation, and it will erode part of the wider designation. However, being located at the northern part of this and mostly contained between the existing residential properties and the railway line will limit the impact on the wider designation to some degree. Policy DM29 sets out that development should make a positive contribution to the surrounding landscape and townscape and contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palette of materials, separation distances, orientation and scale. Paragraph 130 of the NPPF sets out that that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history including the surrounding built environment and landscape setting and establish and maintain a strong sense of place. Notwithstanding the conflict with the landscape designation, it is considered that the number of dwellings proposed could be accommodated on the site and achieve an appropriate layout with open space and could be integrated into the landscape and existing settlement.

5.4 **Impacts on Heritage Assets** NPPF paragraphs: 189, 194 - 197, 199 – 206 (Conserving and Enhancing the Historic Environment); Strategic Policies and Land Allocations (SPLA) DPD policies SP7 (Maintaining Lancaster District's Unique Heritage); Development Management (DM) DPD policies DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Designated Heritage Assets or their Settings), DM42 (Archaeology)

5.4.1 The southern corner of the site is located approximately 300 metres from the Scheduled Monument known as Torrisholme Barrow, which is a Bronze Age bowl barrow. A bowl barrow is an inverted pudding bowl-shaped mound and Scheduled Monuments are nationally important archaeological sites. The proposal has the potential to impact on archaeology that may be present within the site and also the setting of the designated heritage asset. Two pieces of cast bronze, thought to also date to the Bronze Age, were found by a metal detectorist less than 200 metres to the south of the application site, and the 1846 Plan of the Township of Slyne with Hest is thought to possibly record the presence of a standing stone in the southern part of the application site.

5.4.2 A Heritage Statement was submitted with the application. The Historic Environment Team at the County Council advised that the site has a medium-high potential to contain material that might help address the Council for British Archaeology/Historic England's North West Regional Research Agenda Prehistory Research questions. Paragraph 194 of the NPPF sets out that, where a site includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Given that the site has a potential archaeological interest, but as its extent, nature and level of significance had not been determined, the impact of the development could not be easily assessed and further information was requested.

5.4.3 A Geophysical Survey was subsequently submitted and identified a number of anomalies across the site which could be pits, with recommendations for these to be investigated. Without the results of the evaluation, the Historic Environment Team advised that they could not provide an informed opinion in relation to the anomalies and if they are of such a significance that they

should be considered a constraint on the proposed development, either in part or whole. To address this, archaeological investigation at the site has been undertaken and the results submitted. Following further consultation with the County Council, it is considered that the potential archaeology on the site does not represent a constraint to developing the site. However, a kiln was identified and the remains were not fully excavated and its function remains unknown. As such, further investigation of the area around this feature has been recommended to be secured by a condition. This is considered to be appropriate, to ensure that this and any associated features are appropriately investigated and recorded prior to the development of the site.

- 5.4.4 The Heritage Statement submitted with the application sets out that, in addition to the archaeological interest of Torrisholme Barrow which is not known to have been excavated, its significance is also derived from a number of heritage values. In this case, these have been identified as evidential historical, aesthetic and communal and it goes on to say that barrow sites can provide an emotive and evocative link to the past and are a valuable educational resource, providing an insight into prehistoric beliefs. The statement sets out that they often occupy prominent locations and provide a major historic element in the modern, which is the case with Torrisholme Barrow. Given the separation of the site from the Scheduled Monument, the development would not impact on the evidential, historical or communal value of Torrisholme Barrow, but has the potential to impact on setting, and therefore the aesthetic value. The statement sets out the development will result in a change to the landscape that will be visible from Torrisholme Barrow, in that the extent of existing housing development would appear slightly different, although at some distance from the monument. It goes on to say that the impact can be mitigated by maintaining an area of open green space to the south and southeast sides of the proposed development area, and by providing an interpretation board in relation to Torrisholme Barrow and enhanced views where they do not currently exist.
- 5.4.5 The setting of Torrisholme Barrow has already been eroded by the existing residential development on the eastern edge of Morecambe. To the west, in particular, the development includes some of the higher slopes of the drumlin and extends to approximately 60 metres from the feature. It is slightly lower to the south, but some still extends up the rising landform and is around 150 metres at its closest, extending to approximately 250 metres. To the north, the development is lower and is located between around 300 and 400 metres from the Scheduled Monument. The land to the east is mostly open, the closest development comprising an isolated group of buildings adjacent to Hasty Brow Road, approximately 260 metres from the archaeological feature. The site boundary is approximately 300 metres from the Scheduled Monument and the area to be developed with housing would be at a distance of approximately 430 metres.
- 5.4.6 A heritage impact assessment was prepared as part of the Local Plan process for a larger area which incorporated the current application site. It extended from the railway line at the northern boundary to just above the Bay Gateway, with the railway line forming the eastern boundary. It also increased in width to the south of Hasty Brow Road/ Slyne Road, extending up to the existing development on Russel Drive to the west. The assessment set out that the site surrounds the mound of Torrisholme Barrow and provides the rural setting to the east, which makes a positive contribution to the views and appreciation of the asset and development to the east would further erode the setting and appreciation of the bowl barrow as a prominent feature within the landscape. It concludes that the harm caused to the significance of the Scheduled Monument is considered to be major as it would subsume and surround the asset. It does set out that some of the harm could be mitigated through the restriction of development north of Hasty Brow Road and restriction of heights of buildings to 2 storey although it considers that views from the asset would still be negatively impacted.
- 5.4.7 As discussed in the earlier section regarding the landscape impact, the development would be mostly contained between the existing residential development and the railway line, but would extend slightly to the south of the existing dwellings on Fulwood Drive. It would result in the loss of open agricultural land which visible from Torrisholme Barrow and would particularly alter views to the northeast, where the development would be further from the existing built up area. However, it will not have the same impact as described in the heritage impact assessment for the Local Plan as the land to the east and south east of the drumlin feature, that provides the base of the Scheduled Monument, would remain open. The development would be in the part of the larger site which is

located to the north of Hasty Brow Road, but would be confined to the narrow northern section of this. It is therefore considered that it would not subsume or surround the asset but would have some impact on its significance through the loss of the undeveloped open agricultural landscape that contributes to its setting which would impact on some views from the monument. It is considered that this harm would be less than substantial.

5.4.8 Policy DM39 of the Development Management DPD relates to the setting of heritage assets, and sets out that the Council recognises the contribution that this can make to the significance of heritage assets, and that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset will be treated favourably. Policy DM42 states out that proposals should conserve or enhance those elements which contribute towards the significance of a Scheduled Monument and harm to such elements will only be permitted where is clearly justified and outweighed by the public benefits of the proposals. Paragraph 199 of the NPPF sets out that, when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to say that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Paragraph 202 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the development.

5.4.9 As discussed above, it is considered that the development will result in less than substantial harm to the significance of Torrisholme Barrow Scheduled Monument as a result of development within its setting. It is considered that this harm would be mitigated to some degree by limiting how far the development extends to the south, as shown in the parameters plan, and also limiting the development to two storey, as discussed in the section above. The landscaping shown on the illustrative framework plan would also be likely to help soften the development, and an interpretation board could help to aid public understanding and appreciation of the asset. As set out above, any harm should be weighed against the public benefits. The Council currently has a significant undersupply of deliverable housing sites and Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. This site is located adjacent to the existing built up area of Morecambe and would provide 30% of the units as affordable housing which is a significant public benefit, although slightly lower than the policy requirement.

5.4.10 Taking into account the public benefits of the development of 129 dwellings in this location, including the affordable units, it is considered that this outweighs harm that has been identified to the significance of the heritage asset. It therefore complies with local and national planning policy in terms of the impact on the designated heritage assets.

5.5 **Traffic impacts, access, parking and sustainable travel** NPPF paragraphs: 104-106 and 110-113 (Promoting Sustainable Transport); Strategic Policies and Land Allocations (SPLA) DPD policy: SP10 (Improving Transport Connectivity); Development Management (DM) DPD policies DM29 (Key Design Principles), DM57 (Health and Well-being), DM58 (Infrastructure Delivery and Funding), DM60 (Enhancing Accessibility and Transport Linkages), DM61 (Walking and Cycling), DM62 (Vehicle Parking Provision), DM63 (Transport Efficiency and Travel Plans) and DM64 (Lancaster District Highways and Transport Masterplan).

5.5.1 The site is located adjacent to an existing residential area and would be accessed off this, utilising an existing cul-de-sac at the eastern end of Fulwood Drive. Fulwood Drive is a relatively long estate road which leads from Low Lane and connects to a series of smaller residential streets. An additional access is also proposed off another cul-de-sac, Williams Avenue, which is located approximately 165 metres to the north of the main access. The submission sets out that this would be a secondary access for pedestrians, cyclists and emergency vehicles. Lancashire County Council, as the Local Highway Authority, have confirmed that both these accesses are acceptable, subject to their detailed design. It would need to be ensured that details of how the access from Williams Avenue will be secured to ensure that it is not used as a main vehicular access, and operated to provide emergency access.

5.5.2 The site lies on the edge of the urban area and therefore suitable accessibility of the site by sustainable modes of transport, walking, cycling and access to public transport facilities will be essential to satisfy user needs. This requires consideration for the provision for pedestrian/cycle

connectivity to and from this development and the wider sustainable transport network. The submitted Transport Assessment has identified that the site is within an acceptable walking distance from the local amenities on Bare Lane/Princes Crescent. However, taking into account the indicative layout of the site, these are in excess of 800 metres from much of the site. The Highway Authority has raised concerns regarding the connectivity of the site and the existing facilities on the south side of Bare Lane. In particular, Bare Lane experiences high levels of vehicle movements and currently lacks any pedestrian crossing facilities. They have requested that an appropriately located controlled pedestrian crossing is provided on Bare Lane, funded by the proposed development. This can be covered by a condition and under a separate agreement with the Highway Authority and would help improve connectivity and access to services.

5.5.3 In terms of public transport, Bare Lane railway station is located approximately 1 kilometre from the centre of the site. Warwick Avenue has the closest bus stops to the site at approximately 450 metres and has regular services to Morecambe and Lancaster. The Highway Authority also advised that in January 2022 that they have requested input from the County Council's Public Transport team, but no information had been provided. The most recent response in January 2023 does not include any reference to this or request for infrastructure or any contribution to support this. A Framework Travel Plan has been submitted with the application and a Full Travel Plan can be conditioned. The Highway Authority have requested a contribution of £6000 to monitor and support the development, implementation and review of the Travel Plan for a period of up to 5 years.

5.5.4 From the indicative layout, it appears that walking and cycling is not prioritised and fails to maximise opportunities. The layout also raises some concerns regarding the length of private, in particular relation to refuse collection but potentially emergency service vehicles. One of these is around 150 metres in length. However, this is an outline application and the layout would be determined at reserved matters stage. The comments from the Planning Policy Team suggested the upgrade of a public right of way which runs from the site to Hasty Brow Road. However, when the planning application was submitted this was not a public right of way but was an application for a modification to the map to show it as one, although this has since been refused. The illustrative framework plan shows a potential path to the south of the site (close to the railway line) and this could provide a link to Hasty Brow Road. It would need to be secured through a S106 Agreement as it does not appear to be within the ownership of the applicant at present, and is outside the red line application site. However, this would likely be more of a recreational route, and would not be too far from the canal tow path. The plan shows other potential paths leading to the south from close to the western boundary. However, it would be difficult to secure those linking to information paths, rather than public rights of way, across and around Torrisholme Barrow. However, there would be a path through the open space, but again this would be more for recreational purposes.

5.5.5 In terms of the impact on the highway network, the Highway Authority have advised that all development will have an influence on highway infrastructure across the district and will therefore be required to contribute to the combination of measures in Lancaster, following an equitable approach that considers all development in the district. The key measures being developed include:

- M6 Junction 33 reconfiguration with link road (Central 1 option being assessed further);
- Infrastructure in and around the Bailrigg Garden Village area and connecting corridors supporting access both north and south;
- Lancaster wide sustainable transport improvements, including;
  - Cycle superhighway
  - High quality public transport route
  - Park and Ride
- Lancaster City Centre Movement and Public Realm Strategy;
- Traffic management measures to the north and south of the Lune; and
- Changes to other key corridors in the district.

5.5.6 The response sets out that the development of the Lancaster Travel and Transport Infrastructure Strategy has included the development of a mechanism to ensure an equitable distribution of Section 106 contributions to fund its required infrastructure. A gravity approach has been developed that determines the degree of the development's influence and impact on areas of concern (locations of initiative) and also has regard to other sources of funding available/secured. A request for a contribution of £440,379 has been made, which equates to £3146 per unit, and would be used to fund the following initiatives:

1. M6 J33
2. A6 Preston Lancaster Road
3. Bailrigg Garden Village
4. A588 Corridor (South)
5. A588 Ashton Road (North)
6. A6 Scotforth Road (and Other Parallel Routes Such as Bowerham Road)
7. Pointer Roundabout
8. City Centre Gyrotory
9. A683 Caton Road
10. A6 Slyne Road (and Other Feeder Roads)
11. Local Highway Network Around M6 Junction 34
12. Lancaster Area Wide Local Road/Management Changes
13. Morecambe Area Wide Local Road/Management Changes

5.5.7 Lancaster City Council, as the Local Planning Authority must ensure that any request for a financial contribution that it makes, and subsequently secures through a legal agreement, complies with the tests set out in the CIL Regulations, which are reiterated in paragraph 57 of the NPPF. In particular, a planning obligation must only be sought where it meets all of the following:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

5.5.8 In terms of the first test, one of the considerations is the policy position. There are several policies in the Local Plan which relate to the delivery of infrastructure to support development. The third initiative outlined by the Highway Authority relates specifically to Bailrigg Garden Village. Policy SG1 of the Strategic Policies and Land Allocations DPD sets out a range of principles which will be at the core of planning and development in South Lancaster and for the Garden Village. These principles include: seeking a modal shift in local transport movements between South Lancaster, the Garden Village, Lancaster University Campus and Lancaster City Centre and beyond into the employment areas of Morecambe and Heysham through the delivery of a Bus Rapid Transport System and Cycling and Walking Superhighway network; and addressing longstanding constraints and capacity issues in the strategic and local road network through improvements to traffic management and physical interventions to increase network capacity and advantage sustainable travel. The policy goes on to say that development within the broad location for growth, in advance of the Lancaster South Area Action Plan (AAP) will be permitted provided that it would not prejudice the delivery of the wider Garden Village, would conform with and further the Key Growth Principles and that opportunities for sustainable transport modes have been fully considered and the residual impacts on the transport network are not severe. However, as this site is not within the Broad Location for Growth, it cannot be given weight in the determination of this application.

5.5.9 Policy SG3 sets out a policy mechanism for the delivery of growth in South Lancaster. It sets out that all development contained within the designation of the Broad Location for Growth, including Bailrigg Garden Village, should contribute to infrastructure requirements in a fair and equal manner and the council will not permit piecemeal development in this area which does not seek to address matters of strategic infrastructure. Neither policy sets out that development outside the area would be expected to contribute to infrastructure requirements in that area or those as a result of the large scale development proposed in South Lancaster. Therefore, it is considered that there is no policy basis for requests in this area of the District in particular.

5.5.10 Policy SP10 relates to improving transport connectivity and refers to the Highways and Transport Masterplan for the District. This sets out that new development will be expected to be sited in sustainable locations that ensure a range of transport options and seek to reduce the need to travel. Where it is appropriate and necessary to do so, development proposals will be expected to contribute to the delivery of important transport infrastructure. Where strategic developments are likely to result in traffic impacts that will require mitigation in the form of projects identified in the Highways and Transport Masterplan then funding will be sought via developer contributions. It goes on to say that the principles and requirements within Policy DM64 of the Development management DPD will apply.

5.5.11 Policy DM64 sets out that the key issues addressed in the Masterplan include:

- Improvement to highway capacity on the A6 Corridor between Lancaster City Centre and Galgate.
- Improvements to traffic management in Lancaster City Centre to provide greater priority to public transport, pedestrian and cycling movements.
- Improvements to connectivity around Morecambe Bay improving rail services and improving cycling and walking linkages.
- Establishing a new Rapid Transit System between South Lancaster – Lancaster City Centre – Junction 34 Park and Ride – Morecambe – Heysham.

It goes on to say that, where appropriate, the Council may seek contributions towards the delivery of new infrastructure to achieve the aims and objectives set out in the Highways and Transport Masterplan where such contributions are reasonable and directly related to the development proposed, in line with national planning policy.

5.5.12 Policy DM63 also sets out that the Council will support proposals that maximise opportunities for the use of sustainable modes of travel. Development proposals should make appropriate contributions) to improve the transport network and transport infrastructure, particularly to facilitate walking, cycling and public transport (bus and rail) to encourage the use of alternative forms of transport from the private car. Policy DM46 is clear that any contribution should directly relate to the development proposed. As highlighted above, it is clear that it was not the intention of the Local Plan to secure funding for infrastructure within the Broad Location for Growth from development outside the area. There are also other initiatives that are a significant distance from the site, several to the south of the City Centre, where it would be difficult to reach a view that the contribution for these works was necessary to make the development acceptable in planning terms. Unfortunately, this does then call into the question the whole approach and how this could be considered to comply with the CIL tests. The Local Planning Authority must ensure that any request it makes and secures is lawful.

5.5.13 Moving on to the second test and whether the contribution request directly relates to the development proposed. As set out above, there are some concerns that not all the infrastructure initiatives relate to this development. The consideration of this test requires a planning judgement to be made, however this must be based on transparent evidence. In this regard, the Highway Authority have provided the Infrastructure Strategy, its appendices and a spreadsheet which shows the level of contribution that has been apportioned to each project. In reaching the level of contribution required from the development, a sum has been calculated per dwelling for each of the initiatives. There are still queries and concerns regarding the methodology for the gravity model, including how it considers trip generation and traffic distribution. For example, the breakdown of the request sets out £10,669 for the Garden Village, £12,606 for the A6/ Scotforth Road, £11,787 for Pointer roundabout and contributions for the A588, although these are quite small. It is difficult to see how the development has a direct impact on the garden village and routes to the south of Lancaster City Centre or would be unacceptable if this contribution was not made, in addition to the concerns above about the policy basis for this.

5.5.14 There are also a number of other concerns about when some of these schemes may come forward as some of the initiatives include options. As the approach intends to include contributions from all developments across the plan period, it may be that some of the initiatives could not be delivered for many years beyond the completion of the development. This raises the question of how they relate to the development proposed but also the implications if unspent money is required to be refunded. The Highway Authority would still be in a position that they could not secure the money, if not spent within an appropriate timeframe, and the development may have been diminished as a result, such as a decrease in affordable housing to allow all the contribution to be made.

5.5.15 Finally, any request must fairly and reasonably relate in scale and kind to the development. This test is met where there is a real connection with the development and there is a proportionate relationship between the development and the contribution sought. There is necessarily an overlap between the second and third tests. Given the queries about the transparency of the Gravity Model and the apportionment of the contributions, in addition to concerns about the delivery of some of the initiatives and their location and link to the to the development, it is currently considered that the third test cannot be made.

- 5.5.16 As set out above, the Local Planning Authority can only secure financial contributions where they meet the CIL tests. Whilst discussion have been ongoing with the Local Highway Authority for some time, unfortunately the approach put forward fails to comply with the tests for the above reasons. It is appreciated that a lot of work has been put into the development of the model and the collating the information in relation to the proposed projects, but unfortunately there is no strong policy position to support this as a District wide approach.
- 5.5.17 Policy DM60 of the Development Management DPD requires development proposals to be accessed safely during construction and operational phases of development and ensure that they minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. It also requires development proposals to not adversely impact the local highway network and where highway capacity is insufficient to accommodate the impacts of the proposal, to secure appropriate mitigation. This aligns with paragraphs 110 of the NPPF. In accordance with paragraph 111 of the NPPF, development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.5.18 The application proposes a safe and suitable access and the Highway Authority has not raised any concerns regarding this or highway safety in the immediate area, subject to the provision of a crossing on Bare Lane. The site is located on the edge of the built up area, which means that some of the distances are beyond what is desirable to walking to services and facilities. However, the location on the edge of the urban area means that there are a large range of facilities and also access to public transport and the benefits of providing housing weigh heavily in the planning balance. The Highway Authority has not provided sufficient evidence to demonstrate that the development would have a severe residual cumulative impact on the road network if the contribution requested was not secured, particularly as many of the initiatives are very distant from the site. A full Transport Assessment has been submitted as part of this application and. it is therefore, considered that the development will not have a detrimental impact on highway safety to warrant a refusal of consent on this ground alone.
- 5.6 **Flood Risk and Drainage** NPPF paragraphs: 152, 154, 159-167 and 169 (Flood Risk and Drainage); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Waste Water)
- 5.6.1 The site is located within flood zone 1, however it is identified as being susceptible to groundwater flooding (50-75%) and there are some small areas on the site which are identified as being at risk of surface water flooding (1 in 100 and 1 in 1000). There are also two watercourses which cross the site. This is an outline application will all matters, accept access, reserved, and as such the layout is not known. However, it needs to be ensured, at this stage, that an appropriate drainage scheme can be accommodated on the site for the number of dwellings proposed to ensure that any risk of flooding on or off the site can be appropriately managed.
- 5.6.2 Paragraph 167 of the NPPF requires applicants to demonstrate, through a site-specific flood risk assessment, that:
- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  - it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate;
  - any residual risk can be safely managed; and
  - safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 5.6.3 Paragraph 169 goes on to state that: major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate and the systems should:
- take account of advice from the lead local flood authority;
  - have appropriate proposed minimum operational standards;

- have maintenance arrangements in place to ensure an acceptable standard of
- operation for the lifetime of the development; and
- where possible, provide multifunctional benefits.

5.6.4 A flood risk assessment and drainage strategy was submitted with the application to assess the risks of flooding on the site and demonstrate how surface and foul water could be appropriately managed. The Lead Local Flood Authority (LLFA) initially raised no objection, but did raise a number of matters that would need to be addressed within a final housing layout and drainage scheme. This included some concerns regarding a reliance on underground storage of surface water, advice on calculating an appropriate discharge rate, advice against building within 8 metres of the open watercourses on the site and also against culverting existing ordinary watercourses. The last two points raised concerns about whether the number of dwellings proposed could be adequately accommodated on the site as this would require keeping watercourses mostly open. The advantage of this, is that they can be incorporated into the overall design of the layout and become attractive places within the development.

5.6.5 As part of the public consultation process, photographs of flooding/ ponding on the site, from the last few years, were submitted. The agent was asked to address this as it could impact on the number of dwellings that could be accommodated on the site. The drainage strategy was amended to address the concerns, and initially proposed a large attenuation basin to the north of the railway line. Whilst the LLFA considered that this could adequately deal with drainage, it was outside the application boundary and not in the ownership of the applicant and it could therefore not be considered as part of the current application. A subsequent indicative scheme was provided, which shows the existing open watercourses retained as mostly open, except where required to be crossed by roads. This has resulted in the reduction of the number of dwellings on the site from 140 to 129. It shows the use of geocellular baskets and oversized pipes, but also an attenuation swale towards the eastern boundary of the site. This swale would be around 20 metres from the boundary with Network Rail land and it would therefore need to be ensured that they have no concerns regarding the final drainage design and it is advised that the applicant liaise with them when designing the final layout of the scheme. However, it is considered, in the event that this needs to move further from the railway line, that there would be scope to do this with some changes to the layout and possible reduction in size of some of the larger dwellings.

5.6.6 The LLFA have confirmed that they have no objections to the application and consider that surface water could adequately be managed subject to appropriate conditions to secure the final surface water drainage strategy and management. They have advised that, the layout submitted at the reserved matters stage must provide safe access to all on-site watercourses (open or culverted) for maintenance purposes and no development should occur within 8 metres from the bank top of any ordinary watercourse to achieve this. They have set out that this has not been achieved in the indicative drainage layout. In line with Lancashire County Councils Consenting and Enforcement Policy, consent to culvert any existing open ordinary watercourses will generally be refused. Where highway crossings are proposed, clear span bridges should be used in preference to culverting any open ordinary watercourse. From the layout plan, it appears that more space would need to be created around the watercourses and the road crossing reconsidered. However, it is considered that there is potential for the layout to be alter to address this, although it may require reducing the size of some of the dwellings to accommodate the number proposed.

5.6.7 The detailed design of the drainage scheme can be adequately covered by condition, in addition to measures to manage surface water during construction. It is therefore considered that the application complies with Local Plan policies in relation to flood risk and drainage, in particular DM33 and DM34, in addition to national policy set out in section 14 of the NPPF and discussed above.

5.7 **Biodiversity and Trees** (NPPF paragraphs: 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).

5.7.1 The site is located approximately 900 metres from Morecambe Bay and Duddon Estuary Special Area of Protection (SPA), Morecambe Bay Special Area of Conservation (SAC) and Morecambe Bay Ramsar site, in addition to the Morecambe Bay Site of Special Scientific Interest (SSSI). Given

the proximity of the site to the designated areas, there is the potential for the development to have an adverse impact on their integrity both during construction and operational phases of the development. A Habitats Regulations Assessment has been submitted with the application. It is considered that mitigation is required in relation to potential adverse effects and therefore an appropriate assessment has been undertaken.

- 5.7.2 The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the designated areas and Natural England have confirmed agreement to this. This is subject to appropriate mitigation being secured by condition. For potential impacts during construction, this relates to the production and implementation of a Construction and Environmental Management Plan, to include appropriate pollution prevention control measures to ensure no construction related pollutants or run-off enter the drainage ditches or the designated areas. For impacts during the operational phase, this requires the provision of homeowner packs, which explain the sensitivities of the nearby designated sites, include a 'responsible user code' and promotes the use of the on site public open space. The Local Planning Authority has adopted the submitted Habitats Regulations Assessment to fulfil the duty as the competent authority.
- 5.7.3 Greater Manchester Ecology Unit (GMEU) have provided advice in relation to the ecological impacts of the proposal. During the course of the application an updated ecological appraisal was submitted, in addition to an updated biodiversity net gain metric calculation and alterations to the indicative framework plan which reduced the number of dwellings on the site, as discussed in the sections above. In addition to the designated site discussed above, the site is also approximately 200 metres to the south of Belmont Farm Grassland and Fen Biological Heritage Site (BHS) and is potentially hydrologically linked. However, GMEU have advised that they are satisfied that the measures required to protect the SPA, as discussed above, will be adequate to protect the BHS.
- 5.7.4 No evidence of any protected species was found on the site, with no ponds near enough to require measures for great crested newts. There was no evidence of badger which, given the site is reported to flood, is to be expected although they could theoretically utilise the adjacent railway embankments. There was no evidence of otter or water vole from the ditches and no suitable structures or trees on site to provide roosting habitat for bats. However, GMEU have advised that the protected species surveys are becoming dated and, whilst it would appear unlikely that badger, bats or great crested newts would colonise the site, the presence of the drains and connectivity to a wider drainage network and Morecambe Bay means that colonisation by otter and water vole, whilst still unlikely, is not impossible. They have therefore recommended a condition requiring updated protected species surveys as part of the reserved matters. It is not possible to condition that it is provided with the application, as it is not a reserved matter, however it could be conditioned to be provided prior to commencement and mitigation measures updated accordingly depending on the findings.
- 5.7.5 The hedge lines on site and ditches will provide potential bird nesting habitat. Whilst, they are currently shown as largely retained, some will be lost and the final layout is not currently known. A reserved matters application may increase the level of loss. The site also appears suitable, though not high value, for ground nesting birds, although there is no reference to this in the ecological reports. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. They have therefore recommend a condition to ensure that no works to trees or shrubs shall occur or earthworks commence between 1 March and 31 August unless a detailed bird nest survey has been carried out immediately prior to clearance.
- 5.7.6 GMEU have also advised that, whilst the site lacks areas of good cover for other mammals and amphibians, with much of the higher potential habitats retained, given the scale of the site there will be a risk of unnecessary harm and suffering to such species if reasonable avoidance measures are not taken. However, this could be adequately covered by condition. The drainage network also has ecological value in itself. The measures to protect the SPA and BHS will be adequate to protect the retained watercourses. As discussed in the section above, culverts have been proposed although there is some concern from the LLA. If these are provided, GMEU have advised that details of the culvert design should be provided and this should allow passage of mammals under the roads. They have also advised that a species enhancement scheme for bat/bird boxes, bug hotels and ecological permeability through the new development via mammal gaps on boundary features within gardens in addition to a full landscaping proposal should be conditioned.

- 5.7.7 It is also noted that part of the site is recorded as peat within the submitted minerals assessment. GMEU have advised that they would agree with the consultant that the area of peat on the site is too small and isolated (around 1.5ha) to be of use, in terms of extraction. They have also set out that it is too small and isolated (between the railway and housing) for it to be cost effective to restore to fen. There is however an argument that some form of off-site mitigation should be provided for the loss of theoretically restorable peat and or reuse of the peat on a fenland restoration project elsewhere, dependent on the depth of the peat, which does not appear to have been provided. They have recommended that more information is provided as part of the reserved matters application on the actual extent and depth of peat and, if significant, how they could provide compensation off-site.
- 5.7.8 Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. It has also now been announced that a 10% biodiversity net gain will be mandatory from November 2023 (at least on larger sites). A further updated Defra biodiversity metric was provided in January 2023 to allow this to be assessed. This includes on-site and off-site measures on land to the south of the site. GMEU have advised that they are satisfied that the habitat baseline for area based habitats is reasonable and the habitat areas now match up. Given that the landscape plan indicates significantly more than 10 landscape trees are being provided, probably close to 100 in the illustrative layout, if fed in to the metric this gives well over a 10% net gain. Therefore, given that this is an outline application GMEU have advised that they are satisfied that 10% net gain can be achieved based on the indicative layout.
- 5.7.9 There were previous concerns that not all hedges had been incorporated into the metric, and that still applies. The baseline only records 261 metres of hedge, of which 240 metres are retained and enhanced. It is assuming that this relates to the hedge that forms the central spine of the site as the lengths correspond, with the boundary hedge around the south west of the site not included. Given this is shown as retained, it is not a significant issue, although it potentially represents a missed opportunity for the developer to enhance. There are however issues with the length proposed for retention and enhancement. The most recent illustrative layout indicates that significantly more than 20 metres will be removed and that much of what will be retained will divide dwellings, thereby preventing the enhancement from poor condition to moderate. It is therefore disagreed that net gain will be achieved using the central hedge alone. However, this is an outline application and it could be better incorporated into the layout. As noted, there is also approximately 290 metres of hedge not included in the metric, which appears to be retained and the potential to plant a new hedge along the southern boundary and along the boundaries of the off-site mitigation areas. Therefore, whilst best practice would be to have a more accurate hedge line metric provided prior to determination, given this is an outline application and net gain clearly achievable, it is acceptable that this is updated once the layout is known.
- 5.7.10 It has been advised that an updated metric is provided as part of the reserved matters application, that clearly continues to demonstrate 10% net gain for area based habitats and the ditch line and also provides evidence that 10% net gain will be achieved for hedge lines. It would not be a reserved matter but it is important that it is considered as part of the layout as discussed above. There is land to the south of the site that is proposed to provide some of the net gain. As this is outside the application boundary, and not currently in the ownership of the applicant, it could not be conditioned so would need to form part of the Section 106 Agreement. In addition, this will also ensure that an updated metric is provided at reserved matters stage and that this is monitored and maintained for a 30-year period. It is therefore appropriate to include the Landscape and Ecological Creation and Management Plan within the legal agreement rather than as a condition. This can also include the investigation and potential compensation in relation to the peat on the site.
- 5.7.11 As the application is in outline, the final layout is not yet known and landscaping would be considered at the reserved matters stage. It should be ensured that the development provides a well landscaped scheme, ideally containing street trees and green areas throughout the site. On the basis of the information provided, it is considered that there would not be a detrimental impact on biodiversity and appropriate mitigation and enhancements can be secured by condition and legal agreement. It is therefore considered that the application complies with policies DM44 and DM45 of the Development management DPD.

- 5.8 **Residential Amenity** NPPF paragraphs: 92 (Promoting Healthy and Safe Communities), 130 (Achieving Well-Designed Places), 183-189 (Noise and Pollution); Development Management (DM) DPD policies DM29 (Key Design Principles), and DM57 (Health and Well-Being).
- 5.8.1 Policy DM29 sets out that development should ensure that there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution. The supporting text to this sets out that there should normally be at least 21 metres between dwellings where windows of habitable rooms face each other and for every half-metre change in levels between properties, a further 1 metre separation should be provided. It also sets out that rear gardens should look to achieve at least 10 metres in depth, unless there are overriding design reasons to justify a reduced depth, providing that neighbouring private amenity open space will not be overlooked.
- 5.8.2 The application is in outline so the layout would only be assessed through a reserved matters application. However, an indicative framework plan has been submitted to show how the development could be arranged. In terms of neighbouring properties, there is a row of dwellings adjacent to the western boundary which all appear to be bungalows that are quite low in height, without dormer windows. The bungalows are at a higher level than the site, although the land levels would be raised to accommodate the development. These properties also have relatively short rear gardens, between around 6.5 and 10 metres. The indicative plan shows most dwellings set around 12 metres from the boundary with the adjacent dwellings. If these were two storey, this would likely raise concerns with overlooking to the neighbouring dwellings and also gardens, but would not result in a loss of light. If they were reduced to single storey then this would likely address the concern, although a greater separation would also be beneficial, particularly given the short gardens of the existing properties. Some of the dwellings have been shown with side walls facing rear gardens, which is likely to not result in overlooking, subject to the position of windows. However, some of these are quite close and have the potential to be overbearing to adjacent properties, particularly given the short gardens. However, it is considered that these matters could be addressed through the final layout that would be assessed at the Reserved Matters stage.
- 5.8.3 In terms of the amenity of the future occupants, these are unlikely to be overlooked from the existing dwellings as these are bungalows. It is considered that adequate separation between proposed dwellings could be achieved, although some of these are currently shown slightly below what would usually be expected. The site is bounded by the railway line, part of which is the west coast mainline, although this continues to the north. It is likely that, there would be a row of properties adjacent to the railway line. A noise and vibration report has been submitted and Environmental Protection have advised that acceptable mitigation measures have been proposed and should be included in a condition. These mostly relate to glazing specification, with acoustically laminated glass proposed in some locations where the windows face the railway line. It also recommends that an alternative means of ventilation is provided to the habitable rooms most exposed to noise from the West Coast Mainline. Some limited noise barriers, at 1.9 metres, have been proposed to protect external areas. There is the potential for these to be adjacent to internal roads, although this would depend on the layout. It would need to be ensured that there are of an appropriate design in terms of visual amenity or appropriated screened by planting. Given that that is an outline application, and the layout is not known, it would be appropriate to condition a scheme for noise mitigation measures.
- 5.8.4 It is considered that the proposal can be accommodated on the site without having a detrimental impact on the amenity of neighbouring properties, subject to the final layout and design of the dwellings. It is also considered that I could achieve an acceptable level of amenity for the proposed dwellings, again subject to the final design and layout, including in relation to levels. There will be a level of noise and disturbance from the nearby railway line, however it is considered that this would be adequately mitigated by the proposed mitigation.
- 5.9 **Affordable housing, housing standards and mix** NPPF: paragraphs 62 and 63 and 78 (housing needs and affordable housing); Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards) and DM3 (The Delivery of Affordable Housing).

5.9.1 Policy DM3 sets out the requirements for affordable housing and that 30% affordable housing will be required on site on greenfield sites, for 15 units and over, in this location. It requires that the tenure is split into 50/60% affordable/social rent and 50/40% intermediate tenure. However, since the plan was adopted, the Government has introduced a requirement for 25% of affordable homes to be provided as First Homes. These are homes are discounted by 30%, sold to first time buyers and secured by a S106 Agreement. Until such time the affordable housing tenure mix is amended in the local plan, the PPG provides a tenure split which will result as follows: 25% First Homes, 37.5% shared ownership and 37.5% social/affordable rented. The SHMA identifies the affordable housing need and table 4.1 of the DMDPD provides an indicative mix as follows:

Property Type	Affordable %
House (2 bed)	30
House (3 bed)	20
House (4+ bed)	5
Bungalow	10
Flat/apartment (may include 1 bedroom house)	35

5.9.2 This is an outline application, however the applicant has chosen to test viability at this stage as they considered that it would not be viable to provide 30% on the site. This is more challenging at this stage as there are many unknowns, however it is an accepted approach. Several assessments have been undertaken and reviewed by an independent consultant (CPV). This has been reviewed again recently as there is now more certainty regarding the likely level of financial contributions and it is considered that the scheme can deliver a minimum of 27% on site. The applicant has agreed to this but not to the tenure split and schedule of accommodation at this stage. This is considered to be acceptable and the Section 106 agreement would require a minimum of 27% affordable housing to be delivered and an Affordable Housing Scheme, to quantify the plots, house types and tenures, together with arrangements for its delivery and management to be submitted and approved as part of/alongside an application for approval of reserved matters. This would also be informed by a full and updated Financial Viability Appraisal with final detailed costings and sales values and would also allow for the full policy compliant requirement to be delivered if considered to be viable at that time of the Reserved Matters application being submitted.

5.9.3 Policy DM1 seeks to ensure that new development promotes balanced communities and meets evidenced housing need in accordance with the Strategic Housing Market Assessment (SHMA). The SHMA identifies a need for a range of house sizes, including smaller homes, this is carried forward into table 4.1 of the DMDPD. A condition could be added to any planning permission to ensure that the mix provided as part of a subsequent reserved matters application is in line with this. Policy DM2 adopts the Nationally Described Space Standards (NDSS) for all new dwellings and requires that 20% of new dwellings meet Building Regulations Requirement (M4(2) in relation to accessible and adaptable Dwellings. Again, this can be covered by a condition to ensure that the detailed design of the dwellings complies with this.

5.9.4 The development will secure a minimum of 27% affordable housing on site which will be reviewed at reserved matters stage, this has been viability assessed and is therefore compliant with the Affordable Housing policy. It can therefore be ensured that the development will provide an appropriate level of affordable houses on site. Conditions can be included to ensure that an appropriate mix and standard of accommodation is achieved. Any final layout would also need to ensure that the affordable housing was distributed throughout the site.

5.10 **Education and Health NPPF paragraphs: 93 and 95 (Services and School Places); Development Management (DM) DPD policies: DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding)**

5.10.1 Lancashire County Council Schools Planning Team have confirmed that a contribution towards education is not required in relation to this development.

5.10.2 The NHS Clinical Commissioning Group (now the Integrated Care Board) has made representations on the application and seeks a contribution towards local health care infrastructure. The response sets out that the proposal will generate approximately 366 new patient registrations based on an average household size of 2.4, based on the original 140 units proposed, which generates a

contribution of £38,587. The site falls within the catchment area of York Bridge Surgery and they have advised that this need, along with other new developments in the area, can only be met by the extension and reconfiguration of the existing premises in order to ensure sustainable general practice. The response goes on to say that the growth generated from the development would not trigger consideration of commissioning a new general practice but would trigger a requirement to support the practice to understand how growth in the population would be accommodated and therefore their premises options. It is therefore not clear how the contribution would be used. Notwithstanding longstanding concerns over the extent of the actual funding gap as the basis for seeking these requests, the absence of a clear project here means that the NHS request for contributions cannot be accepted at this time and would not be CIL compliant.

5.11 **Sustainable Design and Renewable Energy** NPPF paragraphs: 126 (Achieving Well-Designed Places) and 154 -155 and 157 (Planning for Climate Change); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30 (Sustainable Design) and DM53 (Renewable and Low Carbon Energy Generation)

5.11.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new/ additional development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, they must also be adaptable to the impacts of the climate crisis and support resilient communities.

5.11.2 An Energy Statement has been submitted with the application. This does not propose energy efficiency standards beyond the minimum suggested by Government, has excluded the use of renewable energy on site, does not suggest that buildings be oriented or built to support renewable retrofitting by owners, and states that fossil fuel burning will be used to heat the homes. As a result, the Energy and Sustainability Statement does not clearly set out how the chosen development pathway is built with the climate crisis in mind or set out how it maximises the potential of Policy DM30 'Sustainable Design' of the adopted Local Plan. It is acknowledged that Policy DM30 only requires high standards of design to be encouraged, and that the current application is at outline and therefore the detailed design of the dwellings is not currently known. Although, if measures are to be sought, they need to be conditioned at the outline stage although the design of the buildings, layout and orientation will also be relevant to this at reserved matters stage. It is therefore considered that a statement setting out energy efficiency and sustainability measures should be conditioned to ensure that these are incorporated into the final design as far as possible.

5.12 **Mineral safeguarding** NPPF paragraphs: 219-204 (Facilitating the Sustainable use of Minerals); Joint Lancashire Minerals and Waste Local Plan Policy: M2 (Safeguarding Minerals)

5.12.1 Just over half the site is located within a Mineral Safeguarding Area as identified by Lancashire County Council and considered within the Joint Lancashire Minerals and Waste Local Plan. Policy M2 sets out that planning permission will not be supported for any form of development that is incompatible with working the minerals, unless the applicant can demonstrate that:

- The mineral concerned is no longer of any value or has been fully extracted.
- The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
- The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
- There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource
- That prior extraction of minerals is not feasible due to the depth of the deposit.
- Extraction would lead to land stability problems.

5.12.2 A Mineral Resource Assessment has been submitted with the application. This sets out that mineral resources including glaciofluvial sands and gravels and peat deposits are considered to underlie parts of the site and are of unknown thickness and quality. It goes on to say that, current policy of Lancashire County Council identifies that development will not be supported for any new extraction of sand and gravel, thereby precluding the extraction of glaciofluvial sands and gravels at the site. It also sets out that there are extensive quantities of glaciofluvial deposits within the Lancashire area.

In addition, although peat is identified as a mineral resource on the Lancashire Mineral Resource Map, the Joint Lancashire Minerals and Waste Local Plan identifies that peat is not a mineral of local or national importance and so is not safeguarded. The resources also lie in an area of current agricultural and residential development which would be negatively impacted by subsequent extraction activities. It is therefore considered that the mineral safeguarding allocation on this site does not provide a constraint to the development for housing.

### **6.0 Conclusion and Planning Balance**

- 6.1 The development strategy for the District, set out in policy SP3 of the SPLA DPD, promotes an urban-focussed approach to development concentrated towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. The site is located in the open countryside, however it does lie immediately adjacent to the existing built-up area of Morecambe and the services and facilities that it contains. However, the site is designated in the Local Plan as Key Urban Landscape, along with a large area to the south. The development of this site for 129 dwellings would therefore conflict with the purpose of the designation, set out in policies EN5 and DM46 as it would impact on its open character. The proposal, if granted, would therefore represent a departure from the Local Plan. However, the site does comprise the narrower northern section of the wider designation and is reasonably well contained between the existing residential development and the railway line. The land is also relatively low lying and, whilst it will result in the loss of an area of open agricultural land, the development is unlikely to appear overly prominent within the landscape.
- 6.2 The scheme would provide 129 new dwellings, with a minimum of 27% as affordable units. The layout, scale and design of the dwellings is not known at this stage, but it is considered the number of dwellings proposed could be adequately accommodated and achieve an appropriate development in keeping with the character of the area, without having a detrimental impact on highway safety, residential amenity and flood risk and will also provide a biodiversity net gain. It is considered that the development will cause harm to the significance of Torrisholme Barrow Scheduled Monument, through development within its setting. It is considered that this harm has been mitigated to some degree through the location of the built development and landscaping although harm will still exist. However, it is considered that this harm is outweighed by the public benefits of the scheme, in particular the provision a large number of dwellings in a sustainable location in the context of a significant undersupply of housing land.
- 6.3 Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The Council's most recent Housing Land Supply Statement (November 2022) identifies a housing land supply of 2.1 years, which is a significant shortfall against the required 5 year supply set out in paragraph 74 of the NPPF. Paragraph 11 of the NPPF also requires that, where a local planning authority cannot demonstrate a 5 year supply of deliverable housing sites, permission should be granted unless the application of policies in the NPPF that protect areas or assets of importance (such as heritage assets and areas at risk of flooding) provide a clear reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. This means applying a tilted balance towards the delivery of residential development.
- 6.4 In terms of the balance to take in determining the planning application, whilst the development is considered to cause less than substantial harm to the setting of designated heritage assets, it is considered that this is outweighed by the public benefits of the scheme and would therefore not provide a clear reason to refuse permission. It therefore needs to be considered whether the adverse impacts outlined would significantly and demonstrably outweigh the benefits. The delivery of housing, and at least 27% affordable housing provision, although slightly lower than required by policy, weighs strongly in favour of the proposal. Given the significant undersupply of housing within the District, it is considered that the benefits of the proposal do outweigh the harm caused through the loss of the development of this part of the area designated as key urban landscape, the impacts on the setting of the heritage assets and the location within the open countryside.

### **Recommendation**

That Planning Permission BE GRANTED subject to a legal agreement to secure:

- Provision of a minimum of 27% affordable housing, with precise details determined at reserved matters stage and an updated financial viability appraisal submitted to re-assess provision (no less than 27%);
- Financial contribution for open space calculated at reserved matters stage;
- Travel Plan contribution of £6000;
- Details and provision of on site open space;
- Setting up of a management company; and
- Management and Maintenance of all landscaping, unadopted roads, lighting and drainage infrastructure, on-site open space and on-site watercourses
- Biodiversity net gain, including an updated metric at the time of a reserved matters application, that continues to demonstrate 10% net gain and a Landscape and Ecological Creation and Management Plan showing 30 year management, in addition to pedestrian routes through areas where BNG proposed and investigation of peat on site and scheme for compensation/ re-use

Condition no.	Description	Type (indicative)
1	Timescale for submission of reserved matters application	Standard
2	Development in accordance with Approved Plans	Standard
3	Programme of archaeological work	Pre Commencement
4	Scheme for investigation and remediation of contamination	Pre-Commencement
5	Final surface water sustainable drainage strategy to be submitted	Pre-Commencement
6	Construction surface water management plan	Pre Commencement
7	Construction management plan	Pre Commencement
8	Construction Environmental Management Plan	Pre Commencement
9	Submission of an Employment and Skills Plan	Pre Commencement
10	Details of finished floor and site levels (including gardens and open space)	Pre Commencement
11	Ecology mitigation	Pre Commencement
12	Details of site accesses off Fulwood Drive and Williams Drive	Pre Commencement
13	Arboricultural Implications Assessment/ Tree Protection Plan	Pre Commencement
14	Details of all excavation and earthworks within 10 metres of railway boundary	Pre Commencement
15	Details of the use of any vibro-compaction machinery / piling machinery or piling and ground treatment works and a method statement in relation to impact on railway line	Pre Commencement
16	Fencing to railway line	Above ground
17	Details of the internal estate roads	Prior to commencement of estate roads
18	Off-site highway works - Controlled pedestrian crossing on Bare Lane.	Above Ground
19	Air quality mitigation	Above Ground
20	Full details of noise mitigation measures	Above Ground
21	Sustainability measures	Above Ground
22	Scheme for street lighting and any lighting in the areas of open space	Prior to the installation of any external lighting
23	Details of the provision of an interpretation board in relation to Torrisholme Barrow Scheduled Monument	Pre-Occupation
24	Sustainable drainage system operation and maintenance manual.	Pre Occupation
25	Verification report of constructed sustainable drainage system.	Pre Occupation
26	Travel plan	Pre Occupation
27	Requirements of M4(2) accessibility and adaptability, space standards	Control
28	Housing mix	Control
29	Provision of turning and parking	Control
30	Limit to 2 storey	Control

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

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance

**Background Papers**

None

<b>Agenda Item</b>	A6
<b>Application Number</b>	21/01284/FUL
<b>Proposal</b>	Erection of 25 adaptable bungalows for over 55's with associated access, internal roads and landscaping
<b>Application site</b>	Land South Of Hawthorn Avenue Hawthorn Avenue Brookhouse Lancashire
<b>Applicant</b>	Applethwaite Homes
<b>Agent</b>	PWA Planning
<b>Case Officer</b>	Mrs Jennifer Rehman
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approve subject to conditions and s106 legal agreement.

(i) **Procedural Matters**

This application has been the subject of pre-application discussions. A Councillor Engagement Forum took place on 26<sup>th</sup> August 2021.

**1.0 Application Site and Setting**

- 1.1 The site comprises 2.18 hectare of greenfield land located within the village of Brookhouse, which lies within Caton-with-Littledale Parish, in the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The site is situated south of Hawthorn Close and west of properties on Pinewood Avenue approximately 550 metres west of Brookhouse village centre and approximately 700m southeast of Caton village centre. Land south and west of the site is open countryside. Access to the site is taken from the existing private field access between No.1 Hawthorn Close and No.6 Hawthorn Avenue, located around 70m south of Brookhouse Road. Bus services 80, 81 and 82 (and school buses) operate along Brookhouse Road with bus stops located around 250 metres of the proposed site access.
- 1.2 The site is subdivided into small paddocks and used for grazing by horses. A group of small timber stable buildings/chattels occupy the lower field. The paddocks are separated by drystone walls and post and wire fencing with a public right of way (Footpath 1-10 17) running through the eastern section of the site. This public right of way links Brookhouse Road to a wider network of footpaths to the south, including footpath 1-10 11 which runs adjacent to the southern boundary of the site. The whole site is enclosed by nature hedgerows and trees which form important landscape features within the wider rural landscape, though none of these trees are protected.
- 1.3 The site occupies an elevated position above Hawthorn Close, which like other immediate streets, predominately comprises detached bungalows, dormer bungalows and some split level two-storey dwellings. From the northern field boundary, the topography of the site lies between 32 metres and

37 metres Above Ordnance Datum (AOD) and then slopes up towards the southern boundary to an elevation of approximately 46 metres AOD. Owing to its elevation, the site falls outside identified areas at risk of flooding. The site located within a mineral safeguarding area and lies partly within the outer zone of a high-pressure gas line (to the south). The village conservation area is approximately 370 metres to the east of the site (as the crow flies and at its closest point) where there are several listed buildings. The closest listed buildings include Grade II listed Brookhouse Old Hall and Old Hall Farm (circa 450 metres to the east of the site) and Grade II Artlebeck Bridge on Brookhouse Road (circa 270 metres to the west of the site).

1.4 The site lies within the Caton-with-Littledale Neighbourhood Plan area. Subject to the examiners recommended modifications, the Neighbourhood Plan (NP), is due to proceed to a referendum in May this year. The NP does not allocate the proposed site for housing (or any other land use) but does lie adjacent to the designated Area of Separation between the village settlements of Caton and Brookhouse.

**2.0 Proposal**

2.1 The application seeks full planning permission for the erection of twenty-five bungalows designed to meet M4(2) standards (adaptable dwellings) targeting the aging population. The applicant considers the proposed development a specialist form of retirement accommodation. The dwellings shall be limited to occupants over 55 years of age and controlled by a legal agreement.

2.2 The housing mix comprises eleven two-bedroom bungalows and fourteen three-bedroom bungalows (shown in the table below). All dwellings have been designed to meet or exceed the Nationally Described Space Standards.

Housetype	No of Bedrooms	No of Housetype
A	2	3
B	2	8
C	3	14

The dwellings shall be finished in natural stone and render (or a combination of the two) under slate roofs with uPVC windows. Each dwelling shall include private driveway/garage parking, private gardens and electric vehicle charging facilities.

2.3 The development shall be accessed via a new 4.8 metre wide estate road utilising the existing private track at the junction of Hawthorn Close and Hawthorn Avenue. The new estate road shall incorporate a 1.5m wide footway to the eastern side of the road with a service margin of 0.45m to the western side. Earthworks to create a suitable gradient to the access road and development platforms within the site are proposed together with associated retaining structures. Three areas of amenity open space are proposed within the site with additional structural landscaping to the site boundaries.

2.4 To accommodate the development, it will be necessary for the existing public right of way to be diverted.

**3.0 Site History**

3.1 The site has a limited planning history but those of note are set out in the table below. As part of the assessment of the application, the site was screened against the EIA Regulations 2017 to determine if it was ‘EIA development’. The decision of 21/01510/EIR was that the scheme did not constitute EIA development.

3.2 In addition to the planning history set out below, it is acknowledged that the site was considered as part of the preparation of the now adopted Local Plan (Site 39 in the SHLEAA). The assessment concluded the site was not deliverable on highway grounds. The site was also considered as part of the preparation of Caton-with-Littledale Neighbourhood Plan and was not pursued as an allocation for similar reasons.

Application Number	Proposal	Decision
21/01510/EIR	Screening under EIA regulations for the erection of 25 dwellings and associated infrastructure	Not EIA development
21/00577/PRE3	Construction of 25no. bungalows for over 55s with associated landscaping and car parking	No decision-making process

#### 4.0 Consultation Responses

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

Consultee	Response
Parish Council	<b>Objection</b> and request the Planning Officer secures a response from the AONB Forest of Bowland Unit regarding the large-scale development.
LCC Highways	Following submission of amendments, previous concerns about the internal layout have been resolved. LCC Highways raise <b>no objection</b> , subject to the following conditions: <ul style="list-style-type: none"> <li>• Off-site highway improvement to street lighting and 4 local bus stops to encourage and improve use of public transport</li> <li>• EV charging points</li> <li>• Construction Management Plan</li> <li>• Construction deliveries limited to between 9am and 2.30pm Mon-Friday.</li> <li>• New retaining structures adjacent to the highway to be submitted and agreed</li> <li>• Full engineering details of the streets, drainage, lighting (adoptable standards)</li> <li>• Management and maintenance of estate street prior to adoption</li> <li>• Surface water highway drainage scheme</li> </ul>
Public right of way officer (Lancashire County)	The following <b>comments</b> have been made in relation to the effect on the public right of way: <ul style="list-style-type: none"> <li>• The development would necessitate a diversion to the public right of way which must be made and confirmed before development commences.</li> <li>• Request that the County are consulted on the Order Map and Wording.</li> <li>• Any diverted route must be a minimum of 2 metres wide with no gates or stiles.</li> <li>• Site drainage should not affect the diverted footway, landscaping shall be 3 metres from the footpath.</li> <li>• If necessarily temporary closures of the footpath should be made formally before works take place</li> </ul> <p>A contribution of £2,900 towards improvements to the PROW network to make it more accessible has been requested. This would involve replacing a kissing gate with an accessible alternative and removing steps between 1-10FP17 and 1-10 FT11.</p>
Lead Local Flood Authority	Following submission of amendments, no further comments. The LLFA has <b>no objection</b> subject to the following conditions: <ul style="list-style-type: none"> <li>• Final drainage scheme to be agreed</li> <li>• In accordance with FRA</li> <li>• Construction SW Management Plan</li> <li>• SW Verification, Management and Maintenance Plan</li> </ul>
United Utilities	No objection, subject to the following conditions: <ul style="list-style-type: none"> <li>• SW drainage scheme in accordance with drainage drawing dated 7.10.2021 with a restricted discharge of 2l/s.</li> <li>• Separate drainage system</li> <li>• Management and maintenance</li> </ul>

Forest of Bowland AONB Partnership	At the time of compiling this report, no comments received.
Ramblers Association	<p><b>Objection</b> on the following grounds:          Whilst noting the physical lines of the existing PROW have been accommodated within the development, the Ramblers Association are aware of adverse effects in the landscape and note the content expressed in the Motmot report for the Neighbourhood Plan.</p>
Natural England	<p><b>No objection</b> - NE consider that the proposed development will not have likely significant effects on statutory protected sites and recommends the LPA consult with the AONB Partnership having regard to national landscape policy.</p>
Arboricultural Officer	<p><b>No objection</b> to the proposal subject to the following being addressed:</p> <ul style="list-style-type: none"> <li>• The tree report does not look at the impact of the development on trees to be retained, does not include a method statement, nor a tree protection plan. As a minimum a tree protection plan must be produced.</li> <li>• Modest amendments to the proposed landscaping to limit conflict with existing planting and to secure better design.</li> </ul> <p>Following the submission of further information, the Council's Arboricultural Officer is satisfied with the revised AIA, including a Tree Protection Plan and Method Statement. Minor amendments are recommended to prevent incursion into Root Protection Areas, but the level of incursion is acceptable. A request of details of the sheet piling at the access to determine the impact in the hedgerow is requested.</p>
GMEU	<p><b>No objection</b>, noting the following:          Whilst there were doubts over the BNG previously submitted, given the landscaping scheme has been improved from the original submission, there are no ecological grounds to resist the proposal.          The following conditions are recommended:</p> <ul style="list-style-type: none"> <li>• Scheme for mitigation and enhancement measures</li> <li>• Construction Environment Method Statement include RAMS for:             <ul style="list-style-type: none"> <li>○ Hedgehogs, bats, small mammals and amphibians</li> <li>○ No works to trees, shrubs between 1<sup>st</sup> March and 31<sup>st</sup> August (unless bird surveys undertaken and agreed by the LPA)</li> </ul> </li> </ul>
Planning Policy (City Council)	<p>Comments have been provided setting out an overview of the Development Plan and relevant policies applicable to the consideration of the application. In particular, the recognition that the proposed site is in an identified sustainable settlement but within the AONB, where a landscape-capacity approach should be taken. The planning policy team place a strong emphasis on good design and ensuring new development is well-related to the existing built form, accessibility and connectivity and biodiversity. Policy have criticised the applicants' commitments to climate change mitigation.</p> <p>In respect of housing, the policy team are supportive of the proposed housing for over 55yrs and note this will contribute to an identified need in the district but recommended the number of 3-bedroom units be reduced in favour of more 2-bed and 1-bed bungalows.</p> <p>In respect of affordable housing, the policy team conclude specialist bungalows for older people (aged 55 years and over) would constitute specialist accommodation for people with specific needs (paragraph 65b of the NPPF) but this does not mean specialist accommodation is absolved from providing any affordable housing (as per the applicant's initial assertions). The policy position is for 50% affordable housing in this location (DM6) subject to independent assessment of the applicant's viability position.</p> <p>Policy also set out that the site was considered potentially deliverable as part of the Strategic Housing Employment Land Availability Assessment (SHELAA) (site LPSA_39), that recognises the sensitives of bringing the site forward.          Policy conclude on the presumption on favour of sustainable development and the Council's housing supply position, noting the extent to which this scheme is assessed</p>

	as being appropriate within a protected landscape and the housing mix proposed will be essential in determining this balance.
Environmental Health Service	<b>No objection</b> subject to the following conditions: <ul style="list-style-type: none"> <li>• Provision of EV charging points</li> <li>• CMS to mitigate from noise and dust during construction</li> <li>• Site Contamination Remediation Scheme</li> </ul>
Health and Safety Executive	<b>No objection</b> - does not advise on safety grounds against the granting of planning permission.
Lancashire County Council School Planning Team	<b>No objection</b> – No education contribution required if the development is restricted to the over 55 years. In the event occupation of the development is not restricted to over 55 years, an education contribution towards primary school places to the sum of £53,481.00 (3 places) towards Caton Primary School or Caton St Paul’s Church of England Primary School should be secured.
County Archaeology	<b>No objection</b> , subject to an archaeological investigation condition.
CSTEP	<b>No objection</b> , subject to a revised ESP to clearly demonstrate a measurable commitment against each of the 7 KPIs.
NHS	<b>No objection</b> subject to securing a contribution of £15,580 to support Caton Health Centre consider options for additional population growth (though options for possible extensions to the practice). Failure to secure the contribution we have requested effectively means the NHS are objecting to the application.
Waste and Recycling	<b>No objection</b> in principle subject to layout concerns being addressed to ensure refuse vehicles can access the site without bins having to be manoeuvred excessive distances for both waste and recycling teams and residents themselves. To address concerns – carriageway widths 5.5m appropriate turning provision and 2m footways to manoeuvre bins, plus collection point.
Lancashire Constabulary	<b>No objection</b> and recommends the development be designed and constructed to Secured by Design security specifications. A series of recommendations are provided in the response.

4.2 At the time of compiling this report, the following responses have been received from members of the public:

31 objections (including a copy of residents representations to the neighbourhood plan). A summary of the main planning reasons for opposition are as follows:

Land use principles, housing, and infrastructure issues, including: -

- Little housing need/demand for the over 55’s given existing housing stock.
- Questioning the ability to secure occupation restriction.
- Lack of affordable housing
- Loss of historic greenfield
- Impact on local services (GP and school)
- Considered unsuitable in the Neighbourhood Plan
- Consents have been refused on the site historically.
- Disproportionate housing growth for the village.
- Amendments don’t overcome concerns over housing need, impact on landscape, ecology and amenity of existing residents.

Highway safety and accessibility issues, including: -

- Unsafe and dangerous access
- Substandard access dimensions unsuitable for emergency and waste collection vehicles.
- Poor footway provision resulting in likely conflicts between pedestrians and vehicles.
- Increase in traffic and negative impact on highway safety.
- Local bus services are infrequent with LCC having to subsidise stagecoach services to prevent the loss of a bus service.
- Concerns regarding the diversion needed to the public right of way.

Flood risk and drainage issues, including: -

- Impact on existing drainage system and its maintenance (relating to a surface water drain installed by the council to prevent flooding of properties surrounding the site)

- Increased flood risk to properties below and adjacent to the site
- SUDS won't work due to poor ground conditions, high water tables and poor infiltration.

Amenity concerns: -

- Overlooking and loss of privacy between existing and proposed dwellings
- Loss of outlook, light and overbearingness from development and boundary treatments
- Increase in noise, vibration and light pollution during construction and once operational, including noise from the access road.
- Detrimental impact on the well-being and health of existing residents
- Lack of greenspace between development and existing properties
- The dwellings are not in keeping with the style of any other buildings in the village
- Concerns over the appearance of the retaining wall
- Acoustic fencing should be provided
- Security concerns associated with maintenance strip

Landscape and ecology issues, including:-

- Adverse impacts to and loss of existing and ancient habitats
- Negative affect on the AONB landscape
- Impact on protected dark skies
- Concerns over planting and future maintenance
- Natural England, CPRE and the AONB unit should be consulted.
- Natural England report refers to different development
- Loss of wildflower meadow and release of carbon if destroyed.
- Meadow restoration should be overseen by AONB or County Ecologists.
- Adverse impact to the character of the public right of way

## 5.0 Analysis

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

1. Principle of residential development
2. Housing needs, affordable housing and housing standards
3. Landscape, design and layout
4. Residential Amenity
5. Accessibility, sustainable travel, parking and traffic impacts
6. Flood risk and drainage
7. Biodiversity
8. Open Space
9. Sustainable Design and Renewable Energy
10. Education and Health
11. Mineral Safeguarding

5.2 **Principle of Residential Development** (NPPF paragraphs: 7 – 12 (Achieving Sustainable Development), 60-61 and 73-79 (Delivering a Sufficient Supply of Homes), and 174 (Protecting and Enhancing Valued Landscapes); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), SP6 (The Delivery of New Homes); Development Management (DM) DPD policies: DM1 (New Residential Development and Meeting Housing Needs), DM4 (Residential Development Outside Main Urban Areas), DM6 (Housing Provision in the Forest of Bowland AONB).)

5.2.1 The Strategic Policies and Land Allocations DPD (SPLA DPD) sets out the district's strategic development strategy, advocating an urban-focussed approach to future growth (policy SP3). This is reflected in policy SP2 which sets out the district's settlement hierarchy, whereby strategic growth will be directed to the districts largest urban areas with less strategic/smaller development growth filtering into both urban and the sustainable rural settlements. This approach aims to deliver sustainable growth across the district.

- 5.2.2 The proposed site lies within the settlement of Brookhouse, which is identified as being a sustainable settlement in the AONB pursuant to policy SP2. Policy SP2 clarifies that those sustainable rural settlements, such as, Brookhouse will provide the focus of growth for the Lancaster district outside the main urban areas; subject to the constraints of the AONB's protected landscape credentials. Policy H2 of the SPLA DPD identifies allocated rural housing sites, but this does not include housing allocations within the villages where Neighbourhood Plans were being prepared. Whilst the site is in one of the districts identified sustainable rural settlements, it is not allocated for housing in the Development Plan or in the draft Caton-with-Littledale Neighbourhood Plan. The draft Neighbourhood Plan has not yet been adopted (though the referendum is scheduled for 4 May 2023). Accordingly, at this stage, the weight afforded to the policies contained in the Neighbourhood Plan is limited.
- 5.2.3 The support offered to residential development outside the main urban areas by policy SP2 is further reflected through policy DM1 and DM4. Policy DM1 states proposals for new residential development will be support where the available land is used efficiently, taking account of the characteristics and specific circumstances of individual sites, including viability, and are located where the natural environment, services and infrastructure can accommodate growth. Policy DM4 clarifies that the council will support proposals for rural housing provided that they are well related to the existing built form, they remain proportionate to the character and scale of the existing settlement, and they do not demonstrably undermine the prevailing landscape. In addition to the overarching support offered by policies SP2 of the SPLA DPD and DM1 and DM4 of the DM DPD, policy DM6 of the DM DPD supports the principle of residential development within the Forest of Bowland AONB provided that the local housing needs are being closely addressed/met by the proposal and the development is not 'major development' in the context of AONB policy.
- 5.2.4 At paragraph 177 (and footnote 60) of the NPPF, and policy DM6 of the DM DPD, it is very clear that proposals for 'major' development within AONBs should be refused unless exceptional circumstances prevail. The definition of 'major' in this context is not the same as the definition of 'major development' pursuant to the Development Management Procedure Order 2015. This, ultimately, is a matter of planning judgement for the decision maker, considering the nature, scale and setting of the proposal in the context of the AONB landscape. In this instance, based on the submitted information and the site-specific factors, the scheme is not considered to comprise major development within the AONB. The following assessment of the main planning material considerations validate this conclusion. Paragraph 177 of the Framework and the policy criteria for exceptional circumstances in DM6 are not therefore engaged. Consequently, housing development at this site can be supported in principle, provided the development complies with other planning considerations, particularly in relation to housing need and landscape considerations. All other pertinent planning considerations will be addressed in the following section of this report and considered in the planning balance at the conclusion of this recommendation.
- 5.3 **Housing needs, affordable housing and housing standards** (NPPF: paragraphs 62 and 63 and 78 (housing needs and affordable housing); Strategic Policies and Land Allocations DPD Policy SP6 (The Delivery of New Homes) and Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM3 (The Delivery of Affordable Housing), DM6 (Housing Provision in the Forest of Bowland AONB) and DM8 (Accommodation for Older People and Vulnerable Communities).
- 5.3.1 One of the core objectives of the NPPF is to 'significantly boost' the supply of homes (paragraph 60), recognising the importance that a sufficient amount and variety of land can come forward where it is needed ensuring the housing needs for different groups in the community, including housing for older people, is addressed. Policy SP6 of the SPLA DPD sets out the Council's housing requirements over the plan period, which amounts to 10,440 new dwellings required over a 20-year period. Despite local objection to the housing needs, there is a clear and evidenced housing need in the district. The most recent Housing Land Supply Statement (November 2022) identifies a housing land supply of 2.1 years, which is a significant shortfall against the required 5- year supply set out in paragraph 74 of the NPPF. As a consequence, there is a clear expectation in the NPPF that residential proposals should be approved unless the application of policies in the NPPF that protect areas or assets of importance (such as designated landscapes, heritage assets and areas at risk of flooding) provide a clear reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal when assessed against the NPPF as a whole (Paragraph 11d of the NPPF). This means applying a tilted balance towards the delivery of residential development.

- 5.3.2 The principle of housing growth in Brookhouse accords with the district's development strategy in broad terms. Policy DM1 of the DM DPD expands this support requiring housing proposals to promote inclusive and balanced communities considering evidenced housing needs (set out in the Strategic Housing Market Assessment (SHMA)). In this case, the proposed development is for occupants over 55yrs and is exclusively single storey bungalows. Policy DM8 of the DM DPD relates specifically to accommodation for older people. This policy requires proposals of this nature to:-
- meet the genuine needs of older people
  - be well located to local services and public transport,
  - accord with the Council's housing standards policy (DM2)
  - contribute to affordable housing (in accordance with policy DM3/DM6)
  - provide sufficient parking and access to open space.
- 5.3.3 The SHMA (2018) offers several important points which are relevant to establishing the principle of development in relation to this application:
- The number of people ages 65 and over is projected to increase by 29%
  - a lack of suitable properties for those classified as being in the 'older' age bracket with 29% unable to identify a property that was appropriate; particularly in rural areas (only 14.1% of the districts housing stock are bungalows).
  - Within the Upper Lune Valley area there is not enough stock relative to aspiration for 1, 2 and 3-bed bungalows.
  - 19.2% desire for bungalows (new housing stock)
  - 65% of those within the age group (65+) plan to downsize within the next 5 years
  - 14.4% of those over 65 years require dwelling adaptations (to support needs).
- 5.3.4 The SHMA (2018) identifies a range of dwelling sizes required and the need for properties for older people to downsize into. To address the evidenced need, the application has been amended to reduce the number of three-bedroom bungalows. The amended proposal now provides 14 three bedroom and 11 2-bedroom bungalows. The absence of some one-bedroom units is disappointing but given the overall need for bungalows (or all sizes) across the district, the proposed housing mix is considered acceptable.
- 5.3.5 All twenty-five bungalows are designed to meet the national described space standards and M4(2) accessibility standards, which is to be expected given the proposal is for the 55 years. The proposal therefore, fully accords with the policy requirements set out in policy DM2.
- 5.3.6 Policy DM6 sets out the requirements for affordable housing in the Forest of Bowland AONB. For developments over 10 dwellings, the affordable housing requirement is 50% of the total number of dwellings. The applicant initially contended affordable housing was not required for development involving specialist accommodation (paragraph 65 of the NPPF). This was disputed. The exemption set out in paragraph 65 of the NPPF relates only to the requirements for at least 10% of the total number of homes to be provided for affordable home ownership (not the provision of affordable housing as a whole). Despite disagreement over this point, the applicant then submitted a viability appraisal to evidence the site was not viable to deliver affordable housing on site in accordance with the provision of DM1, DM6 and the NPPF.
- 5.3.7 Due to the lengthy determination period, the viability position has changed. The applicant's viability assessment was independently assessed in accordance with the Council's viability review protocol and was initially considered viable to support 30% affordable housing. The applicant continued to dispute the third party independent viability conclusions and as part of later amendments to the scheme (which were ongoing during this period) a new viability assessment was submitted. This has also been independently assessed and regrettably CP Viability (the Council's consultant) concurs with the applicant's conclusions, that the development could not support any affordable housing. CP Viability has confirmed that the fundamental change since their first assessment is due to the significant increase in construction costs, driven by macro-economic factors such as the energy crisis and the war in Ukraine (also not reflected in the BCIS) and also the increase in mortgage interest rates driven by increases in the Bank of England base rates. This is a disappointing outcome, but one that has been appropriately examined and tested by independent experts. Given policy DM6 (and national policy) allows viability to be considered, the development is judged policy compliant.

- 5.3.8 In conclusion, the proposed development not only makes a positive contribution to the Council's significant undersupply of housing, it also provides specialist accommodation for the elderly for which there is an evidenced need across the district. The proposed housing shall meet national design standards and will be designed to M4(2) adaptable and accessible homes, which supports the independence of people as they get older. Despite the absence of affordable housing, the provision of 25 adaptable bungalows restricted to 55 years is considered policy compliant. The development will provide significant social benefits and should be given substantial weight in the overall planning balance.
- 5.4 **Landscape Impact, Design and Layout** (NPPF paragraphs: 126-134 (Achieving Well-Designed Places), 174 and 176 (AONBs, Valued Landscapes and the Countryside); Strategic Policies and Land Allocations (SPLA) DPD: SP8 (Protecting the Natural Environment), EN2 (Areas of Outstanding Natural Beauty) and EN3 (Open Countryside Area) and Development Management (DM) DPD policies: DM29 (Key Design Principles), DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact))
- 5.4.1 **Landscape** - The application site lies within the settlement of Brookhouse which is identified as being a sustainable settlement within the Forest of Bowland pursuant to policy SP2 of the SPLA SPD document. Policy SP2 of the SPLA clarifies that those sustainable rural settlements such as Brookhouse will provide the focus of growth for the Lancaster district outside the main urban areas; subject to the constraints of the AONB's protected landscape credentials. In this regard, the core principles in the 2021 National Planning Policy Framework (paragraph 174) indicate that the planning system should recognise the intrinsic character and beauty of the countryside and contribute to conserving and enhancing the natural environment. Consequently, development of this site should relate well to the existing urban form and preserve the countryside and the landscapes contained within it.
- 5.4.2 The property lies within the AONB designation and as such there is a duty under section 85 of the Countryside and Rights of Way (CRoW) Act, to have regard to the purpose of conserving and enhancing the natural beauty of this important designation. The NPPF (Paragraph 175) makes it clear that great weight should be given to conserving and enhancing the landscape and scenic beauty of designated landscapes, which have the highest status of protection. Policy DM46 of the DM DPD is consistent with the NPPF and requires development proposals to contribute positively to the conservation and enhancement of the protected landscape and its setting. This can be achieved through embedded design considerations such as siting, scale, layout, appearance, landscaping. This approach is also reflected in policy DM29 and DM4, which both seek to ensure development proposals are well-designed and well-related to the existing built and natural environment.
- 5.4.3 Recognising the importance of the site's location within the AONB, the application has been supported by a Landscape and Visual Appraisal. This accurately describes the current landscape conditions of the site and its visual context within the site and when viewed from its surroundings. It offers an assessment of the development and makes recommendations to mitigate against potential impacts. The application is also supported by a selection of agreed visual representations of the development.
- 5.4.4 The site lies within the Bowland Fringe and Pendle Hill National Character Area, and within the Undulating Lowland Farmland Landscape Character Type and the West Bowland Fringes Landscape Character Area within the Lancashire Landscape Character Assessment. Within the Forest of Bowland Character Assessment the site is identified as Undulating Lowland Farmland with Wooded Brooks and more specifically, within the Caton Landscape Character Area.
- 5.4.5 The site forms part of a wider pastoral landscape but is located on the edge of the existing settlement where existing dwellings contain the site to the north and east. It is elevated above the existing built settlement, but it typically low laying with the rolling drumlins rising to the south beyond the application site. The site is divided into smaller enclosures with post and wire fencing and traditional drystone walls. The western boundary supports a strong line of native hedgerow and trees which form distinctive features in the landscape. The condition of the site varies with the land to the west of the public right of way unmanaged forming long grasses and scrub. Land to the east of the footpath is used by grazing horses and includes stable buildings, which would be removed as part of the proposals. The site is typical of transitional pastoral landscapes and the landscape character areas and types described above.

5.4.6 The character and appearance of the surrounding built development comprises a mix of bungalows and dormer bungalows completed in a range of different materials that are not traditional to the historic fabric or vernacular of buildings in the historic core of the village. These existing dwellings, like the proposed dwellings, have been built on the slopes of the low lying drumlin. The open and rural character of the site is clearly one of local value and is enjoyed by nearby residents and users of the network of public footpaths. However, the site itself is not highly distinctive in the context of the wider AONB landscape. This was recognised in the local plan landscape evidence base (site 39 of the SHELAA), which considered the site (albeit a smaller site than the proposed site) potentially appropriate for sensitive urban fringe development and quoted the following:

*“appropriate for sensitive urban fringe development of a similar scale to the existing residential development without resulting in any significant effect on the AONB landscape character. With mitigation it is likely that this site may achieve a neutral significance of effect and may serve to create a slight beneficial improvement in views for users of the PRow once mitigation measures have established”.*

The evidence base forming part of the draft Caton-with-Littledale Neighbourhood Plan also considered the SHELAA 2017 and as part of its own Cumulative Landscape and Visual Impact Assessment (2019) concluded similar:

*“Site 39 is small in scale and well related to the existing housing around Hawthorn Close and Pinewood Avenue. The site is relatively well contained. However, in order to mitigate landscape effects any development would need to be restricted to small scale, single storey dwellings to ensure a low profile, prevent unacceptable skylining and to prevent any new dwellings becoming a dominant feature in the landscape (especially when viewed from adjacent housing and from the series of public footpaths in the area). The site should reflect the density of nearby housing. The site could be better integrated into the landscape through shelterbelt deciduous tree planting along the southern and western boundaries. This would help form a strong edge of village boundary for the future and reinforce the woodland and hedgerow landscape characteristics of the village and its setting. It is likely that such mitigation would result in the overall significance being reduced to moderate”.*

5.4.7 The proposed site is larger than the site considered as part of the local plan and draft Neighbourhood Plan evidence base. However, the character and visual appearance of this extended part of the site is not materially different to the northern parcel of land. The proposed site extends beyond the existing drystone wall up to the far southern edge where it aligns with the furthestmost southern garden boundaries to dwellings on Pinewood Avenue.

5.4.8 The site lies within the Forest of Bowland AONB which has the highest status of protection and is therefore a valued landscape in the context of the NPPF. Accordingly, the development must be judged in accordance with policy DM46 and paragraph 175 of the NPPF. The thrust of policy is to limit the scale and extent of development within designated areas in order to conserve and enhance the landscape and its scenic beauty.

5.4.9 The application has been supported by a thorough Landscape and Visual Appraisal which incorporates a landscape mitigation plan that had regard to planning policy and key landscape features which contribute to the LCT/LCAs affected by the proposals. This concludes that the landscape effects on the site itself would be **moderate adverse**, noting that the development would result in the permanent loss of the open qualities of the site and replaced with permanent housing development. However, the sites natural containment and proximity to the existing settlement edge influences the site’s landscape character. The effect on the wider AONB landscape and, in particular, the West Bowland Fringes LCA and Caton LCA, has been judged **minor adverse**. This conclusion is drawn on the basis the site is a small parcel of a much wider landscape which is naturally contained and contains no notable landscape characteristics which would be of higher value than local importance. It also recognises that the site sits on the edge of the existing settlement.

5.4.10 The site itself is bound by the existing settlement boundary to the north and west and contained by mature hedgerow trees along the west and southern boundaries. It also aligns with the boundaries of the existing built development and provides a rounding off to the settlement. Whilst the proposed development will result in the loss of the field enclosures, the landscape features along the west and southern boundaries of the site will be protected, retained and enhanced through additional planting

in order to ensure the development positively contributes to the wider landscape character of the AONB. The scale of the development is limited to bungalows to reflect the scale and character of surrounding development and the materials proposed shall consist of traditional natural materials (stone, slate and render). Overall, the development will result in a permanent change to the landscape character of the site, and the wider intrinsic value of the AONB landscape, however this is limited to a small, contained parcel of land. The proposal has been designed to mitigate the landscape effects by the sensitive scale of buildings and the proposed retention and bolstering of the landscaped boundaries to the west and southern boundaries. This will complement the settlement and arguably enhance the transitional urban fringe character in this edge of settlement location. There will be some impacts arising from the development, but overall, the effects would not lead to significant harm and therefore conform to the requirements of policy DM4, DM29 and DM46 of the DM DPD.

- 5.4.11 The visual effects and impacts arising from the development are varied dependant on the receptors. In this case there are: recreational receptors – users of the public right of way through the site connecting to a wider network of paths to the south; residential receptors – residents of property close to the site; and transient receptors – users of the local roads. The application is supported by several photo viewpoints to reflect the visual context and visual effects arising from the development from a set of pre-agreed locations with the local planning authority.
- 5.4.12 In terms of recreational receptors, the greatest level of effect will be experienced by users of public footpath 1-10-FP 17 which crosses through the site (and will need to be diverted). Whilst the effects are be considered **moderate adverse** (once operational), some views experienced along the route of this footpath will be limited to the access or will view the development with the existing settlement in the backdrop. Views looking south towards the higher land beyond the site, will be altered substantially and the open and rural feel walking along this route would be lost as the public right of way once diverted routes through a new housing estate.
- 5.4.13 Users of the public rights of way beyond the southern boundary of the site (1-10-FP-11 and 1-10-FP-20) will experience some visual effects once the development has completed. However, existing and proposed landscaping will filter views and as users of the footpaths walk further away and onto elevated land, the development will be seen in the context of the existing settlement edge. With the embedded design mitigation (low scale development, high quality materials and landscaping), the assessment concludes minor adverse to neutral effects on the users of these footpaths, which is considered reasonable. The assessment considers the effects on other public rights of way further afield from the site and concludes minor adverse to neutral effects, including views from footpaths along the River Lune and those north of Brookhouse.
- 5.4.14 Regarding private residents, there are a small number of existing properties that lie adjacent to the site which will be affected by the development. This is largely limited to the properties that back the site along Hawthorn Close/Hawthorn Avenue and Pinewood Avenue. These residents will experience changes to their views from open pastureland to a housing development. It is important to note, in the context of spatial planning, there is no 'right to a view', though residential amenity including outlook is a material planning consideration. Equally, it should be noted that spatial planning is a function exercised in the public interest and not private interests. Nevertheless, the submitted landscape and visual appraisal has considered the visual effects of the proposal on private residents and for those dwellings with direct views of the site (Hawthorn Close/Avenue), the impact of the development once completed, together with the embedded design mitigation, is considered to result in **moderate adverse** visual effects. The effects on residents on Pinewood Avenue would be considered less due to the distance from the site and the oblique views experienced. These residents have benefited from open views towards the open countryside to the south. The development will diminish and, in some cases, due to the elevated nature of the site, obliterate the views they previously experienced. This has been a concern raised by a number of local residents. Whilst there is no right to a view, the development has been design and amended to minimise the level of impact through planting and limiting the scale of the development to single storey. The effect of the development on residential amenity is discussed below.
- 5.4.15 The submitted appraisal has considered several local roads where the development may be visible. This considered views from roads close to the site on Brookhouse Road and Hawthorn Close/Avenue and more distant elevated routes. The assessment concludes in both the short and long distance views the visual effects would result in neutral effects once the development has been completed. This is largely due to the intervisibility between the site and users of these local roads, their transient

character, and the embedded design mitigation. Most notable from Brookhouse Road, views will be possible, but with the existing planting along Brookhouse Road and the existing and proposed planting along the western boundary of the site, views will be filtered substantially. The single storey nature of the development also helps mitigate the effects of the development given the sites elevated position above surrounding development.

- 5.4.16 Overall, the proposed development will result in some adverse visual effects with recreational users of the footpath on site and the private dwellings backing the site most affected. The effects of the development will be limited to a small visual envelope by a relatively small number of receptors and in most cases, the development will be seen and experienced in the context of the existing settlement. The development would not therefore result in significant visual effects on the wider AONB landscape.
- 5.4.17 Regard is also given to the landscape and visual effects arising from the development during construction. In this case, there will be harm arising from the development which will range from major adverse to minor adverse. For example, users of the footpath running through the site will would experience major adverse effects as the construction of the site will directly affect the position and use of the public right of way. Similarly, the construction impacts will be high for the residents bordering the site. In all cases, however, the effects will be temporary and can be mitigated to a certain extent by suitable construction methods and site hoardings to help screen the construction of the site.
- 5.4.18 In conclusion, it is considered that the adverse landscape and visual effects arising from the development are limited to a localised area and, whilst the proposed will lead to significant change to the character of the site itself, the effects will not result in adverse effects to the wider AONB landscape. The proposed development has been sensitivity designed to minimise the landscape and visual effects most notably by limiting the development to bungalows, providing an improved landscape buffer to the western boundary through the protection and bolstering of the existing landscaping, incorporating the existing public right of way and the provision of open space and areas to support existing planting. The massing, design and appearance of the proposed bungalows are of a similar composition to surrounding buildings and shall be finished in traditional materials. Accordingly, it is contended the landscape has the capacity to accommodate the development without significant adverse impacts on the landscape and special qualities of the AONB. Consequently, the development is considered compliant with the requirements of DM4, DM6, DM29, DM45 and DM46 of the DM DPD.
- 5.4.19 **Trees** – Policy DM45 of the DM DPD, along with the design principles of DM4 and DM29, requires development proposals to protect trees and hedgerows that positively contribute to the visual amenity, landscape character and environmental value of the location. It states development should incorporate existing trees and hedgerows and where this cannot be achieved, applications should be supported by a Arboricultural Impact Assessment and compensation for tree losses should be provided.
- 5.4.20 The proposed landscape mitigation strategy has enabled the most important trees and hedgerows within the site to be protected and retained as part of the development proposals. This includes the landscape features to the south and western boundaries. There are some tree losses associated with the development. These are located mainly located along the access track and are required to be removed to facilitate the proposed access road, together with some tree losses to secure a new connection to the public right of way to the southern boundary. These trees are category C trees and should not constrain the redevelopment of the site, provided adequate mitigation is secured. The existing hedgerow to the west side of the access road will be protected and retained despite the changes in levels required.
- 5.4.21 The proposed landscaping scheme involves extensive new tree planting to bolster the most important trees and hedgerows boarding the site. Subject to the implementation of the proposed protection measures and the implementation of the new landscaping, the development accords with the requirements of policy DM4, DM29 and DM45 of the DM DPD.
- 5.4.22 **Design and Layout** – Section 12 of the NPPF, together with policy DM4 and DM29, places a strong emphasis on the delivery high-quality, beautiful and sustainable buildings and places, noting good design is a key aspect of sustainable development. It is about place making and ensuring development functions well, is visually attractive, creates a sense of place and is safe, inclusive and

accessible and reflects the character of the area. The applicant has positively sought to address a number of design and amenity concerns initially raised by officers. The resultant layout of the housing estate itself broadly meets these policy requirements. The orientation of the dwellings accounts for the site's elevated and prominent position in the landscape with extensive landscaping to the south and western boundaries, to help frame and bolster the existing landscape features. The site will form a natural rounding off to the existing settlement, despite its elevated position and the open space located adjacent to the eastern boundary. Internally, the site promotes good accessibility throughout and ensures areas of open space benefits from suitable natural surveillance. The scale of the dwellings and the use of materials are in keeping with surrounding development, and arguable of better quality.

- 5.4.23 Whilst the housing layout within the site itself is generally positive, there are design concerns over the access arrangement and some of the retaining wall features. In this case, the access will be tightly positioned between the side elevations and boundaries of the existing dwellings, forming a gap less than 8 metres. This is not typical of the surrounding street pattern, which is more spacious than what is proposed by the development. Whilst the access geometry is acceptable from a highway safety perspective, the proposed arrangement is overly tight and out of keeping with the area. Once into the development site, the access street is widened and the estate opens out and provides a spacious character similar to the density of surrounding development.
- 5.4.24 Due to the elevation of the site, the development involves the creation of development platforms to provide suitable road gradients (for adoptable standards where possible) and to meet the external requirements of M4(2) accessible and adoptable dwellings. This has resulted in the formation of some substantial retaining features along the proposed site access road and along the northern boundary with Hawthorn Close. Retaining features internal to the housing estate are not significant and can be carefully designed and featured within the layout. The retaining wall along the northern boundary varies in height and is proposed around 650mm to the rear of plot 3. This increases in height to 2800mm to the rear and side of plot 7. There are no details over the appearance of this retaining feature. At a height of 2800mm, this is considered out of keeping and out of scale and character with the surrounding built form and special qualities of the landscape. Whilst the proposed landscaping scheme seeks to soften the impacts of the wall, there may be scope to reduce the scale of the wall and improve its appearance through the precise details of site levels and material conditions. A similar retaining wall is required along the site access. There is little scope to reduce this given the gradients required for the road and the narrow gap between the existing dwelling to facilitate the access design. In this regard, the visual impacts of this wall would be harmful where it exceeds 2 metres in height. There is scope to improve and appearance of this wall through careful use of materials and potentially public art. Such details are capable of being conditioned.
- 5.4.25 The level of harm arising from the access design and the scale of retaining features (subject to amendments to the northern boundary) would be limited and localised to a small area, but, nevertheless, means the development still fails to achieve high quality design that functions well and adds to the overall quality of the area. In this regard, there is a degree of conflict with Section 12 of the NPPF and policy EN3, DM4 and DM29 of the Development Plan, which is afforded moderate weight in the planning balance.
- 5.5 **Residential Amenity** NPPF paragraphs: 92 (Promoting Healthy and Safe Communities), 130 (Achieving Well-Designed Places), 183-189 (Noise and Pollution); Development Management (DM) DPD policies DM29 (Key Design Principles), and DM57 (Health and Well-Being).
- 5.5.1 Planning policy DM29 and paragraph 130 of the NPPF requires new development to ensure and maintain a high standard of amenity for existing and future users. In particular, this policy states that development should not have a significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking and pollution. To provide an acceptable standard of amenity, policy DM29 requires all development to ensure suitable levels of privacy can be met and encourages minimum gardens sizes, given the importance private garden space can provide to the health and well-being of future residents. Crudely speaking the rule of thumb is to provide a minimum 21 metres interface between habitable spaces, with an increase in separation distance where finished floor levels vary and for all gardens to be a minimum of 10 metres deep (and 50 square metres in area subject to dwelling size). However, the policy also recognises minimums distances may need to increase or reduce depending on site specific circumstances.

- 5.5.2 The proposed scheme has been amended to improve the amenity of future and existing residents, having regard to the proposed site levels, interface distances and garden sizes, but the landscape mitigation secured has compromised the ability to maximise significant improvements and meet the amenity standards in full. The bungalows in the central block of the development (i.e between plots 10 -13 and plots 14 -19) maintain between 20 and 21 metres interface (expect between plots 10 and 15 where the orientation means the interface is slightly less than 20 metres but it is not directly back to back). This is marginally below the recommended requirements, but given the single storey scale of the dwellings and suitable boundary enclosures, the development would not lead to significant detrimental impacts to the amenity of future residents. The row of bungalows to the south are situated on higher land with proposed interface distances around 26 - 27 metres (between plots 8/9 and 20/21). There are some plots where rear elevations face side elevations with separation distances between 13.5 metres and 15.5metres taking account of the site topography. All dwellings have acceptable garden sizes. The level of amenity provided for future residents is acceptable and accords with policy DM29.
- 5.5.3 Turning to the impact of the development on the amenity of existing residents, it is acknowledged from the objections received existing residents are deeply concerned about the potential effects the development may have on the amenity and enjoyment of their homes. This is an important material planning consideration. Whilst the effects may be felt further afield (such as the effects of the increase in traffic movements and changes to the character and visual appearance of the site), it is considered that the neighbours most likely to be affected by the development are the two dwellings either side of the proposed access road and the remaining residents along Hawthorn Close and those backing the site on Pinewood Avenue.
- 5.5.4 Other than a change in the character and appearance of the site, the effect of the development on the residential amenity of residents of Pinewood Avenue is not considered unacceptable in planning terms. The closest proposed dwelling to property on Pinewood Avenue is more than 40 metres away and is separated from the proposed bungalows by an area of open space (partly for habitat retention and public open space) along most of the eastern boundary. The separation distance combined with the single storey nature of the development would not lead to an oppressive form of development to these existing residents and accords with the requirements of policy DM29 and paragraph 130 of the NPPF.
- 5.5.5 The relationship of the development to the rear of properties on Hawthorn Close is less generous than the relationship between the development and residents of Pinewood Avenue. This is largely because of the layout, proposed site levels and the orientation of the bungalows. In this location, the development proposes seven bungalows along the northern boundary of the site. Two are orientated east-west (and will be discussed at paragraph 5.5.8) and the remaining five orientated north-south with the proposed rear elevations backing onto the rear elevations of existing dwellings. The interface distance between the development (plots 3-7) and numbers 5 to 17 Hawthorn Close (odd numbers only) is approximately 30 metres. This exceeds the minimum requirement of 21 metres with the additional circa 9 metres of separation considered suitably proportionate given the differences in land levels between the site and existing buildings. To provide some context, the topographical information provided within the application indicates the existing level at the northern site boundary to be around 33.5 metres Above Ordnance Datum (AOD) level. The proposed dwellings have a finished floor level around 38m AOD - almost a five metre level difference. It is also acknowledged that the existing properties to Hawthorn Close are positioned lower than the levels at the site boundary. Whilst there is a substantial difference in land levels, the proposed level of separation combined with the provision of suitable garden fences and the single storey nature of the development, would sufficiently mitigate against concerns of loss of privacy and overlooking. Understandably, there will be a perception of overlooking due to the position of windows to the proposed bungalows sitting above garden fences and retaining walls on the sloping sections of the site (plots 6 and 7), but this would not lead to significant adverse effects and would not conflict with planning policy to substantiate a refusal of planning permission.
- 5.5.6 The outlook from the rear of properties (and their gardens) on Hawthorn Close will be substantially altered by the development. To minimise the effects of the development, significant landscaping is proposed along the site boundaries with the development limited to single storey bungalows. However, officers have raised concerns over the scale of retaining features along the boundary with Hawthorn Close. Whilst the buildings themselves are well related to the existing settlement and the form and layout not dissimilar to the surrounding settlement pattern, the provision of 2800mm high

retaining walls around plot 7 to the north and western boundaries would be potentially visually obtrusive. They would also fail to represent good design that would enhance the character and quality of the protected landscape. However, at plot 7 the distance between the retaining wall to the rear elevation of the existing dwelling is in excess of 16 metres. The proposed retaining wall also reduces in height along this boundary towards the access to approximately 650mm. Accordingly, whilst it may be a poor design feature, it would not result in overly overbearing to substantiate a refusal on residential amenity grounds.

- 5.5.7 Some residents have raised concerns over the proposed landscape buffer between the proposed gardens and existing gardens from a security and maintenance perspective. The buffer has been provided to support additional planting to soften the appearance of the development from these dwellings. The buffer shall be fenced off to prevent access and will be maintained as part of the wider landscaping scheme through a management company (controlled by the legal agreement).
- 5.5.8 Turning to the impact on the two residential properties either side of the proposed access. The residents of these properties, namely 1 Hawthorn Close and 6 Hawthorn Avenue, will be affected by the construction of dwellings on the site but also the access road into the new estate. No. 1 Hawthorn Close (No.1) sits at a lower elevation to No. 6 Hawthorn Avenue (No.6) and is separated by the existing field access track and the public right of way, which is a narrow path situated between the garden boundary of No.6 and the fence/hedgerow to the access track. No.6 is a dormer bungalow and has habitable windows (at ground floor and in the roof level) facing towards No.1 (across the track). No.1 also has habitable windows facing across the access track, though views are limited by the presence of the existing Beech hedge along garden boundary with the track. Both properties have habitable windows to the front and rear as well.
- 5.5.9 There are no proposed dwellings located to the side or rear of No.6. Accordingly, the effect of the development on their amenity is limited largely to the access and its use during construction and once operational. No.1 is situated alongside the proposed access road and is also affected by the position and location of plot 1. Plot 1 is orientated to face the new estate road and has its side elevation facing the rear of No 1 and their garden. The interface distance far exceeds the recommended 12 metres and is approximately 21 metres from the rear elevation of No.1. Whilst there is a level difference between these properties, this is not significant. Consequently, the proposed buildings would not result in a significant detrimental impact to the amenity of No.1 in terms of overlooking, privacy and overbearingness.
- 5.5.10 The proposed access is tightly positioned between these two existing dwellings and involves substantial earthworks to form a suitable carriageway to serve the development. The proposed plans indicate the levels of the existing track will need to be lowered to form a gradient which would meet the highway authority's adoptable standards. This will involve the formation of retaining walls (formed by sheet piling) between the site boundaries and the edge of the carriageway and will involve the removal of the separate public right of way and a new footway incorporated into the highway design. The lowering of the access road (from existing levels) is substantial across some sections of the access road into the site (as can be seen from the access sections). This would ensure the outlook from the side facing habitable windows of the neighbouring dwellings is not significantly adversely affected by the movement of passing vehicles along the access track. The effects of noise and light from passing traffic will be relatively limited due to the small-scale nature of the development with the Council's environmental Protection Service raising no objections in this regard. If the development is supported, a lighting condition would be recommended to safeguard the amenities of neighbouring residents (as well as mitigating the visual effects of the development on the landscape).
- 5.5.11 Given the relationship of the site to neighbouring dwellings and the nature of surrounding residential streets, a construction method statement to control the effects of construction traffic, land stability, noise and pollution during construction is recommended.
- 5.5.12 Despite concerns to the contrary, the proposed development has been amended and designed to provide policy compliant amenity standards between existing and proposed dwellings. Mitigation can be provided to minimise the impacts during construction and once operational through the provision of a suitable construction method statement, retention/protection of some planting and the provision of new landscaping, new boundary treatments and a detailed lighting scheme. In addition, some permitted development rights shall be removed to limit further extensions and alterations to the dwellings and boundary treatments which could diminish the quality of the development and/or affect

the amenity standards secured through the amended layout. These measures can be controlled by planning condition if the development is approved. Accordingly, the development is considered compliant with local and national policy in relation to residential amenity.

- 5.6 **Accessibility, sustainable travel, parking and traffic impacts (NPPF: Chapter 9 paragraphs 104-113 (Promoting Sustainable Transport); Strategic Policies and Land Allocations (SPLA) DPD policies SP3 (Development Strategy for the District), SP10 Improving Transport Connectivity and T2: Cycling and Walking Network; Development Management (DM) DPD policies DM29: Key Design Principles, DM57 Health and Well-being, DM58 Infrastructure Delivery and Funding, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, DM63: Transport Efficiency and Travel Plans; DM64: Lancaster District Highways and Transport Masterplan**
- 5.6.1 Despite the small-scale nature of the proposal, the application is supported by a Transport Statement that has been informed by pre-application discussions with the local highway authority.
- 5.6.2 The development shall be accessed off Hawthorn Avenue utilising the existing private drive serving the fields. Hawthorn Avenue/Hawthorn Close/Pinewood Avenue are all typical residential streets with carriageway dimensions of 6 metre wide with footways either side of the road. The proposed access geometry consists of a 4.8m wide road and a 1.5m wide footway to the eastern side of the road with a service margin of 0.45m to the western side. The junction radii is 4.2 metres on both sides with visibility splays of 2.4 metres by 25 metres in both directions, which is commensurate to the 20mph speed limit. The access gradient is a maximum of one in 12, although the initial section on approach to Hawthorn Close will be 1 in 20. The access and footway provision widens into the new estate.
- 5.6.3 There have been many public objections to the development on the grounds the access is unsafe. This also stems back to previous evidence to support the adopted Local Plan and the Neighbourhood Plan where the site was not considered suitable (and therefore not included as a housing allocation), largely because of the access constraints. However, during the determination of the application and in response to amended proposals, the local highway authority maintain no objection to the development and have not disputed any of the assumptions set out in the submitted Transport Statement (TS).
- 5.6.4 The submitted TS indicates the proposed residential development is forecast to generate approximately 13 two-way trips in the AM peak and 12 in the PM peak. Whilst there will be an increase in traffic, the anticipated traffic movements are not significant and are unlikely to materially affect the operation of the local highway network, which is not known to have any local capacity constraints, or materially increase any road safety issues.
- 5.6.5 There have been concerns raised by residents about the potential conflicts between vehicles and pedestrians/cyclists using the new estate road, particularly given the access location at the junction of Hawthorn Close and Hawthorn Avenue, and the slightly narrower road and footway dimensions. It is noted that the stretch of highway between the existing dwellings would not meet the County's adoptable standards. Meeting adoptable standards for estate road design is not a planning policy requirement - but clearly preferable. Policy DM60 requires (amongst other criteria) development proposals to include measures to address highway safety to the satisfaction of the local highway authority and for the site to be accessed safely during construction and operational phases of development. The proposed access has visibility splays of 25 metres either side of the junction within the adopted highway, which is commensurate with the vehicles speeds locally. Despite the concerns raised by residents and an acknowledgement the access onto Hawthorn Close/Avenue is tight, the local highway authority (as the statutory consultee) considers the development proposals acceptable and raise no objection. In light of this, it would be difficult to substantiate a refusal for reasons on technical highway grounds against the advice of the statutory consultee.
- 5.6.6 Development Plan policies (DM29 and DM61 of the DM DPD) and the NPPF aims to secure development that is sustainability located to reduce the need to travel and to maximise opportunities to promote walking, cycling and the use of public transport. The site is in a sustainable rural settlement where access to services by sustainable modes is available (albeit proportionate to its rural location). In terms of accessibility the site is within acceptable walking distances to a range of local facilities and services and public transport. The closest bus stop is c250m from the site on Brookhouse Road, where services are relatively frequent. There has been no request from the County Council to secure

funds to support additional bus services or the districtwide transport infrastructure strategy (i.e. the gravity model). However, to improve the sustainability of the development, bus stop improvements works to four local stops are required. The precise details shall be secured by planning condition as part of a scheme of off-site highway improvements and delivered under a Section 278 Agreement with the highway authority. In addition, the proposal includes uncontrolled pedestrian crossing to the east of the new junction and improved street lighting towards Brookhouse Road to maintain a safe environment to pedestrians walking to the bus stops in dark conditions.

5.6.7 The proposed development will necessitate the need for the existing right of way to be diverted. This is a separate legal process which must be undertaken before the commencement of development. The existing footpath is a narrow rural path which will need to be removed to facilitate the construction of the access road. The diverted route will be incorporated into part of the highway design. The visual character of the route will become more suburban, but the width of the path will be increased to 1.5m (and widened when within the estate) and will be appropriately surfaced. The County Council Public Right of Way (PROW) Officer has indicated the diverted route must be a minimum of 2 metres wide. This is not possible at the access but given the current width, it is not considered reasonable to insist on something that cannot physically be delivered and is better than existing. In addition, the PROW Officer has requested a contribution to make improvements to the existing gates between the footpath affected and where it meets the footpath which runs alongside the southern boundary of the site. The improvements are to remove the steps and kissing gate with an alternative and more accessible arrangement. The applicant is amenable to the request, though officers are seeking confirmation from the PROW Officer whether this work can be delivered by the developer and controlled by condition opposed to the s106 contribution. A verbal update will confirm the position. It is noted that the Ramblers Association have objected to the proposal but on the grounds of the landscape effects opposed to the effect directly on the existing public right of way. Overall, with the off-site highway improvement works and the diversion and improvements to maintain and enhance this existing public right of way, the development would make a positive contribution to supporting accessibility and sustainable travel.

5.6.8 Regarding parking, the proposed development accommodates sufficient parking in accordance with policy DM62 of the DM DPD. Electric vehicle charging points are proposed but this is now controlled under building regulations. Cycle provision can be accommodated on site within the curtilage of each dwelling. The precise details to be controlled by planning condition.

5.6.9 In conclusion, the applicant has demonstrated to the satisfaction of the highway authority that the site can be safely accessed and would not adversely impact the local highway network. The scheme also incorporates measures to retain and improve pedestrian accessibility and measures to encourage the use of public transport. The estate roads are designed to adoptable standards with adequate footway provision and sufficient parking for future users. The proposal therefore accords with the relevant highway related policies of the Development Plan and the NPPF.

5.7 **Flood Risk and Drainage** (NPPF: Chapter 14 paragraphs 152 and 153 (Planning for Climate Change) and paragraphs 159, 161-167 and 169 (Planning and Flood Risk); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Waste Water) and the draft policies DM33 and DM34 of the Climate Emergency Review of the Development Management Development Plan Document Publication Version (January 2022).)

5.7.1 Strategic policy seeks to ensure new growth within the district does not create new or exacerbate existing flooding issues and to reduce flood risk overall. The NPPF and the above referenced DM DPD policies require development to be in areas at least risk of flooding (following the sequentially and exception test) and for major proposals to ensure surface water is managed in a sustainable way accounting for climate change. The emerging policy places an even greater emphasis on managing flood risk, sustainable drainage proposals and the maximisation of above ground SUDS features.

5.7.2 The application is supported by an amended Flood Risk Assessment and Drainage Strategy. In accordance with the sequential approach to locating development in areas at least risk of flooding, as set out in national and local planning policy and guidance, the site is in floodzone 1 and is not affected by ground water or surface water flooding. As such, the principle of residential development is acceptable from a flood risk perspective.

- 5.7.3 It is, however, acknowledged there are areas close to the site where there is an increased risk of surface water flooding. Accordingly, it is important that the development does not increase that existing risk. It is also noted that there is a land drain along the northern boundary of the site, which was installed by the City Council to help alleviate surface water flooding from higher land entering property along Hawthorn Close/Avenue.
- 5.7.4 The application is supported by an updated drainage strategy which has sufficiently evidenced infiltration is an unviable solution for the development due to the existing ground conditions. In accordance with the SUDS hierarchy, the applicant therefore proposes the surface water from the development to be positively drained to an existing outfall on Artle Beck, via the existing land drain on the site. The drainage scheme has been designed to restrict surface water flows to the greenfield rate (Q<sub>bar</sub>) and will therefore comprise areas of attenuation and control flow devices through a piped network. The greenfield discharge rate will be divided with two outfalls: 9.7l/s into the diverted land drain and 2l/s for the access road connecting into the sewer in Hawthorn Close. The attenuation has been calculated and designed to account for climate change and will be provided in the form of below ground attenuation tanks on the area of open space in front of plots 8 and 9. The drainage strategy shall incorporate the former land drain but diverted from its former position. Additional land drains are also proposed along the northern boundary of the build development to deal with exceedance flows. Whilst it is disappointing above ground SUDS have not been incorporated into the drainage proposals, overall, the principle of the drainage strategy is acceptable with no objections received from United Utilities or the Lead Local Flood Authority. The final detailed drainage scheme shall be controlled by condition (based on the submitted and approved strategy), together with a scheme for long term maintenance and verification of the implemented scheme. A condition is also recommended to manage surface water flows during construction.
- 5.7.5 Proposed foul drainage will be drained separately from the surface water and will discharge to the existing adopted foul sewer in Hawthorn Close. This is an acceptable solution with no objection raised by United Utilities.
- 5.7.6 Despite local concerns over the increase in flood risk, the applicant has evidenced that there is a technical solution to sustainably drain the site, accounting for climate change, and ensuring flood risk would not be increased elsewhere. Accordingly, and subject to the imposition of relevant planning conditions listed in the recommendation, the development accords with the requirements of national and local flood risk planning policy.
- 5.8 **Biodiversity (NPPF: Chapter 15 paragraph 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).**
- 5.8.1 Strategic policies SP8 and EN7 both recognise the importance and value of biodiversity within the district and expects development proposals to protect, maintain and enhance biodiversity. This policy position is reflected in the Development Management DPD policies. Policy DM44 states development proposals should protect and enhance biodiversity and, as a principle, there should be net gain of biodiversity assets wherever possible. The policy goes on to state that where harm cannot be avoided, it should be mitigated and as a last resort compensated for, and where a proposal leads to significant harm, planning permission should be refused. Policy DM45 identifies the importance of retaining trees, woodland and hedgerows where they positively contribute to visual amenity, landscape character and/or the environmental value of an area. This policy expects new development to positively incorporate existing trees and hedgerows and where this cannot be achieved, the losses must be justified and mitigation. Policy DM45 seeks to maximum and encourage new tree and hedgerow planting of indigenous species to mitigate against the wider impacts of climate change and to enhance the character and appearance of the district.
- 5.8.2 The site is located approximately 8km from Morecambe Bay and Duddon Estuary Special Area of Protection (SPA), Morecambe Bay Special Area of Conservation (SAC) and Morecambe Bay Ramsar site, in addition to the Lune Estuary SSSI. Given the distance from the designated sites, it is considered that the proposal would not have a likely significant effect on the interest features for

which they have been designated. Natural England have confirmed this and have raised no objection to the proposal.

- 5.8.3 The application has been supported by a suitable ecological appraisal including reasonable surveys to assess the ecological value of the existing habitats and the use of the site by protected species. The assessment considers the main part of the site to be of low ecological value (poor semi-improved grassland where it is grazed by horses) and of higher value to the edge of the site in the area of marshy grassland. No notable protected species were recorded on site, other than low numbers of bats foraging, with an acknowledgement that birds are likely to utilise landscape features (trees and hedgerows) during nesting season. Despite objections to the contrary, the Council's ecology advisor (GMEU) is satisfied with the extent of survey effort and concurs with the assessment conclusions.
- 5.8.4 Mitigation and habitat enhancement is proposed in the form of extensive new planting, together with the protection, retention and bolstering of existing hedgerows and trees to the site boundaries and the retention of the marshy grassland. New bat roosting provision shall also be incorporated into the dwellings. GMEU recommend some precautionary reasonable avoidance measures for protected species that can be secured through an ecology protection and enhancement scheme by planning condition.
- 5.8.5 As discussed earlier in the report, the proposed development largely avoids the removal of the most distinctive landscape features on the site which also form important ecological corridors. The Council's Arboricultural Officer is satisfied the development provides a suitable buffer and level of protection to the boundary landscape features. Outstanding matters have already been discussed and verbal updates will be provided. Overall, however, the protection, retention and bolstering of the existing landscaping will form an important component of the site-wide ecological enhancement measures.
- 5.8.6 In line with policy DM44, and the recent passing of the Environment Bill, the council seeks to secure a meaningful biodiversity net gain (BNG) on development sites. The application has been submitted with an amended BNG matrix which indicates a significant increase in BNG on site (83% for habitat units and 39% for hedgerow units). GMEU had previously cast some doubt on the original forecast net gain but had not raised an objection. In response to the amended plans, GMEU maintain their position and have raised no objection to the proposals noting an improved net gain through the latest matrix. Securing the BNG is largely through the implementation of the amended landscaping scheme and other ecological measures such as bird and bat boxes, which shall be controlled by condition. The long-term maintenance of the retained and new habitat shall be secured by legal agreement.
- 5.8.7 It is considered that the development will provide a well landscaped scheme which positively incorporates and bolsters existing landscape features. The areas of open space, retained and bolstered boundary hedgerows and trees and retained marshy habitat, which will be improved as part of a long-term maintenance plan, and measures proposed to protect and enhance opportunities for protected species evidence the impact on biodiversity has been carefully considered and understood by the applicant. Overall, the development would not lead to a detrimental impact on biodiversity and appropriate mitigation and enhancements can be secured by condition. The Council's own ecology advisors are also satisfied with the proposals. It is therefore considered that the application complies with policies DM44 and DM45 of the Development management DPD.
- 5.9 **Open Space NPPF paragraphs: 92-93, 98-100 (Promoting Healthy and Safe Communities including Open Space and Recreation), 126-134 (Achieving Well-Designed Places), Development Management (DM) DPD policies: DM27 (Open Space, Sports and Recreational Facilities), DM57 (Health and Well-Being) and Planning Advisory Note 4 – Open Space provision within New Residential Developments.**
- 5.9.1 The provision and access to open space is strongly encouraged in the NPPF given the benefits this has to the health and well-being of communities. This is reflected in policies DM27 and DM57 of the DM DPD. Policy DM27 seeks to protect existing open space designations; requires development proposals that are adjacent to designated open spaces to incorporate design measures that ensures that there are no negative impacts on amenity, landscape value, ecological value, and functionality of the space; and sets out the thresholds and requirements for the provision of new open space to meet the needs of local communities and to mitigate against the impacts of development growth, especially in areas of open space deficiencies. Whilst Policy DM57 is not prescriptive in terms of

open space requirements, it recognises the importance open space and landscaping when promoting good health and well-being.

- 5.9.2 The site does not form part of any designated area of open space, nor are there any formal open spaces allocations adjacent to the site. Access to the surrounding countryside for existing and future residents shall be retained and improved as part of the proposal. This has been discussed earlier in the report. In terms of the provision of new open space, policy DM27 (and appendix D) requires approximately 400 square metres of amenity greenspace on site only. The development far exceeds this requirement and includes amenity greenspace to the south and southeast, a small area adjacent to plots 8 and 9 and in the north-western corner adjacent to plot 7. Some of these areas will also form part of the proposed drainage scheme and habitat enhancements. Given the small-scale nature of the development, no other open space typologies are required on site.
- 5.9.3 Off-site contributions towards children's play equipment and young persons provision have not been sought due to the specialist accommodation proposed (age restricted). Based on the proposed bedroom numbers and the methodology set out in the DM DPD, a contribution of £24,323.85 towards outdoors sports facilities and £6876 towards parks and gardens would be required. Williamson Park was identified as the project for the parks and gardens contribution. This has not been supported because the deficiencies in this typology are in Carnforth and the rural area and not in Lancaster. No alternative rural/Carnforth location where this contribution could be supported has been identified. Through our public realm team, Caton Parish council has indicated the bowling green and tennis club in the village are private clubs and therefore would not benefit the wider community. It has not been possible to secure a project to support outdoor sports provision (suitable for the aging population) on this occasion. The absence of a contribution towards outdoors sports facilities would not make the development unacceptable overall. The applicant has agreed that the provision and long-term maintenance of the proposed on-site amenity greenspace will be secured by legal agreement. Accordingly, the development is considered compliant with national and local planning policy.
- 5.10 **Sustainable Design and Renewable Energy** (NPPF paragraphs: 126 (Achieving Well-Designed Places) and 154 -155 and 157 (Planning for Climate Change), Development Management DPD Policies DM29, DM30 and DM53 (Renewable and Low Carbon Energy Generation) and emerging policy DM30a-c of the Climate Emergency review of the DM DPD)
- 5.10.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new and additional development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, they must also be adaptable to the impacts of the climate crisis and support resilient communities.
- 5.10.2 Information regarding how the application will address energy and sustainability matters has been provided in support of the application within an amended Energy Statement. Current adopted Local Plan policy does not set a standard for reduction merely that opportunities are seized. However, the applicant recognises the direction of travel of both future Building Regulations and emerging planning policy and proposes several measures to positively contribute to mitigating against the impacts of climate change, including embedded design features (layout and orientation), sustainable drainage, promotion of sustainable travel and provision of EV charging, use of highly efficient gas boilers, mechanical heat recovery systems, enhanced fabric specification and the use of PV panels. With these measures, the applicant has demonstrated that the proposed dwelling houstypes reduces average fabric energy demand on the site by 7.73% over Part L1 2021 (approximately 22.73% over Part L1a 2013) and, along with the application of renewable technology, leads to a reduction in the average predicted carbon emissions of 2.84% over Part L1 2021 (33.84% over Part L1a 2013). The commitment here exceeds the requirements of Building Regulations and are in line with the National Planning Policy Framework 2021, which emphasises sustainable development, energy efficiency and reduction in carbon emissions, and the Council's emerging policy ambitions. It is therefore considered that the proposal complies with Policy DM30 and DM29 in relation to sustainable design.
- 5.11 **Education and Health** NPPF paragraphs: 93 and 95 (Services and School Places); Development Management (DM) DPD policies: DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding)

- 5.11.1 Planning policy requires the provision of school places to be given great weight in order to ensure the necessary infrastructure is in place to cope with the impacts of population expansion arising from new development. Lancashire County Council School Planning Team have assessed the proposal and confirmed no school places (financial contributions) would be sought from this development if the development is restricted to over 55 years in accordance with their methodology. A legal agreement is proposed to control the occupation of the dwellings to over 55 years, therefore no education contribution will be sought. In the event this was not the case, and for information, a contribution of £53,481 would be required toward 3 primary school places at either of the two local primary schools.
- 5.11.2 The NHS Integrated Care Board (ICB) has made representations to the application and seeks a contribution towards local health care infrastructure. The response sets out that the proposal will generate approximately 62 new patient registrations based on the housing mix in the application, which generates a contribution of £15,580. The ICB recognise that the growth generated from the proposed development would not trigger consideration of commissioning a new general practice; however, the ICB states the *'proposal would trigger a requirement to support the practice [Caton Health Centre] to understand how growth in the population would be accommodated and therefore their premises options'*. Therefore, it is not clear how the contribution would be used. Notwithstanding longstanding concerns over the extent of the actual funding gap as the basis for seeking these requests, the absence of a clear project here means the NHS request for contributions cannot be accepted at this time and would not be CIL compliant.
- 5.12 **Mineral safeguarding** NPPF paragraphs: 219-204 (Facilitating the Sustainable use of Minerals); Joint Lancashire Minerals and Waste Local Plan Policy: M2 (Safeguarding Minerals) and Guidance Note (December 2014)
- 5.12.1 The site is located within a Mineral Safeguarding Area (MSA) as identified by Lancashire County Council and considered within the Joint Lancashire Minerals and Waste Local Plan. Policy M2 of this Plan sets out that planning permission will not be supported for any form of development that is incompatible with working the minerals, unless the applicant can demonstrate that:
- The mineral concerned is no longer of any value or has been fully extracted.
  - The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
  - The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
  - There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource
  - That prior extraction of minerals is not feasible due to the depth of the deposit.
  - Extraction would lead to land stability problems.
- 5.12.2 A Mineral Resource Assessment Report has been submitted to support the application. This assessment assesses the overall suitability of the site for future mineral extraction in accordance with policy M2. Whilst it does not assess the underlying geology in detail, given the relatively small-scale size of the site, the site topography, its landscape designation, the proximity to existing and approved residential development and the access constraints (for activities associated with mineral extraction), the prospect for mineral extraction being economically viable and environmentally suitable is considered limited. Officers concur with the applicant's assessment. The characterises of the site and its surroundings also limits the feasibility of any prior extraction before the development would take place. Accordingly, the development would not conflict with the policy M2 of the Joint Lancashire Minerals and Waste Local Plan.

## **6.0 Conclusion and Planning Balance**

- 6.1 In accordance with the strategic development strategy for the district, the application site is located in a sustainable location for residential development. The provision of 25 bungalows to be restricted to the over 55years, at a time when the Council cannot demonstrate an adequate supply of housing, weighs substantially in favour of the development. Whilst regrettable, the lack of viability in this case has been demonstrated through a robust assessment by independent external experts so the absence of affordable housing has been justified in accordance with policy. Aside from the significant social benefits arising from the provision of special housing, other benefits arising from

the development include modest improvements to the existing public right of way (in terms of accessibility), upgrades to the local bus stops and some enhancements to lighting between the site and Brookhouse Road to create safer walking routes to public transport corridors. The proposal includes areas of public open space alongside the diverted public right of way, which will be available to the wider community in addition to appropriate maintenance and management of the landscaped areas to secure improvements to the ecology and landscape value of the site. There are also social and economic benefits from the provision of employment and upskilling through the construction phases and the knock-on effect to the supply chain (securing short-term economic benefits), though these benefits are relatively small overall and therefore afforded limited weight.

6.2 The main issues weighing against the proposal relate to the localised landscape impacts and poor design arising from the access arrangements and retaining features and the resultant conflict with the policies DM4, DM 29 and DM46 (and the corresponding sections of the NPPF). This harm is afforded moderate weight. The proposal also results in a degree of harm to the amenity of nearby residential property, though this is limited to a small number of dwellings with the harm mitigated to avoid significant detrimental impacts. These negative effects are afforded some weight. The adverse effects arising from the construction phases of the development can be minimised through mitigation and are temporary and therefore is afforded only limited weight in the planning balance.

6.3 On balance, whilst there are adverse impacts arising from the development, and a small degree of conflict with some policies within the Development Plan, these impacts (alone and in combination) are not considered to significantly and demonstrably outweigh the benefits of the proposal (namely, housing), when assessed against the policies of the Framework taken as a whole (the presumption in favour of sustainable development). For this reason, the Planning Regulatory Committee are recommended to support the application.

**Recommendation**

That Planning Permission BE GRANTED subject to a legal agreement to secure the following:

- Occupation limited to 55 years and over.
- Provision of on-site amenity greenspace as per the approved layout plans.
- Provision of a Landscape and Ecological Creation Management and Maintenance Plan providing 30 years management.
- Setting up of management company for the ongoing maintenance of open space, landscaping and unadopted highway and drainage infrastructure.

and the following conditions:

Condition no.	Description	Type
1	Time Limit (2 years)	Control
2	Approved Plans	Control
3	Employment and Skills Plan	Pre-commencement
4	Details of the access, visibility splays and new retaining structures adjacent to the highway and implementation	Pre-commencement
5	Diversion of public right of way and details of the connections	Pre-commencement
6	Phase II Site Investigation	Pre-commencement
7	Archaeological investigation condition.	Pre-commencement
8	Surface water construction method statement	Pre-commencement
9	Construction method statement	Pre-commencement
10	Surface water and foul drainage scheme	Pre-commencement
11	Habitat and species protection and enhancement scheme including CEMP (and RAMS)	Pre-commencement
12	Precise finished finish flood levels and site levels	Pre-commencement
13	Material samples (dwellings and hard landscaping)	Before slab level
14	In accordance with Energy Statement with precise details of final scheme and PV panels to be agreed	Before slab level

15	Lighting scheme	Before installation of lighting
16	Detailed scheme for construction, heights and appearance of all retaining features on the site	Before construction of retaining features
17	Details of scheme for cycle storage provision	Before occupation
18	Off-site highway improvement to street lighting and 4 local bus stops to encourage and improve use of public transport	Before occupation
19	Management and maintenance of estate street prior to adoption	Before occupation
20	Validation, management and maintenance of surface water drainage scheme	Before occupation
21	Scheme for improvements to PROW gates/connections	TBC
22	In accordance with the AIA and Tree Protection Measures to be implemented before construction of development.	Control
23	Implementation of landscaping scheme	Control
24	Removal of PD	Control
25	M4(2)	Control

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

In accordance with the above legislation, Officers have made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

#### **Background Papers**

None

<b>Agenda Item</b>	A7
<b>Application Number</b>	22/01463/OUT
<b>Proposal</b>	Outline application for the development of up to 23 residential dwellings and creation of a new access
<b>Application site</b>	Land East Of Arkholme Methodist Church Kirkby Lonsdale Road Arkholme Lancashire
<b>Applicant</b>	Oakmere Homes (Northwest) Ltd
<b>Agent</b>	Mr Daniel Hughes
<b>Case Officer</b>	Mr Andrew Clement
<b>Departure</b>	Yes
<b>Summary of Recommendation</b>	Approval subject to conditions and a Section 106 legal agreement

## 1.0 Application Site and Setting

- 1.1 The site is located on the southern periphery of the village of Arkholme, located to the east of the B6254 (Kirkby Lonsdale Road) covering an area of 1.05 hectares. The existing use of the site is agricultural land enclosed by hedgerows to the western and northern boundaries (together with the existing Methodist Church Car Park), with open fields to the east and south. The land rises to circa 4 metres above the adjacent Kirkby Lonsdale Road to relatively level central section, and then falls away circa 7 metres in level difference towards the Public Right of Way to the east, and down to Bains Beck beyond the south of the site.
- 1.2 The application site is bound by Kirkby Lonsdale Road to the west, with Arkholme Methodist Church and a row of terraced cottages to the northwest, considered to be non-designated heritage assets along with Bainsbeck House on the opposite side of the Kirkby Lonsdale Road. The church carpark and churchyard land to the rear of the terraced cottages forms a designated open space area. To the north is 'The Sheiling' development (planning reference 14/00895/FUL), a recently constructed residential development of 14 dwellings, with open fields to the east and south. A Public Right of Way (footpath no.4) immediately abuts the southern periphery of the site and runs from a west to east orientation, beyond which are further fields and Bains Beck. The eastern end of the proposed development area is susceptible to surface water flooding in 1in30 year events, in line with an existing culvert, that the application proposes to reroute and drain into, discharging into Bains Beck to the south.
- 1.3 The site falls within the designated Open Countryside, and the western aspect of the site falls within a mineral safeguarding zone. The access and visibility splays are within the Arkholme Conservation Area, and a protect tree is situated to the land to the south of the proposed development. Arkholme Conservation Area is characterised by its linear plan form, which developed around the motte to the northeast of the village in the early medieval era. The village expanded in the C17 and many of the extant buildings date to this era and later, with most buildings fronting directly onto the pavement. The historic road layout is extremely well-preserved and legible. There is great variation in plot sizes,

but they are generally generous with large gardens to the side or rear (or both). Some are set back in large verdant grounds bounded by mature hedges, but despite variation in plot position, the historic buildings address the road. There is a strong historical and visual link to the surrounding countryside, which means the surrounding rural landscape contributes strongly to the conservation area's significance, and this setting has significantly retained the rural character of the village. The Conservation Area appraisal identifies the Wesleyan Methodist Chapel, Bainsbeck House and Chapel Cottages as positive buildings.

## 2.0 Proposal

- 2.1 The scheme proposes the erection of up to 23 units, a new access off the B6254, together with a new crossing and pavement footway to the northwest of the B6254. The application is in outline form, only seeking permission for the erection of up to 23 units and the new access into the site. Matters associated with layout, scale, appearance and landscaping would be assessed at the reserved matters stage, if outline consent is granted.
- 2.2 The proposed access into the site consists of a 5.5 metre road, in the same location as the extant permissions at the site. A pavement footway on the northern side of the new access with an uncontrolled pedestrian crossing is proposed to link with proposed pavement footways connecting to existing pavement provision on the B6254, circa 83 metres in length.

## 3.0 Site History

- 3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
22/00637/FUL	Erection of 23 dwellings with associated access, internal access road, installation of a package treatment plant and diversion of a culvert	Refused
21/01164/ELDC	Existing lawful development certificate for the lawful commencement of planning permission 15/01024/OUT and reserved matters consent 18/00645/REM	Granted
20/01160/NMA	Seeking to amend Condition 7, relating to a surface water drainage scheme, attached to planning application 15/01024/OUT. Amend the trigger point at the beginning of the condition and remove the offending tailpiece at the end of the condition	Refused
18/00645/REM	Reserved matters application for the erection of 16 dwellings (C3)	Approved
15/01024/OUT	Outline application for the erection of up to 17 dwellings, associated access, provision of a new church car park and a new footway along the B6254	Approved

## 4.0 Consultation Responses

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

Consultee	Response
<b>Arkholme-with-Cawood Parish Council</b>	<b>Objection</b> , flooding from increased pressure on culvert, no mains sewerage despite application form checklist, increased density from extant consent, proposed development fails to enhance or preserve the character and appearance of the Conservation Area, insufficient visitor parking, increased traffic failing to ensure that highway safety is maintained or improved, Arkholme is an unsustainable village due to lack of services and facilities with schools at capacity, lack of public consultation.
<b>Cadent Gas</b>	<b>No objection</b> , informative note regarding works within proximity to gas infrastructure.

<b>County Highways</b>	<b>Support</b> the principle of development, subject to condition and s278 for highway improvements of Stop and Give Way thermoplastic lines, carriageway centre line markings, gateway treatment measures, hedgerow management, street lighting, northerly footway and defined crossing point, and tying into an existing footway in the vicinity of Arkholme Methodist Church. Recommend further conditions for construction management plan and wheel washing, in addition to financial contribution of £6,605 to highway projects predominantly in Lancaster and Morecambe.
<b>County Education</b>	<b>No objection</b> , subject to contribution to proportionate primary and secondary school places at nearest schools within the district.
<b>Environmental Health</b>	No observation received
<b>Environment Agency</b>	<b>No objection</b> , informative note required regarding wastewater hierarchy and environmental permitting.
<b>Historic England</b>	No observation received
<b>Lead Local Flood Authority (LLFA)</b>	<b>No objection</b> , operational standards achievable, subject to planning conditions for a Final Surface Water Sustainable Drainage Strategy, Construction Surface Water Management Plan, Sustainable Drainage System Operation and Maintenance Manual and Verification Report of Constructed Sustainable Drainage System, plus informative regarding Ordinary Watercourse (Land Drainage) Consent
<b>Conservation Section</b>	Unable to fully assess the outline application due to lack of information. The proposal would result in <b>minor harm</b> (less than substantial harm) to the significance of both the Conservation Area, rear views of the conservation area on the west side of Main Street and the NDHAs via their settings. While these problems may be overcome by high quality sensitive design and layout, and by retention of a buffer area free of development around the Methodist Church, more detail is required in order to confirm that this is the case. Design principles and particularly maintaining key view of the gable elevation of the Methodist Church encouraging, but limited indicative information.
<b>Tree Protection Officer</b>	Not provide enough detail to determine the full impact of the development. Information relates just to the access rather than the site as a whole, and current information submitted represents a net loss of hedgerows where a net gain would be expected.
<b>Fire Safety Officer</b>	<b>No objection</b> , subject to informative regarding emergency vehicle access and water provision.
<b>Public Rights Of Way (PROW)</b>	<b>No objection</b> , subject to installation of drainage to ensure that surface water is not directed onto or near a PROW, all landscaping at least 3 metres from PROW to keep the PROW clear, and all footpath connections must be minimum 2 metres wide constructed surface, only using stile/gates where necessary.
<b>Ramblers Association</b>	No observation received
<b>Public Realm</b>	<b>No objection</b> , subject to contribution to open space, towards amenity green space and outdoors sports and young persons provision for sports pitches and young persons equipment at Arkholme Village Hall. Parks or Gardens contribution also sought.
<b>Lancashire Constabulary</b>	No observation received
<b>NHS</b>	No objection, subject to £14,075 contribution to Ash Tree Surgery in Carnforth. <b>Objection</b> in absence of requested contribution.
<b>United Utilities (UU)</b>	<b>No objection</b> , subject to implementation in accordance with the submitted Flood Risk Assessment (FRA) and Drainage Strategy, management and maintenance of

	Sustainable Drainage Systems (SuDS) through planning condition, and informative regarding water and wastewater services and UU property.
<b>Engineering</b>	No observations received.
<b>Planning Policy</b>	<p>The scale of the development and its relationship with the existing settlement is a key consideration. Development should be well related to the existing built form of the settlement, be proportionate to the scale and character of the settlement, be located where the environment and infrastructure can accommodate the impacts of expansion and where the scheme demonstrates good siting and design in order to conserve and where possible enhance the character and quality of the landscape. Development should be in scale and keeping with the landscape character and appropriate to its surroundings in terms of siting, design, materials, external appearance and landscaping, both the individual and cumulative impacts of a proposal.</p> <p>The tenure of affordable homes is split into 50/60% affordable/social rent and 50/40% intermediate tenure, and as such the proposal should be amended to 5 homes for rent and 4 for home ownership.</p> <p>The proposal makes no provision to address national policy and guidance with regard to multifunctional SuDS or the emerging policies which reflect the national policy and guidance.</p>
<b>Strategic Housing</b>	No observation received
<b>Lune River Trust</b>	<b>Objection</b> , proposal does not adequately incorporate SuDS interventions, attenuation pond should be included, and treated foul drainage should be intercepted by a natural storage/treatment feature prior to discharging into the beck.
<b>Waste And Recycling</b>	No observation received
<b>Economic Development</b>	No observation received
<b>Archaeology</b>	<b>No objection</b> , subject to a condition for scheme of archaeological investigation and implementation of a programme of works to be agreed.
<b>Natural England</b>	No observation received
<b>Greater Manchester Ecology Unit (GMEU)</b>	<b>No objection</b> , subject to planning condition for an updated protected species appraisal, no works during nesting season, and Great Crested Newt (GCN), mammal and amphibian avoidance measures. Recommend a bird and bat box strategy through planning condition, SuDS measures to prevent negative impacts on the ecological status of the watercourse and biodiversity net gain metric is provided based on the final site layout if permission is granted that clearly demonstrates 10% net gain.
<b>Lancashire Minerals</b>	No observation received

4.2 **3 objections** have been received from local Member of Parliament (David Morris MP, Morecambe and Lunesdale), County Councillor (Cllr Phillippa Williamson, Lancaster Rural North) and Ward Councillor (Cllr Stuart Morris, Kellet Ward), raising the following concerns and reasons for objection:

- Over-development of the site, overcrowded density, resulting in a significant adverse impact on the character and appearance of the immediate surrounding area
- No change from recently refused proposal.
- Disproportionate to the small scale of Arkholme (circa 25% increase).
- Incongruent with the rural environment.
- Deficiencies in submitted Heritage Statement, proposal does not preserve Arkholme Conservation Area and Non-Designated Heritage Assets (NDHAs), for development in elevated prominent gateway position.

- Arkholme is not a sustainable settlement, with few amenity and local schools and services already at capacity.
- Fail to protect neighbouring residential amenity.
- Insufficient information regarding drainage and the cumulative impact of any sought culvert, and drainage to a beck with a history of flooding that would be exacerbated by the proposal.
- Submergence of the outfall from Bains Beck results in water backing up this pipe, flooding neighbouring residential areas, exacerbated by this proposal.
- Incorrectly states there is an existing foul drainage network locally.
- Insufficient information regarding Biodiversity Net Gain (BNG).
- Fails to demonstrate that the development ensures that highway safety and efficiency is maintained or improved, insufficient visibility splays proposed.
- Limited public transport available locally.
- No engagement with the community prior to the submission.
- No safe pedestrian access to the village.

4.3 **20 objections** have been received from members of the public, plus an **objection** from a neighbouring residential management company, raising the following concerns and reasons for objection:

- Overcrowded inappropriate density of development for rural location of Arkholme. Urban density (over 40 dwellings per hectare developable area) and likely appearance. Excessive overdevelopment of the site.
- Disproportionate expansion of the small rural village of Arkholme (circa 25% increase), cumulative impact with other recent developments (Sheilings and Herb Gardens).
- Elevated and prominent site.
- Harm to the Conservation Area and NDHAs without significant public benefits to outweigh this.
- Lack of landscaping and green buffer.
- Detract from the appearance, character, setting, landscape of the village, particularly as viewed from the open aspect on the main approach from the south.
- Adverse effect on the nearby designated Area of Natural Beauty.
  
- No evidence to support housing quantity proposed, increased by 40% over previous approvals and a 130% on 2015 housing land availability assessment.
- Poor standard of submission, presenting old information and lack of details.
- A detailed (full) planning application should be required.
- Concerns regarding the timings and outcome of the submitted ecology assessment, and lack of detail of the proposal and methodology in the submitted heritage assessment.
- No BNG within the proposal
- Lack of community consultation.
- No/little change from recently refused proposal.
  
- Unsustainable location for development.
- Lack of amenities and services to support such additional population.
- Part time post office, primary school at capacity, most other facilities/services several miles away.
- Concern this could lead to further development still beyond the application site.
- Lack of housing need in Arkholme.
- Detract from residential amenity standards of existing dwellinghouses, particularly at The Sheilings. Loss of views from existing dwellinghouses
  
- Existing culvert through the site, which forms the outflow from surface and treated wastewater from neighbouring residential areas, has a long history of backing up and flooding after storm events, concerns the proposal would exacerbate this, lack of assessment of existing pipe.
- Water levels in Bains Beck rise very quickly following storms, concerns the proposal would exacerbate this and flood risk.
- Submergence of the outfall from Bains Beck results in water backing up this pipe, flooding neighbouring residential areas, exacerbated by this proposal.

- Direct and maintenance impacts of developing over the culvert.
- No mains sewerage available locally.
- Flood risk to properties at lower topography to the north.
- Highway safety concerns regarding appropriateness of the sought access in an area evidenced to have an existing speed compliance issue.
- Insufficient access visibility splays.
- Poor public transport locally, over-reliance on private car ownership.
- Impact on adjacent footpath to the south (public right of way footpath no.4).

## 5.0 Analysis

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

- Principle of development, affordable housing and mix
- Landscape and heritage impacts
- Residential amenity and energy efficiency
- Access, transport and parking
- Flood risk and drainage
- Trees and ecology
- Other matters

5.2 **Principle of development, affordable housing and mix** Development Management (DM) DPD DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM3 (The Delivery of Affordable Housing), DM4 (Residential Development outside Main Urban Areas), DM46 (Development and Landscape Impact), Strategic Policies and Land Allocations (SPLA) DPD SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), SP6 (The Delivery of New Homes), SP9 (Maintaining Strong and Vibrant Communities), H2 (Housing Delivery in Rural Areas of The District), National Planning Policy Framework (NPPF) Section 2 (Achieving sustainable development), Section 4 (Decision-making), Section 5 (Delivering a sufficient supply of homes) Section 11 ( Making effective use of land)

5.2.1 Arkholme is a small rural village located within the Lune Valley, which is no longer identified as a sustainable rural settlement through policy SP2 of the SPLA DPD, but as a 'Rural Village' covering all other settlements that did not achieve the criteria to be considered sustainable settlements as part of the Strategic Housing Land Availability Assessment (SHLAA). Policy DM4 stipulates that proposals for new housing in such settlements, which have not been identified as sustainable settlements, will only be supported if it can be demonstrated that the development will enhance the vitality of the local community and meet an identified and specific local housing need. The site is not an allocated site through the local plan listed within SPLA DPD policy H2 for housing delivery in rural areas of the district, but has been identified in the SHLAA in 2018 as a deliverable site for 17 dwellinghouses. It is worth noting that the site is considered deliverable in the SHLAA due to an extant permission for outline and reserved matters consents for 16 dwellinghouses.

5.2.2 The proposal seeks 23 dwellings, 7 more than the current implementable consent at the site. The principle of residential development at the site is established by this extant consent and the SHLAA. Given the council's current position in being unable to identify 5 years of housing land supply, and the acute requirement to provide housing and affordable homes, the delivery of addition units at the site can be supported in making effective use of land and the contribution this modest uplift would make in addressing the lack of housing land supply and affordable homes at policy compliant affordable homes provision. To ensure the proposal meets a specific local housing need, the housing mix should be controlled through planning conditions to accord with the mix provided in DM DPD policy DM2, and at least 20% achieving M4(2) accessible and adaptable homes. Affordable housing should also be controlled to ensure this provides 40% on-site, as the application proposes 9 affordable units should 23 dwellings be provided, and controlling this as a percentage rather than quantum of dwellings would allow a policy compliant provision if fewer total number of dwellings are progressed at reserve matters. The affordable provision should also be controlled to meet local housing need in terms of housing mix, with equal or greater level of affordable/social rent than shared ownership, and to be distributed and largely indistinguishable from open market housing,

again to ensure this meets a specific local housing need. This can be controlled through legal agreement.

- 5.2.3 Despite Arkholme no longer forming a sustainable settlement, given the extant consent, the current deficiency in housing land supply, combined with the services available in Arkholme for a school, village hall, public house and every 2-hour bus service to larger settlements, in principle providing additional dwellings at the site could be supported. Whether NPPF paragraph 11.d) is engaged due to this housing land supply issue will depend on whether heritage impacts provides a clear reason for refusing the development proposed. Heritage matters will be explored in a following section of this report, however, irrespective of the heritage assessment at outline stage, the tilted balance would need to be reassessed at reserved matters stage, as matters of scale, design, layout and landscaping would undoubtedly have impacts upon heritage, and as such, the reserved matters may provide a clear reason in heritage terms to conflict with application of any tilted balance at such stage.
- 5.2.4 Such an approach of delivering additional homes with the same site area would require a higher concentration of development above the extant position. Further information was sought prior to determination regarding a parameters plan, design code and precedent images, to evidence how the sought number of dwellings may be provided. Whether such a quantum of development can be satisfactorily accommodated in this location, whilst enhancing the vitality of the local community, remains largely unevidenced. With the development area considered to be circa 0.6ha, provision of 23 dwellings at the site would result in a suburban density of circa 38dph (dwellings per hectare). A suburban style of development, such as that proposed in the preceding refused full application and shown within some precedent images, would again be considered inappropriate at this site.
- 5.2.5 This could be explored in full as part of a subsequent reserved matters application, and if development cannot be satisfactorily accommodated at this density, the up-to figure allows this to be reduced, as occurred with the preceding extant outline and reserved matters approved at this site. Evidence from the preceding refused full application at this site demonstrates that provision of 23 dwellings here has been unacceptable, and whilst it remains to be seen whether such a quantum can be satisfactorily provided, national planning policy seeks avoid low density development and make optimal use of the potential of each site, whilst maintaining prevailing character. Given the outline nature of the proposal for an up-to figure, this can be assessed through a subsequent reserved matters application, if outline consent is granted, and ultimately if a satisfactory scheme for 23 units cannot be devised, this could be reduced to fewer units through the reserved matters process, as occurred previously.
- 5.2.6 Given the current housing demand/supply position and provision of 40% affordable homes, addressing an acute housing need, combined with the fact the proposal seeks an up-to figure that could be reduced through reserved matters, it is considered that in principle the proposal can be supported as an up-to figure. The design, layout, landscape and scale, including precise quantity of dwelling proposed (at a maximum of 23), would all form reserved matters. As such, and given the proposal seeks policy compliant 40% affordable homes with housing mix controlled to comply with policy, it is considered that the proposal can be supported as an up-to figure. Final arrangements, layouts, scale and quantity of dwellings would be explored at reserved matters stage, if outline consent is granted, and will be determined accordingly as to whether such matters can be designed to achieve an acceptable scheme at the site, and ensure that heritage impacts are avoided and mitigated to ensure the tilted balance remains applicable to such subsequent applications.
- 5.3 **Landscape and heritage impacts Development Management (DM) DPD DM29 (Key Design Principles), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Heritage Assets or their settings) DM42 (Archaeology), DM46 (Development and Landscape Impact), Strategic Policies and Land Allocations (SPLA) DPD SP7 (Maintaining Lancaster District's Unique Heritage), EN3 (The Open Countryside), National Planning Policy Framework (NPPF) Section 12 (Achieving well-designed places), Section 15 (Conserving and enhancing the natural environment), Section 16 (Conserving and enhancing the historic environment), Listed Building and Conservation Areas Act 1990 paragraphs 72 and 73, National Model Design Code (NMDC)**
- 5.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning

authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policy DM38. DM38 sets out that development within Conservation Areas will only be permitted where it has been demonstrated that:

- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
- Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

5.3.2 The vast majority of Arkholme village is covered by a Conservation Area, with only the contemporary village hall and a cluster of properties separate to the northeast, adjacent to the railway line, beyond the boundaries of Arkholme Conservation Area. Arkholme Conservation Area is characterised by its linear plan form, which developed around the motte to the northeast of the village in the early medieval era. The village expanded in the C17, and many of the surviving buildings date to this era and later, with most buildings fronting directly onto the pavement. The historic road layout is extremely well-preserved and legible. There is great variation in plot sizes, but they are generally generous with large gardens to the side or rear (or both). Some are set back in large verdant grounds bounded by mature hedges, but despite variation in plot position, the historic buildings address the road. The surrounding views of agricultural land has significantly retained the rural character of the village, and the views are predominantly of rolling countryside and some distant views of fells, which emphasises the secluded rural setting of Arkholme. The conservation area appraisal identifies the Former Welseyan Chapel, Bainsbeck House and Chapel Cottages as positive buildings, which are adjacent to the application site and all three are considered to form non-designated heritage assets (NDHA) of local importance, and positively contribute to the national heritage asset conservation area.

5.3.3 The application is in outline, therefore, matters of layout, scale, landscaping and appearance are for subsequent approval and will be determined at the reserved matters stage. However, given the prominent elevated location at a key gateway and approach to the Conservation Area, a high-quality scheme that compliments the character and quality of the landscape and the Conservation Area would be essential at reserved matters stage. A standard suburban housing estate would appear incongruent and provide a harmful contrast to the rural character and heritage of Arkholme and the surrounding countryside. Given the prevalence of low heights of development in the village, elevated nature of the site and importance of maintaining the countryside setting and views of this rural village, it is considered appropriate to restrict the heights of the proposed dwellings on this site to no more than 2 storey. Trying to compress density through taller developments would harm the setting and heritage of the area, and taller townhouse style development would appear incongruent.

5.3.4 Development of the site would be expected to accord with the linear settlement pattern, built in local materials such as natural sandstone under grey slate in diminishing courses with individuality and vernacular construction, gabled roofs and traditional mullion windows, in low rise development retaining views of open countryside. In addition, boundary walls and landscaping offer further potential for mitigation, with details of the boundary and surface treatment to be controlled through planning conditions given the visual and heritage impacts such works would make. In short, a standard homogenous suburban housing estate would be inappropriate and harmful in this location, particularly given the prominence of the site as an extension to the settlement rather than an infill, and the scale of development in proportion to the existing scale of the village of circa 100 properties. Whilst the sought maximum number of units could result in a suburban density of development, whether this can be appropriate provided and mitigated through design, layout, scale and landscaping to ensure this is high quality and sympathetic to this rural historic setting would form part of any subsequent reserved matters, if granted outline consent. Housing mix will also likely play a key role, which should be controlled through planning condition to meet a full range of housing local need.

5.3.5 The application site is highly prominent on the approach to the Conservation Area. The rise in topography from the south on the approach to the Conservation Area allows for clear views to the NDHAs and the proposed development site, which is emphasised by the rising topography of the site itself. Views of the Methodist Church and Bainsbeck House on arrival into the Conservation Area would therefore be affected by the proposal, with the application site on the cusp and partially within

the Conservation Area. Development of the site would result in a degree of harm to the significance of both the Conservation Area and the NDHAs via their settings. A high-quality and sympathetically designed and density development would likely cause relatively minor harm to heritage assets, whilst a standardised scheme using suburban house types and layouts would result in a larger degree of heritage harm leading to a clear reason for refusal of this protected heritage area. Engaging a tilted balance at outline stage does not automatically carry across to any subsequent reserved matters, which will need to address heritage matters sympathetically and appropriately for this approach and balance weighting to be applied at any subsequent reserved matters proposal. However, overall, it is concluded that the principle of housing development on the site for up-to 23 dwellings would cause minor harm to the significance of heritage assets, which must be weighed against the public benefits of addressing an acute housing and affordable homes need in the planning balance.

5.3.6 The submission has included a written scheme of investigation, outlining archaeological works to be undertaken. This is considered to being an acceptable approach to recording archaeological interest of the site and will be controlled by planning condition.

5.4 **Residential amenity and energy efficiency** Development Management (DM) DPD DM2 (Housing Standards), DM29 (Key Design Principles), DM30 (Sustainable Design), DM57 (Health and Well-being), National Planning Policy Framework (NPPF) Section 8 (Promoting healthy and safe communities), Nationally Described Space Standards (NDSS)

5.4.1 A further constraint to the density of development for 23 dwellinghouses across the site is maintaining and providing satisfactory residential amenity standards, particularly given the topographical changes across the site. Whilst separation distances of 12 and 21 metres are required when openings face opposing blank and active elevations respectively, this increases by 1 metre distance for 0.5 metre change in finished floor levels (FFLs). The site rises to the north boundary and centre of the site, with neighbouring dwellings to the north set at a lower topography and changes across the site necessitating increased separation distances due to likely differences in finished floor levels (FFLs) across the site.

5.4.2 The precise site levels and FFLs can be controlled through planning condition, and given the fact this is a rural greenfield site with a character for ample gardens within the village, there is no urban grain justification for reduction in such distances and failure to achieve policy compliant garden areas to provide inappropriate density. Again, this would largely fall within reserved matters, and the outline as sought at present would not detract from neighbouring nor residential amenity standards within the site as an up-to figure. To ensure each dwellinghouse offers suitable residential amenity standards in accordance with DM DPD policy DM2, accordance with Nationally Described Space Standards (NDSS) should be controlled through planning condition. Subject to such conditions, the outline proposal results in no undue harm to residential amenity standards, with other impacts relating to residential amenity impacts through design, scale and layout to be assessed at reserved matters stage.

5.4.3 The energy statement submitted with this proposal details an enhances energy specification within the table below. These offer benefits above building control requirements, offering benefits in addressing the climate emergency, but also benefits to future occupants in terms of affordability of ongoing bills associated with occupation of such dwellinghouses. Subject to the enhanced specification and minimum 4% betterment detailed within the energy statement being controlled through planning condition and delivered as part of a detail scheme, this is considered to form a betterment of modest weight in favour.

Element	Part L 2013	Enhanced Specification
Wall	0.30W/m²K	0.17-0.22 W/m²K
Roof	0.20W/m²K	0.11-0.14 W/m²K
Floor	0.25W/m²K	0.14 W/m²K
Glazing & Doors	2.00W/m²K	1.20-1.60 W/m²K
Air Test	10m³/h.m² at 50Pa	5.00m³/h.m² at 50Pa

Table 5 - Enhanced Specification Summary & Comparison

5.5 **Access, transport and parking** Development Management (DM) DPD policies DM29 (Key Design Principles), DM57 (Health and Well-being), DM58 (Infrastructure Delivery and Funding), DM60 (Enhancing Accessibility and Transport Linkages), DM61 (Walking and Cycling), DM62 (Vehicle Parking Provision), DM64 (Lancaster District Highways and Transport Masterplan), Appendix E (Car Parking Standards), Strategic Policies and Land Allocations (SPLA) DPD policies SP10 (Improving Transport Connectivity), T2 (Cycling and Walking Network), National Planning Policy Framework

(NPPF) Section 9 (Promoting sustainable transport)

- 5.5.1 The proposed vehicular access onto Kirkby Lonsdale Road is in the same location and similar to the extant access of the previously approved scheme, although this excludes the church parking provision within the application site, and the existing church parking area and existing vehicular access point is to remain within the visibility splay. Whilst the number of residential units using this access through the proposal could increase from 16 to 23, the proposal no longer includes 12 church parking spaces using the proposed access point. As such, the intensity of use of the proposed access is considered to be similar to the extant arrangement, albeit likely more continuous than intermittent peaks associated with a communal car park to a church.
- 5.5.2 It is acknowledged that there is a speed compliance issue locally, and as such off-site highway works are necessary to ensure visibility splays are appropriate to local road speed, rather than just the speed limit. Such speed control measures suggested within the County Highway consultation response include road markings, gateway measures to highlight to approach into the village, vegetation, lighting, provision of a pavement footway and a defined pedestrian crossing adjacent to the site, in addition to full details of the proposed pavement, crossing and vehicular access to the site. Such measures should be controlled through planning condition, and delivered through a section 278 process.
- 5.5.3 Given the limited bus service locally and restricted walking provision of narrow pavements requiring multiple road crossings to access the services within Arkholme, providing a direct link between the development and the public right of way network to the south is essential to discourage superfluous vehicle movements for short trips, and encourage sustainable transport. The red edge development area crosses this public right of way, and connection to this should be controlled through planning condition. To mitigate the highway impacts during construction, a construction management plan (CMP) should be controlled through planning condition. Subject to such planning conditions, the proposal is considered to cause no undue harm to highway safety.
- 5.5.4 County Highways have requested £6,605 towards delivering various highway developments in Lancaster and Morecambe. Given that Motorway Junction 34 is 7.5 miles from the site, and other highway projects sought for contributions are even further than this, it is also difficult to reach a planning view that the development should be refused if this was not provided, and fails to comply with the Community Infrastructure Levy (CIL) tests of being reasonable, necessary and proportionate for a development at such a separation. As such, this contribution will not be sought, and aforementioned visibility splays, CMP and off-site highway works are considered suitable mitigation to ensure no adverse impact upon highway safety, despite the fact that at present vehicle speeds may exceed the speed limit locally.
- 5.5.5 Car parking provision would be explored as part of any subsequent reserved matters application, however given the rural location and limited sustainable transport options available, policy compliant parking spaces would be expected, namely 2 parking spaces for 2/3 bedroom properties, and 3 parking spaces for 4 or more bedroom properties. Given the rural location and lack parking space to the front of dwellinghouses across the majority of the village, parking spaces would be expected to be between properties, rather than directly in front of them, particularly to the prominent southern end of the site. This would accord with the submitted indicative Design Principles of less visible parking and garages, avoiding vehicles dominating the streetscene. To encourage uptake of sustainable alternative transport options, cycle storage and direct footway connection from the site to the existing PROW footpath just beyond the southern boundary to the site should be controlled through planning condition. EV charging points are now required through building regulations, and as such should not be repeated in planning condition requirements.
- 5.6 **Flood risk and drainage Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Waste Water), DM36 (Protecting Water Resources and Infrastructure), DM57 (Health and Wellbeing), Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment), National Planning Policy Framework (NPPF) Section 14 (Meeting the challenge of climate change, flooding and coastal change), Section 15 (Conserving and enhancing the natural environment)**
- 5.6.1 The submitted flood risk assessment identifies the site as within Flood Zone 1, with the majority of

the site at low risk of surface water flooding. The eastern edge of the site is at high risk of surface water flooding, likely to be impacted during 1in30 year surface water flooding events in-line with the existing culvert at the eastern edge of the site, which also forms a natural lower channel running north to south, with higher topography land to both the east and west of this furrow. Whilst this will need to be taken into account with layout through reserved matters, to sequentially place dwellings within the site away from areas of known high risk of surface water flooding and the existing culvert, this does not implicate this outline proposal, other than squeezing and already constrained developable area of the site.

- 5.6.2 A culverted watercourse lies just inside the site's eastern boundary and flows from the north to the south to discharge into Bains Beck, circa 60 metres south of the site. The culvert is a 375mm diameter pipe with a minimum fall of 1 in 625, and the submitted updated drainage details that this has a capacity of 72 l/s. It is proposed for a restricted discharge from the developed site of 9 l/s to be discharged into the culverted watercourse, at the pre-development greenfield runoff rate.
- 5.6.3 The precise nature of the drainage scheme, and how this would be attenuated to discharge at a controlled rate, has yet to be explored. This would be expected to be provided through multifunctional sustainable drainage features close to where it falls, mimicking natural drainage as closely as possible. However, whilst the submitted drainage information lacks this detail, there is sufficient outfall and opportunity to explore this fully through pre-commencement planning condition for a final detailed drainage strategy. This should be received before or alongside a reserved matters application to ensure layout does not prejudice the delivery of sustainable drainage features. Further conditions for the management/maintenance and verification of implemented drainage, and a construction surface water management scheme, will be necessary to ensure impacts upon drainage are satisfactorily mitigated from commencement and throughout the lifetime of the development. Such planning conditions are recommended with the no objections received from LLFA and UU. Subject to such conditions, to the proposal is considered to be acceptable with regards to flood risk and drainage.
- 5.6.4 Whilst the planning application form erroneously details that mains sewer will be used for foul sewage, the site and drainage plan detail a package treatment plant and pumping station. Whilst there is very limited detail regarding foul drainage, given the lack of mains sewer in the vicinity, a package treatment plant is the sequentially preferable option. Subject to details of the proposed foul drainage controlled through planning condition, an acceptable foul drainage scheme can be delivered at the site through a suitable design and scale of package treatment plant.
- 5.7 **Trees and ecology** Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland), Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment), National Planning Policy Framework (NPPF) Section 15 (Conserving and enhancing the natural environment)
- 5.7.1 Development of the site access can only be provided through the removal of circa 25 metres of roadside hedgerow, to provide the 5.5 metre wide access, north side pavement and associated visibility plays. Hedgerows play an important role in the amenity of the rural area and the character of the Conservation Area; however, this is unfortunately an inevitable loss to ensure a safe means of access and egress to the site. Replacement hedgerow planting is proposed behind the visibility splays adjacent to the site access, returning some of the lost appearance in the medium term. This in itself does not sufficiently mitigate the loss of hedgerow, which should be adequately replaced with additional planting within the site to mitigate the ecological and amenity impacts of the hedge removal required.
- 5.7.2 An Arboricultural Impact Assessment (AIA) has been submitted, detailing protection of other hedgerows and trees to the east of Kirkby Lonsdale Road, although a boundary hedge on the west side of this road is detailed for removal to facilitate the new proposed footway pavement along this road. Further information has been sought to evidence that the road, pavement and hedgerow can be retained or replanted in this location, to ensure there is no permanent loss and ideally protection in this location. The information provided details an adopted highway width of 10 metres in the locality, corroborated by County Highways. With off-site highway improvements of road narrowing as a traffic calming measure, there should be sufficient space for the provision of a suitable rural pavement and hedgerow along the west side of Kirkby Lonsdale Road. A final Arboricultural Method

Statement and Protection Plan should form part of pre-commencement conditions, hopefully exploring the retention of this western hedge and reducing the requirement for replacement planting, which is currently not fully detailed as part of this application. Landscaping would form a reserved matter, if outline consent is granted, however the submitted Ecology Appraisal details that 10% increase in biodiversity net gain is achievable as meaningful net gain, primarily through hedgerow planting although trees would be expected within this given national planning policy requirement for tree lined streets.

5.7.3 Given the layout and extent of landscaping is unknown at this stage, it is necessary that an updated metric is provided as part of the reserved matters application, that clearly continues to demonstrate 10% net gain can be secured. It would not be a reserved matter itself, but it is important that it is considered as part of the layout and is integral to the proposed landscaping. Accordingly, a Section 106 Agreement is required to secure the required net gain in biodiversity, together with a monitoring and maintenance plan for a 30-year period. It is therefore appropriate to include the Landscape and Ecological Creation and Management Plan within the legal agreement rather than as a condition. Overall, it is considered that whilst hedgerow loss is unfortunate particularly in short term landscape and heritage terms, ecology and landscaping can be mitigated through a sensitive layout and design at reserved matters stage and within the inclusion of the aforementioned planning obligation. In the medium to long term, this would help mitigate the landscape and heritage harm identified.

5.7.4 In addition to concluding that biodiversity net gain of 10% is achievable, the submitted Ecology Appraisal details additional mitigation recommended within this document to protect and enhance ecology. Work should take place during daylight hours, hedges to remain untouched between March and September or professionally inspected prior to works, mitigation for excavations and gaps beneath boundary treatments, new bat and bird roosting/nesting provisions across the site. Given potential impacts upon protected species and proportionate mitigation for this potentially changing from the point of impact at commencement of development, these should be updated and informed through details within a pre-commencement planning condition, with mitigation measures updated accordingly depending on the findings.

5.8 **Other matters (employment, education, open space, health, and minerals)** Development Management (DM) DPD policies DM27 (Open Space, Sports and Recreation Facilities), DM28 (Employment and Skills Plans), DM32 (Contaminated Land), DM57 (Health and Wellbeing), Appendix D (Open Space Standards and Requirements), Strategic Policies and Land Allocations (SPLA) DPD policies: SP9 (Maintaining Strong and Vibrant Communities), National Planning Policy Framework (NPPF) Section 8 (Promoting healthy and safe communities), Section 12 (Achieving well-designed places), Section 17 (Facilitating the sustainable use of minerals), Minerals and Waste Local Plan

5.8.1 This application has met the threshold for requiring production of an Employment and Skills Plan (ESP). The ESP details how opportunities for, access to and up-skilling local people through the construction phase of the development proposal will be provided. As such, and given mitigation would likely be met during construction phase of the development itself, this should be controlled through pre-commencement planning condition to ensure any consent granted delivers the ESP requirements.

5.8.2 It is crucial that development coming forward makes provision for essential community infrastructure, and education would fall within this. It is vital that there are sufficient school spaces to accommodate the additional pupils that the development is likely to generate. There is an existing primary school within Arkholme, whilst the nearest secondary school is located circa 9 minutes' drive time (5.4 miles road distance) away in Carnforth. Public consultation responses and the Parish Council have stated that the local primary school is currently at capacity. Whilst County Education have provided indicative figures, given the number of bedrooms and even dwellinghouses as part of the proposal are only maximum figures, and not defined at this stage, the indicative calculation requires 9 primary and 3 secondary school places as part of the proposed development, to be provided within the nearest primary and secondary schools within the district. These requests are considered to be related to the development and fair and reasonable in scale and kind, subject to the final figure being proportionate to the number of bedrooms proposed through reserved matters, controlled through legal agreement.

5.8.3 There is a deficiency of amenity green space, young people's provision and quality of outdoor sports

provision within the Carnforth/Rural area, and a lack of any 'parks and gardens'. The provision of up to 23 dwellinghouses would place addition pressure on the already deficient provision, and as such on-site provisions and financial contributions to these open space requirements should be controlled through legal agreement. The exception to this is 'parks and gardens', as there is no suitable facility within appropriate proximity for any contributions to be spent. Amenity greenspace could be proportionately provided on site, particularly given the expected setback of dwellings from Kirkby Lonsdale Road and potential multifunctional benefits of surface SuDS provision. Contributions would be calculated at reserved matters stage, proportionate to the number of bedrooms provided across the development, and should be controlled as such through legal agreement.

- 5.8.4 The NHS have requested contributions, however unfortunately these cannot be accepted at this time. No evidence has been provided by the NHS justifying the need or cost for the proposed works to the medical centre. Accordingly, the request does not meet the required CIL regulations tests.
- 5.8.5 A Phase 1 GeoEnvironmental Desk Study has been submitted with this application, identifying low risk of contamination from land use and to controlled waters. The study recommends soil samples are contamination tested during geotechnical investigation, and subject to this being carried out and submission of a remediation method statement if required through planning condition, the proposal can be made safe for construction workers and any future occupants.
- 5.8.6 The application site access and western end of the site is located within a Mineral Safeguarding Area under Lancashire's Waste and Minerals Local Plan. Policy M2 of the Waste and Minerals Plan states that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals. The policy sets out circumstances where the Local Planning Authority may accept incompatible development, for example where there is an overriding need for the incompatible development that outweighs the need to avoid mineral sterilisation. It requires proposals for development other than non-mineral extraction, to demonstrate that they will not sterilise the resource or that consideration has been given to prior extraction, on site constraints and the need for the proposed development.
- 5.8.7 The NPPF states that local planning authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes. The application site partially covers the eastern edge of the mineral safeguard area, and whilst this would modestly reduce the theoretical potential area of extraction, this would not restrict extraction from the wider safeguarded area. Furthermore, given the topography of the site; its position in relation to surrounding land also allocated for mineral safeguarding, which is dissected by rural roads and scattered development; and the proximity of the site to residential property, that the application site is highly unlikely to attract significant commercial interest in the land for mineral extraction. As such, the proposal is considered to cause no undue harm to the very limited potential for mineral extraction locally.

## **6.0 Planning Obligations**

- 6.1 A Section 106 Legal Agreement is sought to secure the following:
- 40% provision of affordable housing (percentage, size, type, phasing to be agreed at Reserved Matters stage based on local housing needs and the tenure of affordable homes split into 50/60% affordable/social rent and 50/40% intermediate tenure);
  - Detail, contribution and provision for open space (to be calculated at Reserved Matters Stage).
  - Biodiversity net gain, including an updated metric at the time of a reserved matters application, that continues to demonstrate 10% net gain and a Landscape and Ecological Creation and Management Plan showing 30 year management.
  - Provision for long term drainage, open space and landscaping/BNG, maintenance and management company; and,
  - Contribution to Education (to be calculated at Reserved Matters Stage).

## **7.0 Conclusion and Planning Balance**

- 7.1 The proposal to deliver up to 23 dwellings (7 additional dwellings to that secured by the extant permission) offers greater social and economic benefits of additional housing, particularly at a time when there is a lack of housing land supply. The extant permission and the proposal are both policy

compliant in terms of proportion and number of affordable homes, albeit given the additional units the proposal will deliver a proportionate level of additional affordable homes. Given the position on housing land supply, a moderate degree of positive weight is attached to the provision of 7 additional dwellings, and a larger degree of positive weight is attached to the delivery of affordable homes at a time where there is a particular demand for affordable homes.

- 7.2 At this outline stage, a minor level of less than substantial harm to heritage assets has been identified, with high quality and sympathetic design and layout required at reserved matters stage required to maintain harm at such a level. Given the aforementioned consideration in terms of addressing housing and particularly affordable home supply, it is considered that this offers sufficient justification and public benefits to outweigh heritage impacts. As such, this would not provide a clear reason to refuse permission, applying a tilted balance towards the delivery of residential development. It therefore needs to be considered whether the adverse impacts outlined would significantly and demonstrably outweigh the benefits. The delivery of housing, and particularly policy compliant 40% affordable housing provision, weighs in favour of the proposal.
- 7.3 Given the significant undersupply of housing within the District, it is considered that the benefits of the proposal do outweigh the harm to heritage assets and their setting, the location within the open countryside and short term visual and heritage impacts through hedgerow removal. Whilst density remains a concern for local residents, politicians and the Parish Council, with unfortunately little information as part of this application to demonstrate how this can be satisfactorily provided, this would need to be explored as part of reserved matters, as impacts would largely relate to whether the design, layout and scale of development can accommodate 23 units. As an up-to figure, this may also be reduced through reserved matters, and combined with the government’s objective of significantly boosting the supply of homes and make optimal use of the potential of each site, whilst maintaining prevailing character, it is recommended that outline consent is granted, with precise number of units (no greater than 23) explored through the reserved matters process.

**Recommendation**

That Outline Planning Permission BE GRANTED subject to the following conditions and Planning Obligations (as set out at paragraph 6.1 of this report):

- Affordable housing
- Open space provision
- Biodiversity net gain and a Landscape and Ecological Creation and Management Plan
- Provision for long term drainage, open space and landscaping/BNG, maintenance and management company; and,
- Contribution to Education

Condition no.	Description	Type
1	Timescale for commencement (2 years)	Standard
2	Development in accordance with approved plans	Standard
3	Arboricultural Impact Assessment details, submission of Arboricultural Method Statement and Tree Protection Plan	Pre-commencement and reserved matters
4	Final surface water sustainable drainage strategy (SuDS)	Pre-commencement and reserved matters
5	Foul water scheme	Pre-commencement and reserved matters
6	Finished site and floor levels (including gardens and open space)	Pre-commencement and reserved matters
7	Full landscaping and ecological management plan	Pre-occupation and first planting season
8	Ecology mitigation measures, including updated protected species appraisal	Pre-commencement and reserved matters
9	Full energy efficiency measures, at least 4% enhancement	Pre-commencement
10	Submission of an Employment and Skills Plan	Pre-commencement
11	Submission of construction management plan	Pre-commencement
12	Submission of construction surface water management plan	Pre-commencement

13	Full details of site access/footway/crossing/lighting	Pre-commencement
14	Contaminated land - following recommendations of the report	Pre-commencement
15	Boundary and surface treatments remove permitted development	Pre-commencement of boundary/surface treatments
16	Scheme for the full engineering, drainage and construction details of the internal estate roads	Prior to commencement of estate roads
17	Off-site highway works, including pavements	Pre-use of access and occupation
18	Visibility splays	Pre-use of access and occupation
19	Sustainable drainage system operation and maintenance manual.	Pre-occupation
20	Verification report of constructed sustainable drainage system	Pre-occupation
21	Scheme of archaeological work	Pre-occupation
22	Public right of way (PROW) connection scheme	Pre-occupation
23	Cycle and bin storage details	Pre-occupation
24	Housing mix address local need/policy	Compliance
25	Requirements of M4(2) accessibility and adaptability	Compliance
26	Nationally Described Space Standards	Compliance
27	Limit up to 2 storey	Compliance

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

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance

**Background Papers**

None

<b>Agenda Item</b>	A8
<b>Application Number</b>	22/01518/OUT
<b>Proposal</b>	Outline application for the erection of 2 dwellings with associated accesses
<b>Application site</b>	Land To The North And South Of Cinder Lane Nurseries Cinder Lane Lancaster Lancashire
<b>Applicant</b>	Mr R Leaman
<b>Agent</b>	Mr Dan Ratcliffe
<b>Case Officer</b>	Mr Sam Robinson
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval, subject to conditions

(i) **Procedural Matters**

This form of development would normally be dealt with by the Scheme of Delegation however, the application was called in within 21 days of the application appearing on the weekly list of planning application by Councillor Abi Mills who requested the application to be determined by the Planning Regulatory Committee.

- (ii) The application was to be presented to the Planning Regulatory Committee on 27 March, but this was deferred in order to clarify the land ownership of the access track. The agent has provided an updated location plan which includes sections of Cinder Lane and has also provided an updated application demonstrating that all known land owners have been notified of the proposal.

**1.0 Application Site and Setting**

- 1.1 The site which forms the subject of this planning application is land to the north and south of a residential property (Cinder Lane Nurseries) located on Cinder Lane in south Lancaster. The site is open grassland with a number of trees and shrubs on the northern part of the site. The northern part of the site lies in between the existing dwelling to the south and allotment gardens to the north whereas the southern part of the site lies adjacent to open fields and has a more rural appearance and features a gentle undulating topography which lowers to the west. Both areas are surrounded by rural native hedgerows.
- 1.2 The surrounding area is varied in its appearance with the southern and western sections sharing a boundary with agricultural fields whilst to the north lies an allotment and finally to the immediate east lies the west coast mainline and beyond which lies Uggie Lane which serves numerous dwellinghouses. Access to the site is off Cinder Lane which connects to Ashford Road to the north which is c.110 metres away. Cinder Lane is recorded as a bridleway (FP52).

1.3 The site lies also within the buffer zone of the Lancaster South Broad Location for Growth as identified in policy SG1 of the Strategic Policies and Land Allocations DPD.

**2.0 Proposal**

2.1 This application is seeking outline consent for 2 detached dwellings with access and all other matters reserved.

2.2 As the application is only seeking outline consent, no plans relating to the design, scale, form and materials have provided for consideration nor is there a requirement to provide any landscape or boundary treatment details. An indicative site plan has been submitted to illustrate how a dwelling may appear on the site.

2.3 Each dwelling will have its own access point and will utilise the existing filed access gates that serve the site.

**3.0 Site History**

3.1 A single relevant pre-application submission relating to this site has been received by the Local Planning Authority:

Application Number	Proposal	Decision
18/01021/PRETWO	Erection of a 3-bed detached dwelling	Closed

**4.0 Consultation Responses**

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

Consultee	Response
Arboricultural Officer	<b>No objection</b>
County Highways	<b>No objection</b> (Subject to a number of highway related conditions)
County Strategic Planning	<b>No objection</b> (Comments relating to improvements to the bridleway and street lighting)
Engineers	<b>No objection</b> (Subject to the provision of a surface water drainage scheme)
Environmental Health	<b>No response</b>
Fire Safety Officer	<b>No objection</b> (Applicant to be made aware of advice note to comply with building regulations)
Natural England	<b>No comment</b> (No comments provided until a HRA has been completed and if needed submitted to Natural England for comment)
Network Rail	<b>No objection</b> (Advice note to be sent to applicant to make aware that agreement will be required from Network Rail at a later date)
Public Rights of Way	<b>Objection</b> (Tight access would not allow vehicles to safely pass pedestrians, increase vehicular movement along Cinder Lane and would increase damage to existing footpath)
Public Realm	<b>No response</b>
Ramblers	<b>No response</b>
United Utilities	<b>No objection</b> (Standard advice note making applicant aware of hierarchy)

4.2 A single letter of objection has been received, citing an objection to any alteration to the surfacing which may not be suitable for horses. In addition, as stated within the procedural matters, the application was called in by Councillor Abi Mills citing concern over lack of local amenities, lack of sustainable transport and highway safety.

**5.0 Analysis**

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

- Principle of development
- Design and landscape impact
- Residential amenity
- Access and parking
- Biodiversity and trees
- Drainage

5.2 Principle of development (NPPF Sections 2 and 5, policies SP1, SP2 & SG1 of the Strategic Policies and Land Allocations DPD and policy DM1 of the Development Management DPD)

5.2.1 Policy SP1 of the Strategic Policies and Land Allocations DPD (SPLA DPD) states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework (NPPF). Policy SP2 outlines the settlement hierarchy throughout the district whilst policy SG1 is a broad far reaching policy which has identified land to the south of Lancaster as a 'Broad Location for Growth' which includes the Bailrigg Garden Village. Finally, policy DM1 of the Development Management DPD (DM DPD) states the Council will support proposals for new residential development that meet an evidenced housing needs, however, there may be circumstances where this is not practical.

5.2.2 While the site lies just outside the urban boundary as indicated on the Councils policy map, Ashford Road lies approximately 100m to the north which is within the Lancaster urban boundary. Approximately 240m to the east from the Ashford Road connection with Cinder Lane, lies a public house and a supermarket. This area forms a crossroad with Scotforth Road which also has a number of bus stops which travel north towards the centre of Lancaster and south towards Galgate and further. Such is the short distance between the site and these areas, they could be readily accessed by foot, bike or private motor vehicle. The site is therefore considered to be well connected to the regional centre of the district with a good choice of local amenities in relatively close proximity which would not need to be accessed by private motor vehicle. As such, the site is considered to be located within a sustainable area and therefore the principle of 2 dwellinghouses can be supported subject to the other material considerations that are to be discussed in the later paragraphs of this report. In addition, as the Council cannot demonstrate a 5-year housing land supply, the tilted balance applies to this scheme. For decision makers, this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.2.3 Policy SG1 outlines the strategic vision for development in south Lancaster. While this application is within that area, it is also within the identified buffer zone for that policy. Given the scale of the development proposed and the location adjacent to an existing dwelling, it is considered that it will not affect the deliverability of the wider site.

5.3 Design and landscape impact (NPPF Section 12 and policy DM29 of the Development Management DPD)

5.3.1 Policy DM29 states that development should 'contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palate of materials, separation distances, orientation and scale.'

5.3.2 As stated above, the application seeks consent for two detached dwellings either side of Cinder Lane Nurseries with the layout, design, scale and landscaping to be agreed at the later stage through the reserved matters. Whilst these details are not considered at the outline stage, the Local Planning Authority must be satisfied that the proposal can be successfully sited without causing an adverse visual impact upon the amenity of the surrounding area.

5.3.3 The northern part of the site has a relatively flat topography and is on a similar level to that of the existing dwelling to the south. This part of the site remains relatively well screened by hedgerows and trees when viewed from greater distances and will be seen closely related to the existing Cinder Lane Nurseries. It is considered that a single storey dwellinghouse would be most suitable for the site as this would limit the impact and match the form and scale of the adjoining property. While views of the dwelling will be visible along Cinder Lane, it is considered that it would not appear obtrusive when viewed in the context of the wider area. Suitable boundary treatments would also retain the rural character of the area however, it is noted that this would be considered under the reserved matters stage. The existing field gate would be used for the access and does not require

significant widening as indicated on the site plan. The Council has requested a separate access plan for clarity which has not yet been received. A written update will be provided at a later date if any additional plans are received.

5.3.4 The southern part of the site has the slightly different character insomuch that it remains more open and has a gentle undulating land form. The site does have a natural barrier to the wider agricultural fields in the form of hedgerows, but the site does not bound upon any of these hedgerows. Again, the site is well related to the existing built form of Cinder Lane Nurseries and therefore a similar proportioned and scaled dwelling is unlikely to have any significant visual impacts on the wider area. While views of the proposed dwelling would be greater when travelling from the south along Cinder Lane, it would be viewed with a backdrop of trees and the existing dwelling. Similarly, any views of the site from the fields to the west will have the dwellings of Uggle Lane in the backdrop of the proposed dwelling. This part of the site also has a field access gate which will be used for the access to the dwelling and again, this does not require any significant alterations.

5.4 Residential amenity (NPPF Sections 5 and 12, and policy DM29 of the Development Management DPD)

5.4.1 Policy DM29 requires all development to provide a good standard of living accommodation for future occupiers and also seeks to ensure that there are no detrimental impacts to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution for existing neighbouring properties.

5.4.2 Both dwellings would be on adequately sized plots and whilst only an indicative site plan has been submitted, this demonstrates that a sufficient amount of private garden space can be provided for each dwelling. Similarly, when coming to the reserved matters stage, the design and layout of the building would need to adhere to the Nationally Described Spaces Standards in order to ensure suitable levels of amenity for any future occupiers. Again, this should be relatively straightforward given the size of the site. There are also unlikely to be any issues arising from overlooking from the existing Cinder Lane Nurseries due to the single storey height of the building and that it remains set in from both of the side boundaries.

5.4.3 The application has been submitted with an Acoustic Survey and Assessment in order to assess whether the proposal can secure an acceptable level of amenity for any future occupiers when considering any potential noise issues relating to the nearby west coast mainline. The on-site monitoring identified that existing background sound levels are slightly above those recommended within the national guidance and as such, additional mitigation measures in the form of double glazing units and trickle window vents are required. By ensuring this, the report concluded that the internal and external sound levels would be acceptable in line with the Noise Policy Statement for England. As such, the proposal would not have a significant adverse impact on any future occupiers.

5.4.4 In terms of overlooking from the proposed dwellings towards the existing Cinder Lane Nurseries, this would be a consideration for the reserved matters stage. Again, given the size of the proposed plots, separation distances to the existing dwelling and extensive shared boundaries, 2 dwellings could be sited without having a detrimental impact upon the residential amenity of the existing occupiers at Cinder Lane Nurseries.

5.5 Access and parking (NPPF Sections 9 and 12 and policies DM29 and DM62 of the Development Management DPD)

5.5.1 Policy DM29 states that development should 'incorporate suitable and safe access to the existing highway and road layout design, in line with the latest standards and ensure that highway safety and efficiency is maintained or improved'. Policy DM62 outlines the parking provision requirements for development proposals. While this is determined by the number of bedrooms within the dwellinghouses (and this detail is not provided within this application) the maximum provision per dwellinghouse is expected to be between 3 and 4 spaces.

5.5.2 The application has been accompanied by an Initial Site Access Review statement which, amongst other things, has considered the existing access arrangement and traffic activity along Cinder Lane and the impacts of the proposed development on the surrounding highway network and Cinder Lane itself.

- 5.5.3 Cinder Lane itself is a narrow single lane grass track which measures between c.2.5m and 2.8m in width and in places, has narrow verges on either side of the track. Therefore, the track is considered to be somewhat restricted in terms of its capacity and there are no clear marked areas for passing places for two vehicles, but it is likely that pedestrians would be able to pass an oncoming vehicle. Notwithstanding this point, considering the scale of the development involved on this application, the provision of an additional two dwellinghouse is unlikely to have a significant adverse impact on the highway capacity or safety with only a small section of Cinder Lane affected by the proposal. There may be increased vehicular movement at peak times of the day, but this would be a marginal increase and due to the constraints of the track, any vehicles would naturally be travelling at low speeds which would reduce the risk of conflict. In addition, due to the sustainable location of the site, not all trips would be required to be made by motor vehicles with other sustainable modes of transport available. Access beyond the site to the north from Cinder Lane onto Ashford Road, benefits from good visibility towards both the east and west.
- 5.5.4 County Highways have raised no objection to the scheme in terms of highway safety subject to the provision of a number of conditions in the form of a highway condition survey, construction management plan, construction deliveries outside of peak traffic, details of the access gateposts, suitable surface water drainage and improvements to the surface of Cinder Lane. It is noted that in the response from County Highways that reference is made to the Lancaster Housing and Infrastructure Gravity Model and that the developer of this site is expected to commit to a financial contribution to aid improvements to the south Lancaster highway network. However, considering the scale of the development involved and that the response from County Highways does not explicitly state that it should be included as a condition nor which part of the highway network will be affected by the development, it is considered unreasonable to include such a condition on this application.
- 5.5.5 As mentioned in the opening paragraphs, Cinder Lane is recorded as a Bridleway and is used by both vehicles and pedestrians with no separation for the two types of users. The County Council Public Rights of Way Team have objected to the proposal citing highway safety and increased usage of the lane would result in further erosion of the track which is not suitable for heavy vehicle usage. While these points are noted, highway safety has been considered in the paragraphs above and with no objection from County Highways, it is considered the proposal will not have an adverse impact on highway safety. Regarding track erosion, as the track is contained within the red edge, a track survey can be secured by condition and undertaken, allowing any improvements to be made, if required. Owing to the changes to the red edge site plan, it is considered that conditions will ensure that any increased usage will not have any detrimental impact on the useability of Cinder Lane.
- 5.5.6 Network Rail have also been consulted on the application who have raised no objection to the proposal. It is noted that the nature of the comments may vary upon the location of the dwellings within the site and thus the proximity to the railway line. The applicant may need to enter into certain agreements with Network Rail however, this can be included as an advice note on any decision notice.
- 5.6 Biodiversity and trees (NPPF Section 15, policies DM44 and DM45 of the Development Management DPD)
- 5.6.1 Policy DM44 states that development proposals should protect and enhance biodiversity, to minimise both direct and indirect impacts and where directly or indirectly affecting an international designated site, a suitable Habitats Regulations Assessment will be undertaken by the Council. In addition to this, policy DM45 states that new development should positively incorporate existing trees and hedgerows. Where this cannot be achieved the onus is on the applicant to justify the loss as part of an Arboricultural Implications Assessment (AIA).
- 5.6.2 The application site is part orchard part agricultural land which is bounded by trees and hedgerows. Given that the application site relates to an undeveloped parcel of land, a preliminary ecological appraisal has been undertaken and submitted (dated September 2022). The appraisal included badger survey and evaluation, preliminary bat roost survey and evaluation, breeding bird survey and evaluation and a great crested newt evaluation.
- 5.6.3 The report sets out that the northern part of the site consists of an orchard and a section of broadleaved plantation woodland whilst the southern land parcel is primarily modified grassland

which is enclosed by hedgerows. The report also identified an 'important' hedgerow (H1) which lies between the existing dwelling and northern section of the site. This hedgerow has also been identified within the submitted AIA but states that it lies outside of the development area.

- 5.6.4 In relation to the protected species, there was no presence of badgers, and it was highly unlikely that great crested newts would be present within the site and within 250m of the site. As such, impacts on the species are not predicated. The existing dwelling was assessed as being of 'Low' bat roost potential whilst all the trees on site lacked maturity to support a bat roost, but the wider site did offer suitable foraging habitats. The appraisal was of the opinion that an additional dusk emergence should be undertaken between May-September to determine how bats are using the buildings affected. However, this is considered to be based on the premise that the proposal involved the renovate the existing dwelling, which may have the potential to provide a bat roost, as outlined in paragraph 1.1 of the ecological appraisal. As this application is not seeking alterations to the existing dwelling, a further survey is considered unnecessary as the proposed works are unlikely to directly affect any potential bat roost within the existing dwelling. Lastly, a range of typical bird species were recorded using the site and adjacent land. Based on the observations made during the survey, the bird fauna associated with the site was evaluated as being of up to 'local' interest. The removal of suitable nesting habitat as part of the development proposals can be adequately compensated through the provision of bird boxes, suitable landscaping and any removal of suitable nesting vegetation is undertaken outside of the nesting season.
- 5.6.5 The application site lies within the median distance travelled of 3.454km (identified through the Recreational Disturbance Study for the Local Plan) to the European designated sites of Morecambe Bay and the Lune Estuary which is designated as a Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar site and Site of Special Scientific Interest (SSSI). As a result of the proximity of the residential development to the sensitive site, it is considered that a proportionate Habitats Regulations Assessment (HRA) is required to assess the recreational disturbance impacts on the coastal designated sites resulting from the development, the report is contained within a separate document. The potential impacts from increased recreational pressure are considered to be limited due to the small size of the proposed development, distance from the designated areas, and other options for recreation in closer proximity. However, to mitigate any potential increase in recreational pressures caused by the development, a homeowner pack can be provided to each of the apartments, as identified within the HRA for the Local Plan. The homeowner pack would be expected to include details of the adjacent designated sites (and the wider Morecambe Bay coastline), their sensitivities to recreational pressure and promote the use of alternative areas for recreation, in particular dog walking areas. This is secured by condition.
- 5.6.6 The HRA also assessed the impacts of the proposal on passing birds and habitats linked with the designated sites. It is considered that the provision of a Construction Environmental Management Plan with suitable sensitive timings for work would provide suitable mitigation and limit the overall disturbance of the development during the construction phase. This can be covered by a planning condition. The HRA has been submitted to Natural England who raised no objection to the proposal subject to the provision of homeowner packs prior to first occupation.
- 5.6.7 The AIA shows a small group of trees on the southern boundary of the northern part of the site and two trees on close to the northern boundary on the northern part of the site which are to be removed. These trees have been classified as a 'C category' within the AIA which indicates trees of the 'lowest quality'. It is believed that the loss of the trees would not have a significant impact on the local landscape character of the area, nor would it have a significant impact on the biodiversity of the site. Sufficient mitigation can also be secured in the form of replanting across the site through the reserved matters stage when the landscape elements are considered.
- 5.7 Drainage (NPPF Section 12, policies DM29, DM34 and DM35 of the Development Management DPD)
- 5.7.1 Policy DM34 states that surface water should be managed sustainably within new development and that the Council advocates the use of a Surface Water Drainage hierarchy in line with best practice. Likewise, policy DM35 states all new development must demonstrate adherence to the National Planning Practice Guidance for sewerage infrastructure which includes a prioritised hierarchy.

- 5.7.2 The application form states that surface water will be dealt via a soakaway which is the favoured approach in line with the hierarchy outlined in policy DM34. A preliminary drainage strategy has also been submitted with the application which indicates that the site is located within a 'freely draining slightly acid loamy soils, which would indicate the site would be generally suitable for the dissipation of surface water via infiltration. Trail pits and calculations have not been provided, however given the extent of the land ownership and type of soil, the Council can be reasonably satisfied that a soakaway can be accommodated for each dwelling.
- 5.7.3 Cinder Lane appears to only be served by a trunk main pipe when viewed on the United Utilities mapping system with the closest public sewer located on Ashford Road. As such, connection to a public sewer is likely to be unviable. The application has indicated that foul water will be disposed of via both a septic tank and package treatment plant however, the use of septic tanks is generally discouraged, and the Council would therefore seek the implementation of 2no. package treatment plants unless there is an overriding reason that suggests a package treatment plant would not be feasible.
- 5.7.4 The Council's Engineers department raised no objection to the scheme subject to the submission of the details of a final drainage scheme in order to ensure that the site is adequately drained. It is therefore suggested that this condition is included as well as details relating to the foul drainage system.

## **6.0 Conclusion and Planning Balance**

- 6.1 The proposal is considered to be located in a sustainable and well connected area and therefore, the principle of providing housing to contribute to the Councils housing land supply is supported. The minor level of landscape harm and small loss of trees and shrubs can be adequately compensated through appropriate planting/landscaping at the reserved matters stage whilst the minor level of landscape harm will be outweighed by the provision of housing. The site is considered large enough to ensure a suitable dwellings and respective garden spaces can be achieved in order to prevent high levels of amenity for future occupiers with no adverse impact on highway safety. While there is a slight degree of conflict relating to the public right of way with regards to the condition of the track, it is felt that it can be adequately covered by condition and when considering the lack of a 5-year housing land supply and applying the tilted balance, the application therefore is recommended for approval.

## **Recommendation**

That Outline Consent BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Time limit (Reserved matters required – except access)	Control
2	Approved plans	Control
3	Illustrative drawings only	Control
4	Submission of homeowner packs	Prior to occupation
5	Construction environmental management plan	Prior to occupation
6	Implementation of AIA	Control
7	Provision of vehicular access	Control
8	Construction management plan	Prior to development
9	Highway condition survey	Prior to development
10	Construction deliveries	Control
11	New road	Prior to development
12	Surface water details	Prior to development
13	Foul drainage system details	Prior to development
14	Nationally Described Space Standards	Control

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

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/Guidance.

**Background Papers**

None

## LIST OF DELEGATED PLANNING DECISIONS

## LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
21/00561/FUL	Castle View Caravan Park, Borwick Road, Capernwray Change of use of land for the siting of 38 static caravans to replace 43 touring caravans and the creation of an amenity area at Maggots Woodland for Mr John McCarthy Esq (Kellet Ward 2015 Ward)	Application Permitted
21/01510/EIR	Land South Of Hawthorn Avenue, Hawthorn Avenue, Brookhouse Screening opinion for the erection of 25 bungalows for over 55's with associated access, internal roads and landscaping for Applethwaite Homes (Lower Lune Valley Ward 2015 Ward)	ES Not Required
22/00682/FUL	2 Hall Greaves Close, Overton, Morecambe Demolition of existing stable block and erection of a replacement stable block in association with 2 Hall Greaves Close for Mr & Mrs Blane (Overton Ward 2015 Ward)	Application Permitted
22/00778/LB	Barn At Old Hall Farm, Kirkby Lonsdale Road, Over Kellet Listed building application for the partial demolition of rear outrigger, structural remedial works to external walls and roof structure, re-pointing of stonework and removal and rebuilding of south west stone wall for Mr Mark Drinkall (Kellet Ward 2015 Ward)	Application Permitted
22/00892/FUL	Brows Farm, Glasson Dock Road, Glasson Dock Part retrospective application for demolition of two agricultural buildings, reconstruction of stone barn with single storey extension to create one dwelling (C3) and detached garage with associated parking, garden and boundary wall for Mr Hodgson (Ellel Ward 2015 Ward)	Application Refused
22/00894/FUL	JD Wetherspoons, The Sir Richard Owen, 4 Spring Garden Street Relevant Demolition of existing buildings and erection of a single storey side extension, first floor extensions, installation of windows and doors to the front and rear elevations and creation of an external seating area for JD Wetherspoon Plc (Castle Ward 2015 Ward)	Application Permitted
22/01027/FUL	Highway Adjacent Queen Victoria Memorial And Nelson Street , Lancaster, Lancashire Construction of a temporary marquee, installation of a temporary carousel, Santa's Grotto and a children's activity area for Mr Horner (Castle Ward 2015 Ward)	Application Refused
22/01073/REM	Land To The South Of Lawsons Bridge Site, Scotforth Road, Lancaster Reserved matters application for the erection of 74 dwellings for Northstone Developments Ltd (Scotforth West Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

22/01100/FUL	23A Bye-pass Road, Bolton Le Sands, Carnforth Demolition of existing workshop, erection of detached dwelling (C3) and change of use of land into residential garden for Mr David Hough (Bolton And Slyne Ward 2015 Ward)	Application Permitted
22/01163/FUL	Halton Village Stores, 157 High Road, Halton Erection of two-storey side extension and installation of front roller shutter for Slyne Stores Ltd (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
22/01249/LB	23 Castle Hill, Lancaster, Lancashire Listed building application for replacement timber framed windows and renovation of remaining original timber framed windows for Mr Siraj Babu (Castle Ward 2015 Ward)	Application Permitted
22/01273/FUL	1 The Lane, Sunderland Point, Morecambe Installation of solar PV slates to the front elevation and erection of outbuilding to create ancillary accommodation in association with 1 The Lane for Nicole Hargreaves (Overton Ward 2015 Ward)	Application Refused
22/01274/LB	1 The Lane, Sunderland Point, Morecambe Listed building application for the installation of solar PV slates to the front elevation and removal of first floor ceiling and installation of insulation at rafter level for Nicole Hargreaves (Overton Ward 2015 Ward)	Application Refused
22/01316/FUL	2 Hall Greaves Close, Overton, Morecambe Erection of a single storey extension to the side and construction of a dormer extension to front/side elevation for Mr & Mrs Blane (Overton Ward 2015 Ward)	Application Permitted
22/01405/FUL	94 Main Street, Hornby, Lancaster Relevant demolition of front boundary wall, creation of a new access, driveway and parking areas and erection of a bin store for Mr & Mrs Martin & Siobhan Miles-Moore (Upper Lune Valley Ward 2015 Ward)	Application Refused
22/01451/FUL	76 Broadway, Morecambe, Lancashire Erection of a part two storey and part single storey front, side and rear extension and alterations to roof for Mr. Sukhjiwan Gill (Bare Ward 2015 Ward)	Application Permitted
22/01462/FUL	329 - 330 Marine Road Central, Morecambe, Lancashire Relevant demolition of rear extensions and outbuilding and change of use from Hotel (C1) to 9 holiday apartments (sui generis), erection of a 4 storey rear extension, erection of bay window extensions to the front, creation of parking spaces to the rear, installation of new door opening to front and excavation at front to provide lower ground courtyard garden with path and steps for Mr D Grocott (Poulton Ward 2015 Ward)	Application Permitted
22/01536/FUL	24 Clarence Street, Morecambe, Lancashire Erection of a dormer extension to the rear elevation, installation of cladding to existing dormer to the front elevation and installation of a replacement roof for Mr Simon Das (Poulton Ward 2015 Ward)	Application Refused

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22/01540/VCN	Wennington Institute, Bentham Road, Wennington Change of use and conversion of the existing village hall to a residential dwelling (C3) including alterations to existing openings, the insertion of new openings and changes to the roof arrangement to provide first floor accommodation, together with an associated access and installation of package treatment plant (pursuant to the variation of conditions 2, 3 and 4 on planning permission 22/00431/VCN to include the installation of air source heat pumps, solar panels and rooflights and alter the rear elevation windows and rear side east elevation) for M Chapman (Upper Lune Valley Ward 2015 Ward)	Application Permitted
22/01551/FUL	Land North Of Carnforth Cricket Club, Albert Street, Carnforth Construction of an enclosed two lane cricket practice net for Mr Peter Robinson (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
22/01556/FUL	1 Halden Road, Heysham, Morecambe Erection of a two storey rear extension for Mr & Mrs Dravec - Nyiro (Heysham North Ward 2015 Ward)	Application Withdrawn
22/01572/VCN	Land To The Rear Of Kirklands And Hanging Green Lane, Hest Bank, Lancashire Erection of 2 dwellings and creation of an access road with associated landscaping (pursuant to removal of condition 1 in relation to timescale for implementation and condition 3 in relation to land contamination, variation of condition 2 to amend previously approved floor plans, elevations and site plan, condition 4 to amend tree protection plan, condition 5 to amend site and floor levels, condition 6 in relation to surface water drainage and condition 7 details of materials on planning permission 17/01358/FUL) for K. Stopczynski & N. Rogerson (Bolton And Slyne Ward 2015 Ward)	Application Permitted
22/01576/VCN	University Of Cumbria , Bowerham Road, Lancaster Demolition of buildings including Sarah Witham Thompson, Gressingham and Melling Halls, Black Box Theatre, Old Dining Room and the Long Corridor and erection of a 4 storey Extra Care residential building (use class C3), partial demolition, conversion and change of use of the Art Studio from education facility (use class D1) to ancillary space associated with the Extra Care residential building and change of use and conversion of Barbon Hall and Hornby Hall from education facility (use class D1) to provide affordable residential apartments (use class C3) with associated landscaping, parking, access and service infrastructure (pursuant to the variation of conditions 2 and 10 on planning permission 22/00958/VCN to amend elevational drawing in relation to windows and doors) for Progress Housing Group (John O'Gaunt Ward 2015 Ward)	Application Permitted
22/01609/CU	87 Balmoral Road, Morecambe, Lancashire Change of use of dwelling (C3) to holiday let (sui generis) and erection of a boundary fence to the side and rear for Miss Tace Moody (Harbour Ward 2015 Ward)	Application Permitted

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23/00001/DIS	Yealand Hall, Silverdale Road, Yealand Redmayne Discharge of condition 3 and 4 on approved application 22/00913/FUL for Mr & Mrs Lock (Silverdale Ward 2015 Ward)	Application Permitted
23/00002/PA56	Monkley Ghyll, Kirkby Lonsdale Road, Halton Prior approval application for the change of use of an agricultural building to a flexible use within Class E/B8 for Messrs TG & DS Bowring (Halton-with-Aughton Ward 2015 Ward)	Prior Approval Refused
23/00010/LB	Wennington Hall School, Lodge Lane, Wennington Listed building application to remove internal wall and relocation of a staircase on ground floor level for Mr Warburton (Upper Lune Valley Ward 2015 Ward)	Application Permitted
23/00012/DIS	Mellishaw Park , Mellishaw Lane, Heaton With Oxcliffe Discharge of conditions 3,4,6,7,8,9,10 and 11 on approved application 22/00519/FUL for Mr Tom Greenwood (Overton Ward 2015 Ward)	Split Decision
23/00012/FUL	39 Laund Gardens, Galgate, Lancaster Erection of a single storey rear extension for Mr Jonathan Speller (Ellel Ward 2015 Ward)	Application Permitted
23/00016/FUL	12A Newmarket Street, Morecambe, Lancashire Erection of dormer extension to the front and rear elevation, infill of existing window to the rear and removal of chimney to the front for Mr Mo Shahidinejad (Bare Ward 2015 Ward)	Application Refused
23/00018/DIS	Brookhouse Old Hall, Brookhouse Road, Brookhouse Part discharge of condition 3 on approved application 20/01219/LB for Horner (Lower Lune Valley Ward 2015 Ward)	Application Permitted
23/00019/DIS	Brookhouse Old Hall, Brookhouse Road, Brookhouse Discharge of condition 3 on approved application 20/01218/FUL for Horner (Lower Lune Valley Ward 2015 Ward)	Application Permitted
23/00020/FUL	8 Littledale Road, Brookhouse, Lancaster Construction of dormer extension to the front and rear elevation, installation of roof lights to the front and proposed loft conversion for Mr Alan Crossman (Lower Lune Valley Ward 2015 Ward)	Application Permitted
23/00026/DIS	26 Corless Cottages, Dolphinholme, Lancaster Discharge of condition 3 on approved application 22/01184/LB for Ms Amy Kelly (Ellel Ward 2015 Ward)	Application Permitted
23/00028/DIS	Diviny Livery Stables, Middleton Road, Middleton Discharge of conditions 3 and 4 on approved application 22/01488/VCN for Mrs Hazel Diviny-Day (Overton Ward 2015 Ward)	Application Refused
23/00028/FUL	Flat 3B , 3 Laurel Bank, Lancaster Siting of bicycle storage shed to the front elevation for Mr Karl Fisher (Marsh Ward 2015 Ward)	Application Permitted
23/00031/DIS	Asda, Ovangle Road, Morecambe Discharge of condition 4 on approved application 22/01228/FUL for Miss Rebecca Yates (Westgate Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

23/00034/ELDC	Marybank Barn, Marybank Farm, Caton Green Road Existing lawful development certificate for use of land as ancillary residential land in association with Marybank Barn for Mr and Mrs Fisher (Lower Lune Valley Ward 2015 Ward)	Lawful Development Certificate Granted
23/00035/DIS	Lancaster Castle , Castle Park, Lancaster Discharge of part of condition 3 on approved application 22/00541/LB for The Duchy Of Lancaster (Castle Ward 2015 Ward)	Application Permitted
23/00040/DIS	59 Yealand Road, Yealand Conyers, Carnforth Discharge of condition 4 for approved application 21/00677/FUL for Dr and Mrs Proctor (Warton Ward 2015 Ward)	Application Permitted
23/00040/FUL	9 Eagle Walk, Heysham, Morecambe Erection of a single storey rear extension and alterations to side boundary fence for Mrs Georgina Ellwood- Booth (Heysham South Ward 2015 Ward)	Application Permitted
23/00041/PLDC	9 Rectory Gardens, Cockerham, Lancaster Proposed lawful development certificate for the erection of a single storey extension to the rear for Mr Sam Neill (Ellel Ward 2015 Ward)	Lawful Development Certificate Granted
23/00046/FUL	Sofidel UK, 15 Lansil Way, Lancaster Modifications to the existing Lansil Way Turning Head to enable development of one way site roads, new weighbridge, alterations to car parking, perimeter fencing, access gates and associated drainage works for Mr Alessandro Dinucci (Bulk Ward 2015 Ward)	Application Permitted
23/00055/DIS	Railway Cottage, Borwick Road, Borwick Discharge of condition 6 on approved application 22/00512/FUL for David Harrison (Kellet Ward 2015 Ward)	Application Permitted
23/00055/FUL	Cote Farm, Strellas Lane, Slyne Erection of single storey extension to existing cattle accommodation for Mr Phillip Casson (Bolton And Slyne Ward 2015 Ward)	Application Permitted
23/00058/PAA	Thwaite Gate Farm, Lancaster Road, Carnforth Prior approval for the change of use of agricultural buildings to 5 dwellings (C3) for Mr K Whittingham (Carnforth And Millhead Ward 2015 Ward)	Prior Approval Granted
23/00061/FUL	Clear Water Fisheries, Kellet Lane, Over Kellet Erection of a single storey side extension for Mr Alex Mollart (Warton Ward 2015 Ward)	Application Permitted
23/00062/FUL	Land South Of , 4 Washington Close, Lancaster Erection of dwelling (C3) with associated access, car parking and landscaping for Mr James Glass (Marsh Ward 2015 Ward)	Application Refused
23/00092/FUL	Ceci, Hillcrest Avenue, Bolton Le Sands Demolition of existing outbuilding and erection of a single storey garage and storage building for Mr & Mrs M. Burrow (Bolton And Slyne Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

23/00098/LB	18 - 20 Sun Street, Lancaster, Lancashire Listed building application for the installation of a replacement roof, installation of new rainwater goods, painting of external timber doors, windows and metal railings to front and rear elevations for Mr Christopher Welsby (Castle Ward 2015 Ward)	Application Permitted
23/00099/FUL	6 St Michaels Crescent, Bolton Le Sands, Carnforth Construction of dormer extensions to the front and rear elevations and erection of a porch to the front for Mr & Mrs G. Ward (Bolton And Slyne Ward 2015 Ward)	Application Permitted
23/00100/FUL	14 Alderley Heights, Lancaster, Lancashire Retrospective application for the demolition of existing conservatory and erection of a replacement conservatory to the rear for Mr David Robinson (Skerton East Ward 2015 Ward)	Application Permitted
23/00101/FUL	14 Cleaton Close, Lancaster, Lancashire Installation of 14 Solar Panels to the rear roof for Mr James Simon (Bulk Ward 2015 Ward)	Application Permitted
23/00104/PAA	Lower Kit Brow Farm, Kit Brow Lane, Ellel Prior approval for the change of use of 2 agricultural buildings to 3 dwellings (C3) for Mr Robert Rhodes (Ellel Ward 2015 Ward)	Prior Approval Refused
23/00112/FUL	57 High Road, Halton, Lancaster Installation of solar panels to the south east (front) facing roof slope for Dr Alison Toy (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
23/00114/FUL	12 Main Street, Hornby, Lancaster Replacement of existing flat roof with pitched roof for Mr Mark Loughin (Upper Lune Valley Ward 2015 Ward)	Application Permitted
23/00115/PLDC	Electricity Substation, Lune Water Pumping Station, Lancaster Road Proposed lawful development certificate for installation of replacement substation equipment and erection of enclosure for Miss Alice Bedford (Lower Lune Valley Ward 2015 Ward)	Lawful Development Certificate Granted
23/00125/FUL	DPD Local, Unit 6, Keer Park Retrospective application for the erection of temporary canopy extension within external yard area for DPD Group (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
23/00136/PAM	Footpath Adjacent To 395 Lancaster Road And 2 Thorpe Avenue, Lancaster Road, Morecambe Prior approval for the installation of 15m monopole with wraparound cabinet, 3 ground-based equipment cabinets and associated ancillary development for CK Hutchison Networks (UK) Ltd (Torrisholme Ward 2015 Ward)	Prior Approval Refused
23/00138/FUL	7 Cassidy Drive, Lancaster, Lancashire Erection of a single storey extension to the rear for Mr & Mrs Emma Mae (Bulk Ward 2015 Ward)	Application Permitted

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23/00139/FUL	3 Ashley Gardens, Galgate, Lancaster Replacement of timber windows with uPVC windows to all elevations, installation of replacement front door and part retrospective application for the installation of two windows and a door to the south and east elevations for Mrs A Sachs (Ellel Ward 2015 Ward)	Application Permitted
23/00140/LB	Lancaster Railway Station, Westbourne Road, Lancaster Listed building application for the installation of a drinking water fountain within platform 3 waiting room for Mr Malcolm John (Castle Ward 2015 Ward)	Application Permitted
23/00142/FUL	11 The Coppice, Morecambe, Lancashire Demolition of conservatory and erection of single storey rear extension, erection of single storey side extension to garage and construction of raised patio to the rear for Mr & Mrs Wellburn (Bare Ward 2015 Ward)	Application Permitted
23/00143/FUL	15 Monkswell Avenue, Bolton Le Sands, Carnforth Removal of chimney breasts to side elevation, replacement of existing rear pitched roof with flat roof, erection of a single storey rear extension, construction of a hip to gable roof, erection of dormer extension to the front and rear elevations and installation of rooflights to front roof slope for Mr & Mrs L & G Fleet & Wilkinson (Bolton And Slyne Ward 2015 Ward)	Application Permitted
23/00145/FUL	Highgate House, Hillam Lane, Cockerham Construction of a dormer extension to the rear elevation for Mr Gardner (Ellel Ward 2015 Ward)	Application Permitted
23/00153/FUL	Broadband For The Rural North Limited, Station Yard, Melling Road Temporary siting of two demountable units for use as office accommodation for 3 years for Broadband for the Rural North(B4RN) (Upper Lune Valley Ward 2015 Ward)	Application Permitted
23/00158/FUL	Red Bank House, Shore Lane, Bolton Le Sands Erection of a car port to the side elevation for Mr.& Mrs. R. Taylor (Bolton And Slyne Ward 2015 Ward)	Application Permitted
23/00160/FUL	Walling UK Group, Kirk House Farm, Main Road Construction of a raised roof to existing workshop and installation of a replacement roller shutter door to the front for Mr David Walling (Kellet Ward 2015 Ward)	Application Permitted
23/00163/FUL	Wilpena Pound, Wennington Road, Wennington Erection of porch to front elevation and construction of roof to existing wood and bin store for Mr Stephen Robson (Lower Lune Valley Ward 2015 Ward)	Application Permitted
23/00167/FUL	61 Church Brow, Bolton Le Sands, Carnforth Erection of a single storey side extension for Mrs Anne Stirzaker (Bolton And Slyne Ward 2015 Ward)	Application Permitted
23/00183/FUL	58 Beaufort Road, Morecambe, Lancashire Demolition of existing porch and erection of replacement porch, erection of single storey rear extension and construction of rear dormer extension for Mr & Mrs Richard Taylor (Bare Ward 2015 Ward)	Application Permitted

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23/00188/LB	Hawthornthwaite Farm, Doeholme Rake, Over Wyresdale Listed building application for the removal of existing render to north and south gable elevations and replacement with a lime based harling and limewash finish for Mr. Declan Hoare (Ellel Ward 2015 Ward)	Application Permitted
23/00192/FUL	2 Grove Court, Throstle Grove, Slyne Construction of a raised platform to the rear for Mr Allan Dawson (Bolton And Slyne Ward 2015 Ward)	Application Permitted
23/00204/FUL	High Bank , Brettargh Drive, Lancaster Demolition of existing rear outrigger and erection of single storey rear extension for Mr J Allan (Scotforth West Ward 2015 Ward)	Application Permitted
23/00206/FUL	103 Bare Lane, Morecambe, Lancashire Demolition of existing garage and erection of a replacement outbuilding for Mr M Ashby (Bare Ward 2015 Ward)	Application Permitted
23/00224/AD	Downlands Farm, Moss Road, Heaton With Oxcliffe Agricultural Determination for erection of extension to existing cattle building for Mr Grant Thornton (Overton Ward 2015 Ward)	Prior Approval Not Required
23/00226/PAD	Oatlands Farm, Grab Lane, Lancaster Prior approval for the demolition of Oatlands Farmhouse and outbuildings for Mr Paul Fenton (Lower Lune Valley Ward 2015 Ward)	Prior Approval Granted
23/00234/NMA	Land To The South Of Lawsons Bridge Site, Scotforth Road, Lancaster Non material amendment to planning permission 22/00423/VCN to amend the development parameters plan for Northstone Development Ltd. (Scotforth West Ward 2015 Ward)	Application Permitted
23/00235/PLDC	Lucerne, 29 Chapel Lane, Overton Construction of external walls with 2 canopies to incorporate patio area for an outdoor kitchen/BBQ and bar for Mr Andrew Morgans (Overton Ward 2015 Ward)	Lawful Development Certificate Granted
23/00241/AD	Friars Moss, Friars Moss Road, Quernmore Agricultural determination for the erection of a storage building for Mr Chris Batty (Lower Lune Valley Ward 2015 Ward)	Application Withdrawn
23/00246/PAH	20 Kempton Road, Lancaster, Lancashire Erection of a 5 metre deep, single storey rear extension with a maximum roof height of 6.71 metres and a maximum eaves height of 3.45 metres for Mr Bartosz Stawicki (Scotforth East Ward 2015 Ward)	Prior Approval Refused
23/00250/PAM	Land Adjacent Braemar Court /, Opposite 305 Lancaster Road , Morecambe Prior approval for the installation of 18 metre street pole with associated equipment and cabinets for CK Hutchinson (UK) LTD (Bare Ward 2015 Ward)	Prior Approval Refused
23/00275/AD	Agricultural Building, Sandside, Cockerham Agricultural Determination for erection of agricultural storage building attached to existing livestock building for Mr T Billington (Ellel Ward 2015 Ward)	Prior Approval Refused

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23/00282/EIR	Greenbank Farm, Hornby Road, Claughton Creation of new access points, internal access road and erection of retaining walls for Mr David Platts (Lower Lune Valley Ward 2015 Ward)	ES Not Required
23/00287/PLDC	6 Warley Drive, Morecambe, Lancashire Proposed lawful development certificate for the erection of a single storey extension to rear for Mr.& Mrs. A. Burrow (Torrisholme Ward 2015 Ward)	Lawful Development Certificate Granted
23/00299/AD	Out Field Farm, Docker Lane, Newton Agricultural determination for replacement concrete yards for Mr R Bainbridge (Upper Lune Valley Ward 2015 Ward)	Prior Approval Not Required
23/00314/PLDC	78 Coulston Road, Lancaster, Lancashire Proposed lawful development certificate for the conversion of the garage to workshop/ studio, construction of a raised roof to detached garage, replacement roof, windows and doors, installation of rooflights and insertion of new windows to the side elevation for Jane Timshle (John O'Gaunt Ward 2015 Ward)	Lawful Development Certificate Granted
23/00322/PLDC	6 Kempton Road, Lancaster, Lancashire Proposed Lawful Development Certificate for the conversion of garage into utility room, removal of front garage door and rear window/door, blocking up of window to side elevation, installation of replacement windows to the front/side/rear elevations, installation of render/cladding/brick plinth, installation of rooflights to the side elevation, construction of decking to the rear and raising of land/construction of slope to create level access to side elevation for Mr & Mrs David & Beatrice Spybey (Scotforth East Ward 2015 Ward)	Lawful Development Certificate Granted
23/00323/PLDC	18 Lawnswood Avenue, Lancaster, Lancashire Proposed Lawful Development Certificate for the erection of a single storey rear extension for Mr and Mrs Hutchinson (Scotforth East Ward 2015 Ward)	Lawful Development Certificate Granted
23/00329/PLDC	6 Canterbury Avenue, Lancaster, Lancashire Demolition of existing rear conservatory and erection of single storey rear and side extensions for Mr Stuart Hemmings (John O'Gaunt Ward 2015 Ward)	Lawful Development Certificate Granted
23/00331/EIR	Land Adjacent To, Grab Lane, Lancaster Screening opinion for the erection of a residential development with associated open space, landscaping, car parking, access and supporting infrastructure for Mr Paul Fenton (John O'Gaunt Ward 2015 Ward)	ES Not Required
23/00333/PLDC	9 Arden Close, Slyne, Lancaster Proposed lawful development certificate for the conversion of loft with installation of rooflights to the front and rear for Mr.& Mrs. D. McCullough (Bolton And Slyne Ward 2015 Ward)	Lawful Development Certificate Granted