



Committee: PLANNING REGULATORY COMMITTEE

Date: MONDAY, 18 SEPTEMBER 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 4th September 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.

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|---|--|---|---|----------------------------|
| 5 | A5 21/00792/FUL | Haweswater Aqueduct, Helks
Brow, Wray, Lancashire | Halton-with-
Aughton and
Kellet Ward;
Lower Lune
Valley Ward | (Pages 5 -
26) |
| | | Proposed works for and use of replacement section of aqueduct, including earthworks and ancillary infrastructure including: a new valve house building within fenced compound with permanent vehicular access provision and an area of proposed ground raising for landscaping, with the installation of a tunnel shaft and an open cut connection area within a temporary construction compound, to include site accesses, storage areas, plant and machinery, and drainage infrastructure. In addition, a temporary satellite park and ride facility with vehicle marshalling area, a temporary residents' parking area; and a series of local highway works. | | |
| 6 | A6 23/00699/FUL | Pentecostal Church Hunter Street
Carnforth | Carnforth
and Millhead
Ward | (Pages 27 -
38) |
| | | Relevant demolition of Church and erection of a two storey building comprising of 9 apartments and bin store with associated garden areas and landscaping. | | |

- | | | | | |
|--|---------------------------------|---|--|----------------------------|
| 7 | A7 23/00750/VCN | Land At Grid Reference E346580
N452460 Lancaster Road
Cockerham | Ellel Ward | (Pages 39 -
57) |
| Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane (pursuant to the variation of condition 3 on planning permission 19/01223/OUT to alter the visibility splays). | | | | |
| 8 | A8 22/01463/OUT | Land East Of Arkholme Methodist Church Kirkby Lonsdale Road
Arkholme | Halton-with-Aughton and Kellet Ward | (Pages 58 -
78) |
| Outline application for the development of up to 23 residential dwellings and creation of a new access. | | | | |
| 9 | A9 23/00982/PAD | Former Skerton High School
Owen Road Lancaster | Skerton Ward | (Pages 79 -
82) |
| Prior approval for the demolition of former Skerton High School, caretakers house and bunker. | | | | |

10 Delegated List (Pages 83 - 86)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Sandra Thornberry (Chair), Claire Cozler (Vice-Chair), Louise Belcher, Dave Brookes, Keith Budden, Roger Dennison, Tom Fish, Paul Gardner, Alan Greenwell, John Hanson, Jack Lenox, Joyce Pritchard, Robert Redfern, Sue Tyldesley and Paul Tynan

(ii) Substitute Membership

Councillors Mandy Bannon (Substitute), Martin Bottoms (Substitute), Martin Gawith (Substitute), Paul Hart (Substitute), Tim Hamilton-Cox (Substitute), Colin Hartley (Substitute), Sally Maddocks (Substitute), Paul Newton (Substitute) and Grace Russell (Substitute)

(iii) Queries regarding this Agenda

Please contact Eric Marsden - Democratic Services: email emarsden@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone 582000, or alternatively email democracy@lancaster.gov.uk.

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

Published on 6th September 2023.

Agenda Item	A5
Application Number	21/00792/FUL
Proposal	Proposed works for and use of replacement section of aqueduct, including earthworks and ancillary infrastructure including: a new valve house building within fenced compound with permanent vehicular access provision and an area of proposed ground raising for landscaping, with the installation of a tunnel shaft and an open cut connection area within a temporary construction compound, to include site accesses, storage areas, plant and machinery, and drainage infrastructure. In addition, a temporary satellite park and ride facility with vehicle marshalling area, a temporary residents' parking area; and a series of local highway works.
Application site	Haweswater Aqueduct, Helks Brow, Wray, Lancashire
Applicant	United Utilities Water Limited
Agent	Mr James Cullen
Case Officer	Mr Mark Jackson
Departure	No
Summary of Recommendation	Approval, subject conditions and a Section 106 Agreement

(i) Procedural Matters

This application has been brought before Elected Members following the resolution at the Planning and Regulatory Committee on the 9 January 2023, to approve permission, subject to a satisfactory resolution with County Council Highways and a Section 106 Agreement and planning conditions.

The application is reported back to the Planning and Regulatory Committee following various further discussions between the County Council Highway's Authority, Lancaster City Council and the Applicant. The discussions have resulted in conditions being reviewed by the County Council Highway's Authority and confirmation given that multiple separate Section 278 agreements will be necessary - and dealt with separately to this planning consent - to ensure that works within the highway are carried out satisfactorily.

The following report is to be read in conjunction with the original report that is attached at Appendix A below. The original report outlines consultee comments and the original planning assessment that was approved by Elected Members.

1.0 Application Site and Setting

1.1 This application has been submitted in relation to the enhancement of the district's strategic regional water supply infrastructure as part of the Haweswater Aqueduct Resilience Programme (HARP).

1.2 The existing Haweswater Aqueduct currently supplies drinking water to Greater Manchester and much of the North-West of England (with it directly supplying treated drinking water to approximately

2.5 million people across the region). The HARP Project, as a whole, incorporates multiple development proposals which are located within several Local Planning Authorities, as the route of the existing/proposed aqueduct cuts through the region, in order to enhance that established water supply.

- 1.3 The HARP programme has required planning applications to be submitted to 7 different Local Planning Authorities all along the existing/intended route. For the Bowland Section of the scheme that has required related planning applications to be submitted to both Lancaster City Council and to Ribble Valley Borough Council infrastructure.

2.0 Proposal

- 2.1 These particular planning proposals are somewhat unusual in that the submitted redlined application site area actually encompasses all of the route of the proposed new underground aqueduct from the existing Lower Houses aqueduct pumping station, which is located some 4km to the south-east of Wray village, underneath Croasdale Fell and through the heart of the Forest of Bowland Area of Outstanding Natural Beauty (AONB) southwards to the district boundary with Ribble Valley Borough.

- 2.2 The proposed Bowland Section of the HARP Project would involve driving a new aqueduct tunnel alignment from the south, from a major temporary working compound which would be located near Newton-In-Bowland within Ribble Valley Borough, to its intended reception site at Lower Houses (within another temporary construction compound). The working areas covered by this application approximately follow the route of the existing Haweswater Aqueduct with the redline application boundary being drawn wide enough (at approximately 25 metres wide) in order to contain/allow for any subsequent minor variations in the exact alignment of the proposed new upgraded tunnels. This particular Lancaster section of the scheme proposes the replacement of some 16.7km of the existing aqueduct with a newly constructed section of new aqueduct and because of the area's obviously challenging topography it is intended that the maximum depth of the new tunnel section would be approximately 380m underground. It is intended that this new constructed section of aqueduct would then connect with the existing multi-line siphon elements of the existing aqueduct at Lower Houses.

- 2.3 The temporary construction compound at Lower Houses is required in order to facilitate the necessary aqueduct construction works and it is anticipated that these temporary works will be ongoing for a total time period of approximately 5 years (which is currently anticipated to be from 2024 until 2029) in order that the site would be ready to await the arrival and subsequent removal of the tunnel boring machine. The related local road access improvements would obviously need to be delivered in advance of works commencing at Lower Houses. During those five years it is anticipated that there would be both periods of activity and relative inactivity on the Lower Houses site with around two and a half years of overall construction related activity in total being necessary. Once the construction works have been completed the temporary working areas will be subject to an agreed landscape and habitat restoration schemes with only a small permanent new vernacular style pump house being required to be constructed at Lower Houses in order to support the future on-going operation of the upgraded aqueduct.

- 2.4 In order to reduce the need for additional associated HGV movements the applicants are proposing that the below ground materials to be extracted, in order to create the required tunnel reception facility at the Lower Houses Compound, would be appropriately reused within the proposed landscape restoration scheme at that location. This would require the depositing of approximately 4,500 cubic metres of excavated rock and earth within/across the restored former construction compound area.

- 2.5 It should also be noted that part of the intended vehicle routing arrangements, which are intended to allow construction vehicles to access as safely as possible the proposed Lower Houses temporary working area, potentially involves utilising some of the minor local roads within the adjoining local authority areas (which are administered by Craven District Council and North Yorkshire County Council).

- 2.6 Notwithstanding those issues it is important to note that all the intended major tunnelling operations would be undertaken from the southern end of this section of the new aqueduct from the proposed major Newton in Bowland temporary construction compound located in Ribble Valley. Accordingly, it is proposed that all the tunnel arisings (those being all the waste materials created by the tunnelling

operation) would be removed from that southern end of the new tunnel before being transferred to a nearby former quarry for use within a revised restoration scheme (subject to a separate planning approval and appropriate obligations).

- 2.7 The aqueduct route and the proposed temporary working at Lower Houses, and large tracts of the related access routes, are all located within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and as such due to the scale and nature of these planning proposals, and the inherent acknowledged sensitivity of the proposed working locations, these proposals have been necessarily subject to environmental assessment in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The associated Environmental Statement, and its subsequent related updated information and addenda, therefore outlines the anticipated impacts of the proposed development and also identifies the related proposed mitigation measures.
- 2.8 Further to the initial submission the applicants have made some environmental and access related updates to the application in response to issues raised by both residents and other consultees. These amendments primarily focus upon providing updated environmental information to the AONB and Natural England and providing requested revisions to the proposed construction traffic management plan. The access proposals are now based upon the intended use of marshalled 'convoys' of up to 4 vehicles travelling from the Wray satellite compound, transiting via Wennington and Low Bentham, to a further new holding area at Spen Brow and then in a controlled manner through the immediate local lanes network onto the Lower Houses Compound. To facilitate this, 8 additional road widening improvements would be required along the Eskew Lane, Long Lane and Fairheath sections of the route (although 3 previously proposed road improvement areas nearer Wray would now no longer be required).
- 2.9 To incorporate these revisions the package of application information has been appropriately updated with addenda being provided for both the Habitats Regulations Assessment, the SSSI Assessment and the SEI report. In that regard it should be noted that Section 4 of that updated SEI Report specifically addresses in further detail the established constraints upon the location of the proposed aqueduct works and the potential impacts upon the AONB of other potential/possible alternative construction locations and methods.

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
19/01371/EIO	A request for a Screening Opinion in accordance with Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 was submitted in 2019, and the related decision was issued in March 2020, with the proposed approach to managing the anticipated environmental impacts being considered appropriate.	Approach considered to be appropriate
21/00134/EIO	An Addenda to that Screening Opinion in accordance with Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 was subsequently submitted in February 2021, and a further related decision was issued in March 2021, with the proposed approach to managing the anticipated environmental impacts again being considered appropriate.	Approach considered to be appropriate

4.0 Consultation Responses

- 4.1 Following the Committee resolution to grant consent subject to a satisfactory resolution with the County Council Highway's Authority, further discussions have been held and conditions have been drafted. The small changes to the conditions outlined in the original report, have not warranted

further consultation with all statutory and internal consultees.

4.2 The discussions have not led to any formal objection being received, although concerns are maintained, and comments provided state that there will be impacts upon the public highways. The discussions have also confirmed that various highway's alterations and improvements will be subject to Section 278 agreements ensuring that any works arising following the discharge of planning conditions are secured.

4.3 No further representations have been received from the public.

5.0 Analysis

5.1 The resolution made at the Planning and Regulatory Committee of the 9 January 2023 required a satisfactory resolution with County Council Highway's Authority, owing to the comments not objecting nor supporting the proposal. Owing to the nature of the proposal it has been identified that there will be some impacts to the local highway network, but that these will be limited and can be suitably mitigated through the imposition of detailed conditions and a Section 106 legal agreement. The County Council Highways Authority have also confirmed that there will be multiple Section 278 agreements that will need to be entered into by the Applicant at the time that details are being submitted to discharge the conditions. It is important to note that until such time the Section 278 agreements are signed no works can commence on the local highway network.

5.2 The discussions with County Council Highway's Authority, have resulted in conditions being drafted to provide a degree of consistency with the conditions that have been imposed on the planning applications that relate to the HARP scheme that have been submitted/ approved in neighbouring District Authorities. The subtle difference proposed to the conditions listed in the previous report (and that are outlined in this subsequent report) is that the Construction Traffic Management Plan is now proposed to be combined with the details of implementation.

5.3 The County Council Highway Authority maintain that they have concerns with the scheme and the routes proposed for construction traffic, given the rural nature of the roads, which the routes will comprise of. Although concerns are maintained, the discussions held have acknowledged that the imposition of conditions can provide a sufficient mechanism to ensure mitigation can be secured and implemented. It is also recognised by the County Council Highway Authority that the Section 106 legal agreement and multiple Section 278 Agreements that will be entered into before development is commenced, will ensure any highway impacts are mitigated.

5.4 Following the discussion held with the County Council Highways Authority, it is considered that the decision arrived at in January by the Planning and Regulatory Committee is still sound and a satisfactory resolution has been reached with the County Council Highway's Authority. The discussions that have been held have streamlined the conditions outlined previously and have allowed the drafting of the legal agreement to be progressed. It is considered that in light of the discussions held with the Highways Authority, the proposal can now be approved subject to the Section 106 being entered into.

6.0 Conclusions and Recommendation

6.1 In conclusion it is considered that these proposals are somewhat unusual in that there are no in principle objections to the upgrading of this important piece of regional water supply infrastructure and it is accepted that any discernible impacts will only be temporarily experienced during the potential (albeit extended for a considerable temporary period) construction stage.

6.2 Accordingly provided that appropriate measures can be put in place in order to manage and mitigate as far as possible those temporary impacts, and to ensure the delivery of the associated long-term regional and community benefits, it is considered that this

planning permission can reasonably be granted.

- 6.3 With consideration being given to all other matters, it is therefore recommended that Planning Permission **BE GRANTED** subject to the following conditions and satisfactory completion of the related Section 106 Agreement in order to secure the required temporary mitigations and long-term enhancements.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions and related obligations:

Proposed Planning Conditions

The proposed related planning conditions (to be imposed upon this permission) are;

- Time Limit – to allow for the necessary commencement of the scheme.
- Approved Plans and Documents – to ensure effective alignment between the proposed working arrangements and required environmental mitigations.
- Phasing of Works – to allow for the agreement of the LPA to the specific timing/phasing of the proposed works. No works to commence at any specific location until appropriate complete details (including final extent and complete reinstatement proposals) have been submitted to and agreed in writing by the LPA. All works to then accord with those approved details.
- Operating/Construction Code of Practice and Environmental Management Strategies – to tie the proposed ways of working to the agreed method statements and management strategies during the construction phase.
- Final Construction Traffic Management Plan – to require and ensure the appointed contractor’s strict adherence with the agreed construction traffic management plan (CTMT) and arrangements (including specified access routes/impact mitigation measures and other actions) for each phase of development. The condition will also ensure implementation of highway improvements that are required by Lancashire Highways prior to any construction works commencing.
- Appropriate Landscape Restoration, Reinstatement and Aftercare – to ensure the implementation of the required/agreed landscape and other reinstatements and for appropriate extended maintenance period.
- Lower Houses and Other Compounds Schemes – to require the temporary working compound to be appropriately screened (including hoardings and other mechanisms), to be sympathetically illuminated and otherwise appropriately marshalled and operated.
- Valve House Materials – to ensure the use of appropriate local building materials.
- Approved Hours of Working – to ensure compliance with specified/agreed local working arrangements/the CTMP.
- Tree/Landscape Safeguarding and Reinstatement Measures – no works to commence until required/agreed tree and landscape protection measures are in place/comprehensive reinstatement plans submitted and thereafter appropriately reinstated.
- Scheme of Archaeological Works – in order to safeguard areas of archaeological importance.
- Footpath Diversions and Reinstatements – in order to appropriately safeguard and reinstate the affected public footpaths.
- AONB Safeguarding Conditions – requiring a Construction Environment Management Plan, Precautionary Working Methods, Habitat Creation Restoration and Management Plans and the appropriate removal of all temporary construction features.

- Drainage/Flood Risk Assessment/Surface Water Sustainable Drainage/surface Water and Private Water Supply Management Plans – to ensure compliance with all the agreed water management solutions.
- Employment and Skills Plan – to ensure compliance with the proposed related local employment opportunities.

Proposed Related Planning Obligations

The proposed related planning obligations will be required to secure the;

- No Implementation until Waddington Fell Quarry Permission Extant
- Delivery of Biodiversity Net Gains/Compensatory habitats
- Provision of the Community Liaison Officer
- Ecological Clerk of Works
- Safeguarding of Existing Residences and Premises
- Traffic Impact Reinstatements
- Traffic Management Contributions
- Delivery of North Yorkshire Traffic Enhancements

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

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

Background Papers

- Application Reference 21/00792/FUL and the associated Environmental Statement
- Lancaster City Council – EIA Scoping Opinion – March 2020
- Lancaster City Council – Addenda to EIA Scoping Opinion – March 2021

Agenda Item	(A5) APPENDIX A
Application Number	21/00792/FUL
Proposal	Proposed works for and use of replacement section of aqueduct, including earthworks and ancillary infrastructure including: a new valve house building within fenced compound with permanent vehicular access provision and an area of proposed ground raising for landscaping, with the installation of a tunnel shaft and an open cut connection area within a temporary construction compound, to include site accesses, storage areas, plant and machinery, and drainage infrastructure. In addition, a temporary satellite park and ride facility with vehicle marshalling area, a temporary residents' parking area; and a series of local highway works.
Application site	Haweswater Aqueduct, Helks Brow, Wray, Lancashire
Applicant	United Utilities Water Limited
Agent	Mr James Cullen
Case Officer	Mr Steve Ingram
Departure	No
Summary of Recommendation	Approval, subject to the satisfactory resolution with County Council Highways and a Section 106 Agreement and conditions.

1.0 Application Site and Setting

- 1.1 This application has been submitted in relation to the enhancement of the district's strategic regional water supply infrastructure as part of the Haweswater Aqueduct Resilience Programme (HARP).
- 1.2 The existing Haweswater Aqueduct currently supplies drinking water to Greater Manchester and much of the North-West of England (with it directly supplying treated drinking water to approximately 2.5 million people across the region). The HARP Project, as a whole, incorporates multiple development proposals which are located within several Local Planning Authorities, as the route of the existing/proposed aqueduct cuts through the region, in order to enhance that established water supply.
- 1.3 The HARP programme has required planning applications to be submitted to 7 different Local Planning Authorities all along the existing/intended route. For the Bowland Section of the scheme that has required related planning applications to be submitted to both Lancaster City Council and to Ribble Valley Borough Council infrastructure.

2.0 Proposal

- 2.1 These particular planning proposals are somewhat unusual in that the submitted redlined application site area actually encompasses all of the route of the proposed new underground aqueduct from the existing Lower Houses aqueduct pumping station, which is located some 4km to the south-east of Wray village, underneath Croasdale Fell and through the heart of the Forest of Bowland Area of Outstanding Natural Beauty (AONB) southwards to the district boundary with Ribble Valley Borough.

- 2.2 The proposed Bowland Section of the HARP Project would involve driving a new aqueduct tunnel alignment from the south, from a major temporary working compound which would be located near Newton-In-Bowland within Ribble Valley Borough, to its intended reception site at Lower Houses (within another temporary construction compound). The working areas covered by this application approximately follow the route of the existing Haweswater Aqueduct with the redline application boundary being drawn wide enough (at approximately 25 metres wide) in order to contain/allow for any subsequent minor variations in the exact alignment of the proposed new upgraded tunnels. This particular Lancaster section of the scheme proposes the replacement of some 16.7km of the existing aqueduct with a newly constructed section of new aqueduct and because of the area's obviously challenging topography it is intended that the maximum depth of the new tunnel section would be approximately 380m underground. It is intended that this new constructed section of aqueduct would then connect with the existing multi-line siphon elements of the existing aqueduct at Lower Houses.
- 2.3 The temporary construction compound at Lower Houses is required in order to facilitate the necessary aqueduct construction works and it is anticipated that these temporary works will be ongoing for a total time period of approximately 5 years (which is currently anticipated to be from 2024 until 2029) in order that the site would be ready to await the arrival and subsequent removal of the tunnel boring machine. The related local road access improvements would obviously need to be delivered in advance of works commencing at Lower Houses. During those five years it is anticipated that there would be both periods of activity and relative inactivity on the Lower Houses site with around two and a half years of overall construction related activity in total being necessary. Once the construction works have been completed the temporary working areas will be subject to an agreed landscape and habitat restoration schemes with only a small permanent new vernacular style pump house being required to be constructed at Lower Houses in order to support the future on-going operation of the upgraded aqueduct.
- 2.4 In order to reduce the need for additional associated HGV movements the applicants are proposing that the below ground materials to be extracted, in order to create the required tunnel reception facility at the Lower Houses Compound, would be appropriately reused within the proposed landscape restoration scheme at that location. This would require the depositing of approximately 4,500 cubic metres of excavated rock and earth within/across the restored former construction compound area.
- 2.5 It should also be noted that part of the intended vehicle routing arrangements, which are intended to allow construction vehicles to access as safely as possible the proposed Lower Houses temporary working area, potentially involves utilising some of the minor local roads within the adjoining local authority areas (which are administered by Craven District Council and North Yorkshire County Council).
- 2.6 Notwithstanding those issues it is important to note that all the intended major tunnelling operations would be undertaken from the southern end of this section of the new aqueduct from the proposed major Newton in Bowland temporary construction compound located in Ribble Valley. Accordingly, it is proposed that all the tunnel arisings (those being all the waste materials created by the tunnelling operation) would be removed from that southern end of the new tunnel before being transferred to a nearby former quarry for use within a revised restoration scheme (subject to a separate planning approval and appropriate obligations).
- 2.7 The aqueduct route and the proposed temporary working at Lower Houses, and large tracts of the related access routes, are all located within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and as such due to the scale and nature of these planning proposals, and the inherent acknowledged sensitivity of the proposed working locations, these proposals have been necessarily subject to environmental assessment in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The associated Environmental Statement, and its subsequent related updated information and addenda, therefore outlines the anticipated impacts of the proposed development and also identifies the related proposed mitigation measures.
- 2.8 Further to the initial submission the applicants have made some environmental and access related updates to the application in response to issues raised by both residents and other consultees. These amendments primarily focus upon providing updated environmental information to the AONB and Natural England and providing requested revisions to the proposed construction traffic

management plan. The access proposals are now based upon the intended use of marshalled ‘convoys’ of up to 4 vehicles travelling from the Wray satellite compound, transiting via Wennington and Low Bentham, to a further new holding area at Spen Brow and then in a controlled manner through the immediate local lanes network onto the Lower Houses Compound. To facilitate this, 8 additional road widening improvements would be required along the Eskew Lane, Long Lane and Fairheath sections of the route (although 3 previously proposed road improvement areas nearer Wray would now no longer be required).

2.9 To incorporate these revisions the package of application information has been appropriately updated with addenda being provided for both the Habitats Regulations Assessment, the SSSI Assessment and the SEI report. In that regard it should be noted that Section 4 of that updated SEI Report specifically addresses in further detail the established constraints upon the location of the proposed aqueduct works and the potential impacts upon the AONB of other potential/possible alternative construction locations and methods.

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
19/01371/EIO	A request for a Screening Opinion in accordance with Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 was submitted in 2019, and the related decision was issued in March 2020, with the proposed approach to managing the anticipated environmental impacts being considered appropriate.	Approach considered to be appropriate
21/00134/EIO	An Addenda to that Screening Opinion in accordance with Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 was subsequently submitted in February 2021, and a further related decision was issued in March 2021, with the proposed approach to managing the anticipated environmental impacts again being considered appropriate.	Approach considered to be appropriate

4.0 Consultation Responses

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

Consultee	Response
DLUHC (Department for Levelling Up, Housing and Communities)	No comments to make on the Environmental Statement.
Lancashire County Council (LCC) Highways	Has extensively considered the highway and traffic management issues associated with securing safe access to the proposed working areas. LCC have been extensively involved in both pre-application and subsequent negotiations regarding these proposals and whilst their views have extensively shaped the intended traffic management responses they have not yet submitted their finalised comments. An update to Members shall be given at Committee regarding their position.
LCC Lead Local Flood Authority	No Objection subject to the imposition of appropriate flood management conditions.
LCC Public Rights of Way	The PROW Officer considered that there were some outstanding issues regarding the potential interactions of the established public footpath network in the vicinity of the proposed Lower Houses Compound that need to be clarified. Further details have

	been provided and it is considered that these issues can be addressed via the proposed planning conditions.
LCC Landscape Officers (inc. AONB)	(See Forest of Bowland AONB Advisors)
LCC Minerals Safeguarding	No comments received.
LCC Archaeology	Consider that the mitigation measures outlined in the ES are appropriate subject to the imposition of a condition to secure a scheme of archaeological work.
Craven District Council	The Council have no objection to the proposal, but they do stress that any land affected is re-instated to the level prior to the works commencing and that the management of traffic is in accordance with the details provided. Craven also confirmed that they have no comments regarding the updated Regulation 25 information.
Ribble Valley Borough Council	Recognise the public benefits that will arise from the necessary repair to this infrastructure and therefore raise no objection subject to appropriate conditions and obligations to mitigate any potential harm arising from the development. Consulted regarding the additional plans but they have no further comments.
North Yorkshire County Council Highways	No Objection subject to an appropriate condition regarding construction traffic management.
Wray with Botton Parish Council	Concerns. The Parish Council were consulted in respect of both the original application and the revised traffic management proposals. The Parish Council notes that, whilst the proposed revisions to the construction traffic routing proposals do seek to address some of the concerns raised, local residents are still concerned regarding the adequacy of the traffic management proposals. The Council is also concerned about the adequacy of the proposed temporary resident's alternative parking arrangements within Wray and the related potential for damage to vehicles and properties. The Council also wants to see proactive environmental reinstatements and especially measures to ensure that construction traffic will not conflict with village school pick-ups and drop-offs.
Hornby with Farleton Parish Council	The Parish Council acknowledge the importance of the proposed works but feel that the current proposals do not sufficiently address their stated concerns regarding road safety and disturbance to residents. After being consulted regarding the amended traffic management proposals the Council is still concerned and objects because of what they consider to be unresolved highway issues. The Parish Council have also now (November 2022) considered the updated information and reiterated their concerns regarding highway safety matters and the need for further related highway improvements.
Wennington Parish Council	The Parish Council acknowledges the necessity of the scheme but objects to the application on the basis of their concerns regarding road safety, environmental impact, health and safety and damage to the built environment. The Parish Council were re-consulted with regard to the amended traffic management proposals and state that they continue to have serious concerns regarding the impacts of the potential construction traffic using Route 2.
Tatham Parish Council	The Parish Council recognises the necessity of these works but requires clarifications regarding the nature of the proposed traffic management arrangements and the participation of the PC in the proposed Stakeholder Group.
Roeburndale Parish Council	No comments received.
Bentham Town Council	Ask to be kept updated regarding the programme and that Bentham residents are not disadvantaged by the associated road works.

<p>Forest of Bowland AONB Advisors</p>	<p>The AONB Landscape Advisor raised questions regarding the completeness of the applicable environmental information (as per the Regulation 25 issued by the Local Planning Authority (LPA). With regard to the additional information submitted in response to the Regulation 25 the extent of the landscape impacts have been clarified and the AONB Advisors now consider that the updated landscape impact assessments is sufficient in order to allow the LPA to reasonably determine this application subject to the imposition of specific conditions.</p> <p>The AONB Ecological Advisor raised other questions regarding the completeness of the applicable environmental information (as per the Regulation 25 issued by the LPA). With regard to the additional information submitted in response to the Regulation 25 the AONB Advisors now consider that the submitted package of initial and additional ecological information is sufficient in order for the LPA to appropriately discharge its requirements in respect of the Habitats Regulations. The additional submitted information has clarified the limited extent of potential disturbance to protected species and the AONB Advisors now consider that the updated ecological assessments are sufficient in order to allow the LPA to reasonably determine this application subject to the imposition of specific conditions.</p>
<p>Greater Manchester Ecology Unit (GMEU)</p>	<p>The GMEU consider that the survey work undertaken has been comprehensive and that the assessment of ecological impacts as presented is acceptable and that no further surveys need to be carried out before determination of the application. The works in the Lancaster section will not affect any sites and therefore the LPA could adopt the HRA in order to fulfil its duties under the terms of the Habitats and Species Regulations. There will be no impacts upon any SSSI's. The proposed mitigation measures in respect of water pollution should safeguard the nearby County Wildlife Sites. Impacts upon notable habitats and species will be very limited and satisfactory mitigation and compensation proposals are proposed. Appropriate conditions and obligations would need to be imposed upon any permission.</p>
<p>Natural England (NE)</p>	<p>Designated Landscape – NE initially queried the proposed Lower Houses and Wray satellite compound locations and raised other questions regarding the completeness of the applicable environmental information (as per the Regulation 25 issued by the LPA). With regard to the additional information submitted in response to the Regulation 25 NE have considered the additional information that have been submitted and as such they now have No Objection subject to appropriate conditions being imposed.</p> <p>Habitats Regulation Assessment – No Objection (Considers that the updated appropriate assessment would not result in adverse effects upon the integrity of any of the relevant designated sites and that LCC will need to adopt the HRA in order to fulfil its duty as competent authority).</p> <p>SSSI Assessment – No Objection (Considers that the SSSI updated assessment correctly concludes that there would not be any adverse impacts on any of the relevant SSSI's).</p>
<p>Environment Agency</p>	<p>No Objections subject to the imposition of appropriate recommended planning conditions/obligations in respect of materials/waste management, management of surface water, the safeguarding of private water supplies and the delivery of compensatory habitats.</p>
<p>Lune River Trust</p>	<p>No comments received.</p>
<p>RSPB</p>	<p>No comments received.</p>
<p>Wildlife Trust for Lancashire</p>	<p>No comments received.</p>

The Ramblers Association	No comments received.
National Highways	No objection.
The Coal Authority	No objection – the only areas potentially affected would be in relation to the highway modification enabling works.
Electricity North West	Have supplied information regarding the approximate position of their apparatus known to be in the vicinity of the sites.
Lancaster City Council (LaCC) – Environmental Health	Has reviewed the detailed proposed management plans and is satisfied that sufficient mitigation has been planned into the application (and that these mitigation methods should be appropriately conditioned).
LaCC Tree Protection	Has reviewed the Environment Statement and considered the potential impact of the proposed development with 38 features (trees, groups and hedgerows) at risk of removal and 44 features at risk of partial removal. But taking into account the need for the development he has No Objection subject to the provision of detailed Arboricultural Method Statements, Tree Protection Plans and appropriate net gain proposals which will enable the extent of removal to be kept to an absolute minimum.

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

14 representations have been received in respect of this application.

- Significantly none of those representations relate to the principle of the development – rather they all relate to concerns regarding the impacts of the related construction works.
- 10 of the representations relate to the impacts of the proposed construction traffic on road safety in respect of Hornby and Wennington.
- 1 representation raises concerns regarding the impact the development works would have upon the character and amenity of Wray.
- 1 representation from residents close to Lower Houses regarding potential impacts upon their amenity and business.
- 2 representations from local agricultural businesses expressing their concerns regarding the originally proposed traffic management arrangements.

5.0 Analysis

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

- The **Need for the Development** and
- The **Mechanisms proposed in order to manage the impacts of the temporary construction works.**

5.2 Consideration 1 (The Relevant National and Local Planning Framework)

- 5.2.1 National Planning Policy Framework – as revised in July 2021 and specifically Sections 2 Achieving Sustainable Development, 4 Decision-Making, 8 Promoting Healthy and Safe Communities, 9 Promoting Sustainable Transport, 15 Conserving and Enhancing the Natural Environment (particularly Paragraphs 176 and 177), and 16 Conserving and Enhancing the Historic Environment.
- 5.2.2 National Planning Practice Guidance – with regard to the applicable guidance in respect of Determining a Planning Application, Environmental Impact Assessment, Healthy and Safe Communities, the Historic Environment, Light Pollution, the Natural Environment, Noise, Planning Obligations, and the Use of Planning Conditions.
- 5.2.3 The Development Plan – currently comprises the Lancaster District Local Plan 2020 (Parts One and Two) and the applicable adopted Neighbourhood Plans. Of particular relevance are Policies SP1 the Presumption in Favour of Sustainable Development, SP7 Maintaining Lancaster District’s Unique Heritage, SP8 Protecting the Natural Environment, SP9 Maintaining Strong and Vibrant Communities, EN2 Areas of Outstanding Natural Beauty, EN7 Environmentally Important Areas, and SC1 Neighbourhood Planning Areas.
- 5.2.4 The AONB Management Plan 2019-2024 outlines the special characteristics of the area and sets out the related themes and supporting actions that will sustain the wellbeing of the AONB. Relevant themes include 1 An Outstanding Landscape of Natural and Cultural Heritage, and 2 Resilient and Sustainable Communities.
- 5.2.5 Relevant Neighbourhood Plans
- Wray-with-Botton Neighbourhood Plan 2019 – the Adopted Plan recognises the Parish’s location within the Forest of Bowland AONB and thereby seeks to meet the needs of the community whilst safeguarding the special characteristics of the area. Relevant Neighbourhood Plan policies include Policies OS1 Delivering Sustainable Development, OS2 Landscape, BE1 Design, NE1 Protection and Enhancement of Trees, Woodland and Hedgerows, NE3 Historic Environment, and TRA1 Infrastructure for New Development.
 - Wennington Neighbourhood Plan 2019 – the Adopted Plan looks to safeguard the established character of the area. Relevant Neighbourhood Plan policies include Policies WEN1 Protecting and Enhancing Local Wildlife, WEN2 Protecting and Enhancing Local Landscape Character, and WEN6 Transport and Accessibility.

5.3 Consideration 2 (The Environmental Assessment Process)

- 5.3.1 Because of the nature of the intended works and the related acknowledged sensitivities of the proposed working areas these planning proposals have been appropriately subject to statutory Environmental Impact Assessment.
- 5.3.2 United Utilities have recognised those sensitivities from the outset and prior to commencing this application process they submitted applicable Environmental Statement Scoping requests in 2020 and 2021 and the LPA, after consulting with all of the relevant statutory bodies and other interested parties, subsequently issued appropriate responses.
- 5.3.3 Within their applicable responses both the AONB Advisors and Natural England considered that additional updated environmental information was required in order to enable the Local Planning Authority to reach a reasoned conclusion regarding the likely impacts of the proposed development. Accordingly in June 2022 Lancaster City Council acting in respect of its role as the LPA formally issued a Regulation 25 letter requiring the submission of additional relevant information. The applicants formally responded to that request in

September 2022 via the submission of clarifying information and the Council then re-consulted with all of the applicable statutory and other consultees.

5.3.4 Having regard to all the environmental information that has now been submitted, and after taking into account the views of the relevant expert consultees, it is considered that the Environmental Impact Assessment that has been undertaken is appropriately extensive with the submitted information identifying all of the potentially applicable environmental issues and the related necessary mitigations. Accordingly it is considered that, subject to mechanisms being put in place in order to satisfactorily delivery of all of the proposed related mitigations, these planning proposals can now be reasonably determined on their planning merits.

5.4 Consideration 3 (The Need for the Development)

5.4.1 The NPPF in Paragraph 172 affords AONB's the highest status of protection within the planning process and as such great weight should be given to preserving and enhancing both their landscape and scenic beauty. Therefore applications for major development in such areas must be considered within that policy context and therefore they are subject to a specific test of appropriateness – that being the Major Development Test.

5.4.2 The applicable Major Development Test requires the planning decision maker to specifically consider;

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, development elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

5.4.3 In considering the requirements of that test it has to be accepted that it is essential for there to be a continuity of safe drinking water supply to the region. United Utilities have considered a range of options in order to fulfil their water supply responsibilities but these have not been deemed feasible because of the need to integrate with the established infrastructure. Fundamentally, the HARP project looks to integrate with, connect to and enhance the existing water supply infrastructure, all of which of course is already established and located in situ within the AONB, therefore in this instance there is an obvious fixed locational imperative. The proposed aqueduct construction works obviously mean that there will be some temporary impacts upon the character and appearance of the AONB but in the planning judgement these will only be short term in their nature and it is intended that these will be mitigated as far as possible by the imposition of the suggested planning conditions and the related planning obligations (especially in terms of the required landscape and habitat restorations and proposed enhancements).

5.4.4 To conclude regarding the need for the development it is considered that therefore there is an essential need for this proposed development to take place within the AONB. The development is acknowledged to be in the wider public interest and whilst there will be some limited short term environmental and visual impacts upon the character and appearance of the AONB these will be only temporary rather than permanent in their nature.

5.5 Consideration 4 (The Localised Impacts upon the AONB)

5.5.1 The associated Environmental Statement outlines that there will be some noticeable temporary environmental and visual impacts upon the character and appearance of the

AONB mainly due to the establishment of the tunnel reception compound at Lower Houses, and the other related other temporary compounds and working areas, and the associated road enhancements that are required in order to allow for safe access to that construction site.

5.5.2 The AONB's Advisors and Natural England have been closely involved in the formulation of these proposals and they have requested further information regarding the potential landscape and visual factors in relation to the locational constraints placed upon this development. The proposed Lower Houses Compound would be sited in an area of fringe farmland located 'above' the existing aqueduct and adjacent to the existing United Utilities valve house building. Obviously there would be localised landscape and visual impacts associated with the use of the Lower Houses compound but it is considered that careful control over the form and nature of the compound and in the way that it operates will help to minimise those temporary impacts. Similarly the proposed Wray satellite compound needs to be located adjacent to the B6480 in order to facilitate the necessary safe access and egress of vehicles and again it is considered that appropriate controls over the form and use of that compound will help to mitigate its impacts.

5.5.3 The potential ecological impacts have been thoroughly assessed, with the AONB and NE applying an appropriate precautionary approach, and it has been concluded, that with the addition of the updated bat surveys, that the ecological information is now sufficient in order to allow the LPA to discharge its requirements in respect of protected species and therefore to be able to determine this planning application. The specialist advisors now consider that the updated landscape and ecological assessments are satisfactory and therefore they are content for the local planning authority to determine the planning application subject to the imposition of appropriate conditions.

5.5.4 LCC's Tree Protection Officer has reviewed the Environment Statement and considered the potential impact of the proposed development with 38 features (trees, groups and hedgerows) at risk of removal and 44 other features at risk of partial removal. He concludes that these potential cumulative works will indeed impact upon local landscape character and temporarily fragment the local wildlife corridors but taking into account the need for the essential development he has no objection subject to the provision of detailed Arboricultural Method Statements and Tree Protection Plans to enable the extent of removal to be kept to an absolute minimum that the overall scheme obligations will ensure the delivery of appropriate environmental net gain proposals.

5.5.5 To conclude regarding the impacts of this intended major development upon the AONB it is accepted by all parties that there will be some discernible short term impacts that will be perceived for the duration of the temporary construction works. However the permanent impacts of this development will be minimal and as such there are opportunities for long term enhancements of the AONB via the quality of all the related landscape reinstatements and the associated environmental net gains.

5.6 Consideration 5 (The Phasing of the Proposed Works)

5.6.1 This is a complex application which encompasses a series of preparatory and temporary construction works that would be ongoing for various periods of time primarily at the Lower Houses compound but also in other separate locations. There is also the fact that the proposed preparatory and temporary works may be required to commence at differing time periods over what may be a number of years.

5.6.2 As such it will be necessary to impose a suitably robust 'Grampian Condition' mechanism to ensure that all of the related details for each location are agreed prior to the proposed works commencing at that particular location. In essence that requirement will mean that no works can commence at any temporary working location until the Local Planning Authority

has agreed to the proposed temporary working practices, the relevant environmental safeguards and especially with regard to the related restoration requirements for that location.

5.6.3 There will also potentially be other applicable phasing requirements in relation to the various stages of the proposed related development process including pre-commencement, during the preparatory works and the temporary construction periods and especially in relation to the required subsequent landscape and environmental restorations and reinstatements. These will also be agreed via the phasing condition discharge requirements.

5.6.4 To conclude regarding the phasing of the proposed works the Local Planning Authority obviously needs to be able to agree the principle of the overall scheme and to acknowledge the basis of the related details at this application stage. However this is a complex application and its inherent elements are bound to be subject to review prior to any actual works commencing. Therefore it is proposed that appropriate flexibility be built into the conditions/obligations in order to allow for the specific elements of the permission to be appropriately phased, implemented and reinstated.

5.7 Consideration 6 (The Proposed Environmental Mitigations)

5.7.1 Nearly all of the intended works are located within the designated Forest of Bowland Area of Outstanding Natural Beauty and as such it is essential that the character and appearance of that area is safeguarded as much as possible during the period of the temporary construction works. The associated environmental statement identifies and acknowledges the potential related temporary impacts upon the landscape and environment but the identified mitigations, restorations and reinstatements would seek to ensure that there is no long-term harm.

5.7.2 Because of the very rural nature of this part of the district there are very few residential properties in close proximity to the areas of proposed operations. The properties at Lower House Farm and Lower House Cottage are 300m away from the boundary of the proposed Lower Houses Compound and as such their amenity will need to appropriately monitored and safeguarded during the period of the nearby construction works. More widespread residential properties will be intermittently effected by the anticipated construction traffic and as such that traffic will need to appropriately routed and effectively managed in order to keep that disruption to an acceptable limited level.

5.7.3 In order to appropriately minimise the discernible impacts upon the landscape and ecology of the AONB it will be necessary to ensure that these temporary construction works are carried out in such a way so that the areas of disturbance are minimal in themselves and that each specific working area, including every local access improvement location, is sympathetically reinstated and effectively reintegrated into the local environment. Comprehensive planning conditions and the related obligations will ensure that this happens.

5.7.4 To conclude regarding the proposed environmental outcomes it is accepted that there will be some discernible localised impacts during the construction phase of this infrastructure project. However it is accepted that those impacts are temporary in their nature and subject to the satisfactory delivery of the related mitigations it is considered that there would be no enduring impacts upon the local environment.

5.8 Consideration 7 (The Traffic Management Arrangements)

5.8.1 Lancashire County Council Highways Authority have been consulted on the proposal and have heavily influenced the scheme to date. Final comments have not been received but an update will be given to Members at the Committee. Because of the very rural nature of

the intended working areas and the scale and form of the intended construction works it will be necessary for the associated traffic management arrangements to be carefully thought-out and thereafter sensitively implemented. It is therefore intended that this will be precisely conditioned in the form of the LPA prohibiting specific works at designated sites from commencing until it has appropriately considered and signed off the applicable elements of the applicant's Traffic Management Strategy.

- 5.8.2 In order to allow for the essential 'very heavy' machinery and materials to access the Lower Houses Compound there will be certain periods when local roads, including Main Street in the centre of Wray village, will need to be subject to planned road closures and other related traffic management arrangements. It is anticipated that such extreme measures will only be potentially intermittently required during 18 weeks of the proposed construction programme with an associated enhanced facility for displaced residents parking to be provided off Main Street (at the Bridge House Tea Rooms). The details of the necessary arrangements will need to be submitted to and agreed by the LPA prior to any such actions. In considering the reasonableness of those proposed arrangements the LPA will specifically consider the appropriateness of the proposed local community mitigations.
- 5.8.3 During the anticipated extended construction period it will also be necessary to appropriately manage the day to day 'more normal' construction traffic (modelled at 42 movements each way per day) needing to access the Lower Houses Compound. It is intended that this will involve an agreed routing arrangement involving the creation of a localised one way traffic management regime and this will also need to be agreed by the LPA prior to the commencement of any works. In considering the reasonableness of those proposed traffic management arrangements the LPA will again specifically consider the nature and appropriateness of the proposed local community mitigations.
- 5.8.4 As an aspect of the intended traffic management strategy a temporary satellite compound is also proposed on agricultural land directly off the B6480 between Hornby and Wray. This compound would be used as a facility to appropriately collate and manage construction traffic going on to the Lower Houses Compound and to allow for shared and managed journeys, within 4 vehicle convoys, to be made in order to minimise the number of required vehicular movements.
- 5.8.5 To enable safe use of the local roads and access to the Lower Houses Compound, via all of the intended prescribed routes, it will also be necessary for a series of targeted local road improvements to be made. These improvements will in the majority of cases be retained in situ as local legacy benefits but all will be required to be mitigated by associated high quality landscape reinstatements. It is intended that there would be 22 related local road improvements as outlined below;
 - RW1 – Proposed road widening and visibility enhancement on the southern side of the A683/B6480 junction Hornby Road.
 - RW2 – Proposed road widening and visibility enhancements along a section of the B6480 Hornby Road opposite Whitmore.
 - RW3 – Proposed road widening and visibility enhancement at the junction of the B6480 and Back Lane Hornby Road.
 - RW4 – Proposed road widening and visibility enhancements along a 250m long bending section of the B6480 Wennington Road just to the north of Wray (originally proposed but no longer required in respect of the amended access proposals).
 - RW5 – Proposed road widening and visibility enhancements along the eastern side of the B6480 just to the south of The Bridge Inn Tatham.

- RW6 – Proposed road widening and visibility enhancement on the southern side of the B6480 to the east of Wennington.
- RW7 – Proposed road widening and visibility enhancements along a 100m long section of the southern side of the B6480 to the east of Toll Bar House in Craven District.
- RW8 – Proposed road widening and visibility enhancements along the first sections of Eskew Lane in Craven District.
- RW9 – Proposed road widening and visibility enhancement to the western side of Long Lane opposite the entrance to Masons and Sons Farm.
- RW10 – Proposed road widening and visibility enhancement along a 100m long section of the southern side of Long Lane (south of the junction with Cross Road).
- RW11 – Proposed road widening and visibility enhancement to the southern side of Long Lane at the junction with Fairheath Road.
- RW12 – Proposed road widening and visibility enhancement on the bend of the access lane just to the east of Lower Houses Farm.
- RW13 to RW15 - Proposed road widening and visibility enhancements along a 500m section of Helks Brow from the proposed access to the Lower Houses Compound towards Wray.
- RW16 to RW 17 - Proposed road widening and visibility enhancements along a 400m section of Helks Brow from the junction with Park House Lane towards Wray.
- RW18 – Proposed road widening and visibility enhancements along a 100m long section of Helks Brow further towards Wray.
- RW19 to RW 21 - Proposed major sections of road widening and visibility enhancements for 400m to the north and south of Lane House Helks Brow.
- RW22 – Proposed major section of road widening and visibility enhancement on the junction of Helks Brow towards Wray.

These road improvements will all require appropriate related hedgerow, stone wall and railing reinstatements.

There are also related proposals to enhance passing places on the local network in 6 other locations;

- PP01 to PP03 – to be installed on Helks Brow on the improved section of roadway close to the proposed access to the Lower Houses Compound.
- PP04 to PP06 – to be installed on Helks Brow to the east of Wray village (all three were originally proposed but only PP05 is still required in light of the amended access proposals).

These passing place improvements will also all require appropriate related hedgerow, stone wall and railing reinstatements.

- 5.8.6 A number of local Public Rights of Way would be affected by the proposed works at the Lower Houses compound and as such appropriate temporary closures and diversions will need to put in place for the period of those works. All the existing routes can be effectively reinstated thereafter.
- 5.8.7 Subsequent to the consideration of the initial traffic management proposals, and allowing for appropriate reflection regarding the representations received from local residents and businesses, the applicants have submitted additional proposals to amend elements of the intended traffic management arrangements and to further extend the related schedule of proposed minor road works. These amended proposals include a significant variation whereby the previously proposed potentially complex 'local one way' traffic routing would now be replaced by vehicles primarily utilising the proposed routing via Wennington and Eskew Lane to a newly proposed additional holding area at Spen Brow. From that holding area at Spen Brow appropriately marshalled 'convoys' would then be carefully directed and managed along Furnessford Road in order to safely access the Lower Houses Compound.
- 5.8.8 These amended proposals, in addition to the creation of the proposed Spen Brow holding area, have also given rise to the need for eight additional localised road improvements along Eskew Lane, Long Lane and Fairheath section of the proposed access route.
- 5.8.9 To conclude regarding the proposed traffic management arrangements it has to be accepted that both the existing aqueduct and especially the proposed Lower Houses Compound are located in highly inaccessible rural areas. The road network serving Lower Houses is predominantly made up of B roads and minor local roads and lanes and as such it is obviously not ideal. However, it is essential that the required construction traffic can access the Lower Houses Compound and as such we are looking at intensive traffic management proposals that would result in the 'least worst' outcomes. In addition it will be absolutely essential that mechanisms are put in place in order to ensure that the established local traffic management arrangements can be kept under constant review and that they are able to be amended in order to address any changed or unforeseen issues that may subsequently arise.
- 5.9 Consideration 8 (The Other Specific Local Mitigations)
- 5.9.1 The residential properties located at Lower Houses Farm are in relative close proximity to the proposed Lower Houses construction compound. Accordingly the basis of that relationship will need to be respected and reflected in the embedded local operating practices so as to be in-line with the identified environmental health requirements.
- 5.10 Consideration 9 (The – Operating/Construction Code of Practice)
- 5.10.1 Because the impacts of this development is primarily going to be experienced during the potentially prolonged construction phase it will be vital that the appointed contractors operate in an appropriate manner. Accordingly it is proposed that the intended construction code of practice i.e. how the contractor looks to operate within the framework of all of the proposed and agreed operating restrictions is carefully considered and controlled by condition.
- 5.10.2 For example specifically negotiations with Lancashire Highways have resulted in agreement that the construction traffic movements will need to carefully managed in order not to interfere with both the morning and afternoon school runs. Therefore all related construction vehicle movements would be prohibited between 8.45 and 9.30am and between 2.30 and 3.15pm.
- 5.10.3 To conclude it will essential that the proposed operating and construction codes of practice appropriately manages the ways in which the appointed contractors undertake these works

and how they proactively interact and engage with the local community in order to address any unforeseen issues that may emerge.

6.0 Conclusion and Planning Balance

6.1 Consideration of the Planning Balance

- 6.1.1 It is important for the decision maker to be able to consider both the need for the proposed development and to have the facility to appropriately evaluate both any permanent or temporary harm that may arise from the potential grant of any planning permission.
- 6.1.2 In this instance it is widely accepted that the appropriate upgrading of the Haweswater Aqueduct in order to provide an appropriate source of drinking water for much of the North West is a planning issue of acknowledged regional importance.
- 6.1.3 It is also accepted that the proposed development will give rise to very limited new permanent impacts provided that all of the proposed environmental mitigations, especially in terms of the required landscape and environmental mitigations, are appropriately implemented and thereafter suitably maintained. Indeed the proposals create the opportunities to deliver significant related net gains in terms of both the quality of the required landscape restorations and the proposed related biodiversity net gains.
- 6.1.4 It is accepted that the discernible impacts of these proposals will be during the construction periods (which it should again be noted could be for an extended period of up to 5 years with regard to the proposed construction works at the Lower Houses Compound). Therefore whilst there is a considerable importance placed upon ensuring that those necessary construction works can readily go ahead they need to be carried out in such a manner so as to appropriately mitigate both the identified environmental issues and so as to not unduly impact upon the amenity of nearby residents.
- 6.1.5 In considering the planning balance it is also important to consider how all of the identified and proposed mitigations can and will be appropriately delivered. In this instance the proposed mitigations will be ensured via the imposition of both the requisite planning conditions and via the explicit requirements of the related Section 106 Agreement.

6.2 Conclusions and Recommendation

- 6.2.1 In conclusion it is considered that these proposals are somewhat unusual in that there are no in principle objections to the upgrading of this important piece of regional water supply infrastructure and it is accepted that any discernible impacts will only be temporarily experienced during the potential (albeit extended for a considerable temporary period) construction stage.
- 6.2.2 Accordingly provided that appropriate measures can be put in place in order to manage and mitigate as far as possible those temporary impacts, and to ensure the delivery of the associated long-term regional and community benefits, it is considered that this planning permission can reasonably be granted.
- 6.2.3 With consideration being given to all other matters, it is therefore recommended that Planning Permission **BE GRANTED** subject to the following conditions and satisfactory completion of the related Section 106 Agreement in order to secure the required temporary mitigations and long-term enhancements.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions and related obligations:

Proposed Planning Conditions

The proposed related planning conditions (to be imposed upon this permission) are;

- Time Limit – to allow for the necessary commencement of the scheme.
- Approved Plans and Documents – to ensure effective alignment between the proposed working arrangements and required environmental mitigations.
- Phasing of Works – to allow for the agreement of the LPA to the specific timing/phasing of the proposed works. No works to commence at any specific location until appropriate complete details (including final extent and complete reinstatement proposals) have been submitted to and agreed in writing by the LPA. All works to then accord with those approved details.
- Operating/Construction Code of Practice and Environmental Management Strategies – to tie the proposed ways of working to the agreed method statements and management strategies during the construction phase.
- Agreed Construction Traffic Management Plan – to require and ensure the appointed contractor's strict adherence with the agreed construction traffic management plan (CTMT) and arrangements (including specified access routes/impact mitigation measures and other actions).
- Implementation of Highway Improvements – to ensure that the required highway improvements as required by Lancashire Highways are implemented prior to any construction works commencing at the Lower Houses compound.
- Appropriate Landscape Restoration, Reinstatement and Aftercare – to ensure the implementation of the required/agreed landscape and other reinstatements and for appropriate extended maintenance period.
- Lower Houses and Other Compounds Schemes – to require the temporary working compound to be appropriately screened (including hoardings and other mechanisms), to be sympathetically illuminated and otherwise appropriately marshalled and operated.
- Valve House Materials – to ensure the use of appropriate local building materials.
- Approved Hours of Working – to ensure compliance with specified/agreed local working arrangements/the CTMP.
- Tree/Landscape Safeguarding and Reinstatement Measures – no works to commence until required/agreed tree and landscape protection measures are in place/comprehensive reinstatement plans submitted and thereafter appropriately reinstated.
- Scheme of Archaeological Works – in order to safeguard areas of archaeological importance.
- Footpath Diversions and Reinstatements – in order to appropriately safeguard and reinstate the affected public footpaths.
- AONB Safeguarding Conditions – requiring a Construction Environment Management Plan, Precautionary Working Methods, Habitat Creation Restoration and Management Plans and the appropriate removal of all temporary construction features.

- Drainage/Flood Risk Assessment/Surface Water Sustainable Drainage/surface Water and Private Water Supply Management Plans – to ensure compliance with all the agreed water management solutions.
- Employment and Skills Plan – to ensure compliance with the proposed related local employment opportunities.

Proposed Related Planning Obligations

The proposed related planning obligations will be required to secure the;

- No Implementation until Waddington Fell Quarry Permission Extant
- Delivery of Biodiversity Net Gains/Compensatory habitats
- Provision of the Community Liaison Officer
- Ecological Clerk of Works
- Safeguarding of Existing Residences and Premises
- Traffic Impact Reinstatements
- Traffic Management Contributions
- Delivery of North Yorkshire Traffic Enhancements

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

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

Background Papers

Application Reference 21/00792/FUL and the associated Environmental Statement

Lancaster City Council – EIA Scoping Opinion – March 2020

Lancaster City Council – Addenda to EIA Scoping Opinion – March 2021

Agenda Item	A6
Application Number	23/00699/FUL
Proposal	Relevant demolition of Church and erection of a two storey building comprising of 9 apartments and bin store with associated garden areas and landscaping
Application site	Pentecostal Church Hunter Street Carnforth Lancashire
Applicant	Mr Craig Derbyshire
Agent	JMP Architects
Case Officer	Mr Andrew Clement
Departure	None
Summary of Recommendation	Refusal

1.0 Application Site and Setting

- 1.1 The site is located on the outside corner of Hunter Street and Ramsden Street in Carnforth, in close proximity to the town centre to the southeast, with the Post Office general sorting office and west coast mainline railway a short distance west of the site. Land at Scotland Road designated employment area is a short distance north of the site, beyond the terraced dwellinghouses backing towards the site from Pond Terrace. The site is currently occupied by a small single storey building, used as a church (Use Class F), with some open space grass to the north of this, accessible via a gate to Hunter Street.
- 1.2 The site is within the Carnforth Conservation Area, with Victorian terraced houses within the streetscene identified as non-designated heritage assets of local heritage importance, contributing positively to the national heritage asset of the Conservation Area. The site is within the Carnforth Regeneration Priority Area, in an area at low risk of flooding, and approximately 750 metres from Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. The site is within the Carnforth Neighbourhood Plan (CNP) area, within focus area A of the associated design code, although there are no further designations within the CNP affecting this site.

2.0 Proposal

- 2.1 This application seeks planning permission to demolish the existing single storey church building, erecting a block of 9 apartments in its place, over a larger footprint than the existing building. The development is to measure 22.2 metres side by a maximum of 10.7 metres deep, setback behind a 0.5 metres front garden, measuring a maximum of 8.8 metres tall predominantly flat roof. The top third floor is within a steep pitch mansard roof design, with three separate box dormers to the front, and a single wider box dormer/third floor to the rear. The development is to be finished in brick walls, under metal mansard, dormers and roof, with aluminium clad and composite window frames and doors, and uPVC rainwater goods. A bin store and communal/private garden spaces are provided

external, whilst inside the proposed development is cycle parking within a communal corridor, leading to 3x two-bed apartments and 6x one-bed apartments, with the first and second floors accessed via a communal stairwell.

3.0 Site History

3.1 A relevant application relating to this site have previously been received by the Local Planning Authority include:

Application Number	Proposal	Decision
20/00382/PRETWO	Demolition of existing meeting hall and erection of a 3 storey block of flats	Advice provided

4.0 Consultation Responses

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

Consultee	Response
Carnforth Town Council	Objection , as the scale, layout and high density of building, the design, appearance, and materials proposed in the application are not appropriate and do not support the character of the surrounding built form of the street, the immediate neighbourhood or the Conservation Area. The architecture style, materials and colours proposed do not have regard to the approved Carnforth Design Code, with no regard to the concept of "local" and does not respect the character of the surrounding built form of Hunter Street. For flats which don't have an allocated parking space, provision should be made for a shared communal charging point, however the proposal does not include any. The proposed addition of nine apartments comprising three two-bedroom and six one-bedroom will exacerbate parking, traffic, highway safety issues, with no provision for any off-street parking to mitigate its impact of on-street parking, traffic and highway safety on Hunter Street and surrounding streets. The planning application does not sufficiently address the parking problems, it does not make any provision for car parking for people with impaired mobility, and would make on-street parking situation worse to the detriment on Hunter Street and of great concern for residents. Given the narrowness of the street and the level of on-street parking there is a significant number of minor collisions with parked vehicles which often go unreported.
County Highways	Objection , due to concerns regarding the lack of off-street parking. Construction management plan and associated details also required, but could be controlled through planning condition.
Conservation Section	Objection , as the proposals would not preserve the character and appearance of the area, particularly the proposed mansard roof form, which is not appropriate to the context and would appear incongruous in a streetscape dominated by pitched roof forms.
Engineering Team	Objection , no assessment of existing runoff rates from the site has been made, arbitrary runoff rate provided is unjustified, and concerns regarding the proposed systems ability to deal with 1in100 year rainfall events for +50% climate change allowance.
United Utilities	No objection , subject to implementation of the drainage scheme at the restricted runoff rate.
Environmental Health	No observation received
Natural England	No objection , subject to securing homeowner ecological information packs through planning condition to mitigate any increased recreational pressure on nearby designated sites.
Fire Safety Officer	No observation received

4.2 **Objection** received from Carnforth and Millhead Ward Councillor Chris Hanna, raising the following concerns and reasons for objection:

- The height, scale, massing, layout, high density, and the design, appearance, and materials proposed in the application are not appropriate and do not support the character of the surrounding built-form of the street, or the immediate neighbourhood character as terraced housing original built for workers at the ironworks and railway, or the wider Conservation Area.
- The proposed high-density block of nine flats across three-storeys dominates most of the plot in size and density, significantly reducing the existing outside space, which does not reflect the density and character of the surrounding built form, particularly the design of roof dormers.
- The proposed block of flats does not “bookend” a continuous terrace, does not share any design features of the adjacent terraced houses, and again does not respect the character of the surrounding built form of Hunter Street that have predominantly sandstone walls and slate roofs. The metal roofing, dormers, uPVC gutters, aluminium clad windows and aluminium composite doors, with brick exterior wall finish, the façade and fenestration, materials, and palette of colours of the proposed building are not appropriate within Hunter Street or to the surrounding streets, and do not have regard to the approved Carnforth Design Code.
- No outdoor drying area or electric vehicle charging points.
- The development proposal does not reflect the reality of the parking issues on Hunter Street and makes no provision for any off-street parking to mitigate its impact of on-street parking, traffic and highway safety on Hunter Street and surrounding streets.
- Lack of off-street public carparking in the vicinity (other parking owned and operated by separate private companies/bodies). No significant provision for secure cycle storage other than three cycle hooks in the communal entrance area, no provision for parking for future residents with mobility issues. This would exacerbate existing issues of traffic and highway safety concerns.

4.3 **26 objections** have been received from members of the public, raising the following concerns reasons for objection:

- Insufficient/absence of parking provision, particularly no parking for people with reduced mobility, which would highly intensifying existing on-street parking demand and result in road safety issues, exacerbating the existing parking problem locally which is insufficient due to demand by residents, local shoppers, rail commuters, holidaymakers and employees, and a single access/egress point Fire Station carpark and for Post Officer sorting office, including large vehicles.
- Lack of off-street public carparking in the vicinity (other parking owned and operated by separate private companies/bodies)
- Construction traffic gridlock and blocking access and parking along Hunter Street, no vehicle turning space, with insufficient on-site space for construction vehicle parking, skips, materials and welfare provision, adverse impact on busy junction with Market Street.
- Construction dust impacting residential amenity and local health.
- Highway impacts dangerous for local children.
- The development has no regard to the conservation area, appears a caricature of an ugly modern office block, detracting from local history and out of character. Incongruent window dimensions, design and materials do not match the existing Victorian terrace streetscene. It should be more sympathetic and in-keeping with the surrounding streets, and frontage should be stone.
- No existing 3-storey buildings on west side of Hunter Street, overdevelopment for the size and design of residences in this location.
- Road drains and surfacing problems exacerbated, additional residential units adding strain to an already struggling drainage system that floods during heavy rainfall and storm events.
- Loss of green space and openness that is accessible to local community, smaller landscaped area through the proposal.
- Concerns regarding public consultation process.
- Demand for apartments in Carnforth met by neighbouring developments.
- Overshadow neighbouring residences and block sunlight
- Noise and vibrations from demolition/construction damaging existing old properties.

5.0 Analysis

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

- Principle of the development and loss of a community facility;
- Design, scale and streetscene impact upon heritage assets;
- Transport, parking, and highway impact;
- Residential amenity and noise impacts; and
- Drainage, ecology and open space.

5.2 **Principle of residential development and loss of community facility** Carnforth Neighbourhood Plan (CNP) Policies H1 (Housing) and H2 (Housing Mix), Development Management (DM) DPD Policies DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM56 (Protection of Local Services and Community Facilities) and DM57 (Health and Well-Being), 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) and EC5.6 (Regeneration Priority Areas), and National Planning Policy Framework (NPPF) Section 2 (Achieving sustainable development), Section 4 (Decision-making), Section 5 (Delivering a sufficient supply of homes), Section 8 (Promoting healthy and safe communities) and Section 11 (Making effective use of land)

5.2.1 The District's settlement hierarchy recognises Carnforth as one of the districts Market Towns, which can accommodate levels of new residential and economic development to serve more localised catchments, and where the principle of housing can be supported. The site forms part of the Central Carnforth regeneration priority area, supporting regeneration for an appropriate mix of commercial and residential development. Policy SP6 relates to housing delivery and clearly states that the figures set out in this policy represent minimum figures for new homes in the district. The policy goes on to state that opportunities for further growth will be supported where it represents sustainable development and is in accordance with relevant national and local planning policy. The principle of housing growth in Carnforth is acceptable in spatial planning terms. The key considerations (set out in paragraph 5.1 and discussed through this report) will assess whether the proposal constitutes sustainable development.

5.2.2 The NPPF was revised in July 2021 but at its core, the objective to 'significantly boost' the supply of homes remains and is reflected in paragraph 60 of the framework. In this regard, as of November 2022, the Lancaster District can only demonstrate a 2.1-year supply of housing land whilst an average of 674 dwellings are required per annum to meet the district's objectively assessed need for housing. The annual need for this quantum of housing is confirmed in both policy SP6 of the SPLA DPD and the LPA's latest Housing Supply Statement. A lack of a five-year housing land supply is a material consideration in the determination of this application and also requires the application of the presumption in favour of sustainable development. The opportunity to address the undersupply can only come forward through the approval of more residential proposals and the identification of further supply through the Land Allocations process. Therefore, given the current situation, the relatively small-scale infill site within a sustainable Market Town, and meeting a local housing need for smaller residential units, the principle of residential development in this location offers benefits weighing in favour of the proposal, subject to other policy considerations.

5.2.3 Turning to the issue of the loss of community facility, the supporting text to policy DM56 of the DPD sets out the role that local services can play in ensuring that communities are sustainable in the long term is recognised. The ability to access local services that are located in close proximity to where people live has a significant relationship with well-being and a positive quality of life. To this end, the Council will protect the buildings and premises used by local services that benefit the local community both socially and economically. The Council will also resist the loss of local services where it is demonstrated that they are valued by the community they serve. Furthermore, the National Planning Policy Framework sets out in Paragraph 93 that planning policies and decisions

should plan positively for the provision and use of shared spaces and community facilities and should guard against the unnecessary loss of valued facilities and services.

5.2.4 Policy DM56 sets out that proposals that would result in the loss of buildings or uses which currently (or have previously) provided the community with a local service, must provide compelling and detailed evidence. Proposals will be expected to ensure that:

- A robust and transparent marketing exercise has taken place demonstrating that the retention of the existing use is no longer economically viable or feasible. This should include a realistic advertising period of at least 12 months at a realistic price (confirmed by independent verification), making use of local and (if appropriate) national media sources. Information on all offers made, together with copies of the sales particulars will also be required to accompany the application;
- Alternative provision of the key service exists within a rural settlement or within a nearby neighbouring settlement, that can be reasonably accessed by pedestrians and public transport; and
- The current / previous use no longer retains an economic and social value for the community it serves.

Appendix A of the DM DPD provides a Glossary of Terms and this includes community facilities (village hall, meeting house, church hall) as a type of use which is classed as a local service.

5.2.5 Criteria I of Policy DM56 requires a robust and transparent marketing exercise of the community use to be undertaken. It sets out that the marketing period must be a minimum of 12 months and set at a realistic price using local and national agencies. The purpose of the marketing exercise is to demonstrate that the existing use of property is no longer economically viable or feasible. In other words, Policy DM56 assumes that if no offers are forthcoming within the required marketing period for the continuation use of the site as a community facility, then that use is considered to be unviable and unfeasible. Policy DM57 seeks to protect and improve social and community facilities, whilst NPPF Section 8 states that planning decisions should promote social interaction, including opportunities for meetings between people, and plan positively for the provision and use of shared spaces and community facilities.

5.2.6 No substantive evidence has been provided with this application to establish that a robust marketing exercise has taken place demonstrating that the retention of the community use is no longer economically viable or feasible. Whilst the submission details that no approaches to purchase the site were made whilst the property was vacant for 'several months', there is no evidence this was actually advertised for the existing community use, or any other use within the Use Class F. Furthermore, the site had changed operator under the same use as recently as 2000. Whilst there appears to have been no attempt to actively advertise the property for continued community use/facility, nor justification that there is no local need for this existing use, the site is currently advertised for sale for £300,000 as a development opportunity site for 9 apartments, not at a value or use as a local service or community asset:-

<https://www.lancastrianestates.co.uk/property/hunter-street-carnforth-la5/>

5.2.7 No evidential argument nor compelling and detailed evidence has been put forward to demonstrate that the site is unsuitable, unviable or unfeasible to be used as community facility, and it appears they has been no formal marketed to try to continue such a use in new ownership. Without such a marketing exercise, the local planning authority has no certainty of this, nor has such a case been sufficiently demonstrated in order to weigh the planning balance in favour of the proposal in terms of policy DM56. Clearly as a local planning authority we want to be proactive in terms of not retaining buildings where there is no reasonable expectation they can be maintained in their current use. However, there needs to be some demonstration to assist officers in forming that decision. Whilst it is acknowledged that alternative larger provision has recently been approved and developed through permission 21/00545/FUL on the eastern side of Carnforth, this only forms the second of three criteria within policy DM56. All three criteria within this policy should be met to be policy compliant, and the other two aspects deficient, with no substantive evidence to justify that the site itself can no

longer provide continued community facility use, with policies DM56 and DM57 seeking the protect and improve such social and community facilities.

5.2.8 The current community use/facility of the site runs with the land, it is not transposed through neighbouring development, and there is no substantive evidence that such a use could not feasibly or viably continue to operate under a new owner/tenant. As such, the submission fails to comply with the first and third elements of policy DM56 and DM57, with no satisfactory marketed exercise for the site within its existing use class, nor any evidence that the site would no longer retains an economic and social value for the community it serves. Whilst it is noted that none of the public objections to the scheme relate specifically to the loss of this use of the building itself, the surrounding land appears to have an important value to local residents in the immediate vicinity.

5.2.9 The benefits of the scheme are fully acknowledged, particularly the modest contribution this would make to addressing the Councils lack of 5-year housing supply position, which is a significant consideration in the determination of planning applications. Although this is a consideration, it does not override the need for compliance with the requirements of DM56, which the Council has applied rigorously in the consideration of other applications (such as 21/00469/FUL at The Britannia and 21/01549/CU Green Finch Café). The proposal is within a sustainable Market Town settlement where residential development would be acceptable, however the failure to comply with policy DM56 and DM57 means that the overall principle of the scheme is unacceptable, and also contrary to Section 8 of the NPPF. This would result in the loss of a community facility with no substantive evidence that such a use continuing at the site is no longer economically viable or feasible, and no evidence that the use no longer retains an economic and social value for the community.

5.3 **Design, scale and streetscene impact upon heritage assets** Carnforth Neighbourhood Plan (CNP) Policies H1 (Housing), HD1 (Conserving the historic environment) and HD3 (Design), Carnforth Neighbourhood Plan Design Code (CNPDC), Development Management (DM) DPD DM29 (Key Design Principles), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets) and DM41 (Development Affecting Non-Heritage Assets or their settings), Strategic Policies and Land Allocations (SPLA) DPD SP7 (Maintaining Lancaster District's Unique Heritage), National Planning Policy Framework (NPPF) Section 12 (Achieving well-designed places) and Section 16 (Conserving and enhancing the historic environment), Listed Building and Conservation Areas Act 1990 paragraphs 72 and 73, National Model Design Code (NMDC) and Carnforth Conservation Area Appraisal

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 application site and wider area of central Carnforth is covered by a Conservation Area. The area is characterised primarily by two storey terraced dwellings of homogenous architectural appearance and material palette, with additional half storeys appearing as gables and dormers at 'bookend' locations, providing some articulation and variety in the streetscene. The density is high with terraces often built up to the back of the footway, and gardens and yards are small. The area within which the application site is located is characterised by terraced housing for working people at the ironworks and railway. The dense form opens up in certain key areas, which presents welcome relief. The majority of properties along Hunter Street, Pond Terrace and Pond Street are identified as Non-Designated Heritage Assets (NDHA) within the Councils NDHA map, with the Carnforth Conservation Area Appraisal identifying these as positive buildings, with Hunter Street a strong frontage, forming primarily late Victorian and early twentieth century terraced houses.

- 5.3.3 The Carnforth Design Code seeks development that respects the character of surrounding built form within the Conservation Area and setting of historic features in terms of design, scale, massing, materials and height, and any development should create area of positive character by responding to prevailing characteristics. The particular characteristics of this location include a linked building line of the terrace frontage, uniformity of roofline with materials, pitch, eaves, chimney stacks as visible features, in a high-density area. Proposed developments should be of a high quality and reinforce local distinctiveness of the area, with material selections made based on an understanding of the Carnforth's built environment. The streetscene presents predominantly sandstone frontages under gable pitched slate roofs, particularly to those properties identified as NDHA. Subsequently built properties and those along Pond Terrace/Street are finished in a variety of render colours and finishes. The rhythm and pattern of window openings is a key characteristic, as are the window surrounds/heads/cills and the unaltered roof forms interrupted only by chimneys and bookend gable features.
- 5.3.4 Whilst the existing single storey building is subservient in scale and design, and provides some relief in terms of openness and reduced scale in this densely developed area, the property itself contributes little to the Conservation Area and streetscene in terms of design and materials. The demolition of the building would have a neutral impact on the character and appearance of the Conservation Area. The existing open space provides a relief from the surrounding dense built-form, identified as a characteristic within the Carnforth Conservation Area Appraisal. Whilst this would be lost through the proposal, this plays a lesser role than the similar opening and positive gateway to the south at the junction with Market Street, and given the previous development at the site, it is considered that the loss of open area would have negligible impact from a heritage perspective.
- 5.3.5 The proposed development seeks to apply a brick wall finish, with the top second floor within a shallow pitch mansard metal roof with metal clad front box dormers, wider rear metal clad box dormer, and windows at a variety of sizes to the frontage. The setback behind a narrow front garden strip mirrors the dwellinghouses opposite, although this breaks the linked buildings line on the west side of Hunter Street. However, the property appears to be largely uninfluenced by the streetscene and wider vernacular. The width combined with the height and incongruent materials and design of the property prevents this appearing as a bookend, but more a standalone design. The second floor appears taller and above the neighbouring property heights, which would not be concealed by the mansard roof design, particularly as this would in itself appear alien in the streetscene. The incongruity of the roof design is exacerbated in prominence by introducing a metal clad material, box dormers and rooflights matching the positions of windows beneath. This design, materials, height and massing would be harmful to the Conservation Area, with no precedence or similar features within this visual context or the wider heritage area. This harm is caused by the design as a whole and particularly by the roof, which is prominently located elevated above the neighbouring eaves height, visible from the south along Hunter Street, east along Ramsden Street, with the poorly articulated rear elevation visible from trains to the west and the bridge over this railway line.
- 5.3.6 Whilst the opposite side of Hunter Street presents bookends to the terrace, these are in the form of much narrower gable ends, with ornate eaves and ridge features, quoins and window surrounds to natural stone walls, offering a symmetry to each end of the terrace. There is no bookend on the application site side of Hunter Street, and the use of materials proposed are primarily justified due to robustness and lack of maintenance requirements within the submitted design and access statement. There is no precedence for mansard roofs in the area to accommodate an additional floor of accommodation. Use of brick is rare in the Conservation Area, with the notable exception of Grosvenor Place some 450 metres south of the site, although it is more locally applied to some unfortunately designed flat roof extensions at the opposite end of Hunter Street, and Station House beyond further south. The sought openings would upset the rhythm and pattern of windows characteristic to the area. The combination of height, massing, new materials, openings, and particularly the mansard roof form and box dormers, are considered to cause unjustified harm to the Conservation Area, the characterful streetscene, and the setting of NDHA properties. This harm is considered to be a moderate degree of less than substantial harm to the Conservation Area, with a lesser degree of harm to the setting of NDHA.
- 5.3.7 Within the Conservation Area, development should respect the character of the surrounding built form, in terms of design, scale, massing, material and height, creating areas of positive character by responding to prevailing characteristics through choice of choice of materials and architectural

styles. The proposal is considered to fail to achieve this, introducing design features and materials that are incongruent to the streetscene and wider Conservation Area, causing harm to this national heritage asset area, setting of NDHA, and bearing little resemblance to the local context, contrary to heritage and design policies. The Conservation Area is a heritage asset of national importance, and the harm to this designated heritage asset is considered to form a clear reason for refusal, removing the application of NPPF paragraph 11(d) and associated requirement for any benefits to be significantly and demonstrably outweighed. The proposal is considered to be contrary to CNP policies H1, HD1 and HD3, the CNPDC, DM DPD policies DM29, DM38 and DM41, SPLA DPD policy SP7, NPPF Sections 12 and 16, and the Listed Building and Conservation Areas Act 1990 paragraphs 72 and 73.

5.4 **Transport, parking, and highway impact** Carnforth Neighbourhood Plan (CNP) Policy AM2 (Charging points for electric vehicles), Development Management (DM) DPD policies DM29 (Key Design Principles), DM57 (Health and Well-being), 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)

5.4.1 The application site contains no off-street parking provision as existing. Whilst there are existing gates to the curtilage area, the area is established grassland, with no formal parking provision nor any evidence it has previously been used for car parking. The proposed development prevents any off-street parking by substantially reducing this open grass area and blocking vehicular access with a proposed bin store, and the site is considered to have no parking provision at present or as proposed. Based on the requirements of Appendix E, the development would demand a maximum number of parking spaces for twelve vehicles.

5.4.2 As it stands, zero spaces are proposed, and whilst a semi-vertical cycle rack circa 3.8 metres wide could accommodate one bike per bedroom proposed, cycle storage space appears to be cramped in a corridor on the proposed floor plans, with indicated 0.9 metre depth insufficient, and circa 1.2 metre circulation space behind this very narrow, with the average adult bike measuring 1.75 metres long. No specific details of bike storage have been provided other than the area on floor plan, and there is no evidence these could be accommodated without restricting movement through the corridor. This is particularly disappointing given the proximity to the cycle network, lack of car parking, with six of the nine apartments are only accessible via stairs to upper floors. No provision is made for electric vehicle parking, although practicality of such charging is limited due to the development lacking any off-street parking within the proposal. The lack of off-street parking also means that the needs of people with disabilities and reduced mobility are not met within the development.

5.4.3 Parking is understood to be a primary concern to local residents in the vicinity, particularly given the lack of off-street parking available to existing residents in the densely populated area, combined with vehicle movements of accessing the Post Officer sorting office and fire station carpark. Due to the proximity to the town centre, space for parking along Hunter Street and immediately surrounding streets is in high demand, with existing residents along these roads of Victorian terraces having no driveways. Unrestricted on-street parking occurs on both sides of the road, limiting vehicular movements to single width between, with limited space for passing or turning. The site is located within a sustainable location, with easy access to public transport facilities and walking distance from facilities in Carnforth Town Centre. However, there is no information submitted to suggest that occupants would likely not own cars, with no clear justification for the lack of provision proposed. Whilst apartments within larger city centres are often associated with low levels of car ownership, this does not appear to be the case on Hunter Street or surrounding residential area in Carnforth, where demand for car parking has been highlighted as one of the most prevalent local concerns within the public consultation process for this application.

5.4.4 Furthermore, County Highways have objected to the proposal due to the lack of any off-street parking within the proposal, and failure to mitigate the impact of the development and associated parking requirement. Whilst the majority of carparks in the vicinity are available short-term, and primarily for restricted use such as retail customers, the railway station offers annual car parking passes at cost. However, conflict between peoples demand for residential parking and town centre

parking prohibits the reliance on using public car parks for residential parking, due to the potential adverse impact on the availability of town centre parking for town centre and railway users.

- 5.4.5 Development should provide adequate car parking and cycle storage provision to ensure that excessive levels of on-street parking are avoided. The proposal fails to achieve this, and despite the sustainable location and close proximity to public transport, the fact the site immediately abuts and area of unrestricted on-street parking in a location known to suffer from overdemand for such public street parking, it is considered that the proposal would exacerbate excessive levels of on-street parking, to the detriment of highway efficiency, highway safety and adversely affect local amenity. The lack of suitable provision for 9 additional residential units in this location is considered to be contrary to policy DM DPD policies DM29, DM57, DM61, DM62 and Appendix E, and Section 9 of the NPPF.
- 5.4.6 Vehicle movements and parking requirements would be intensified during the construction activities, and certain delivery times, vehicle sizes and parking requirements would be problematic. However, given this would be for a temporary period, and an ability to control such arrangements and activity through a construction management plan during the construction phase, it is considered that this can be mitigated through planning conditions. Such details could control construction hours and dust measures to mitigate potential impacts upon residential amenity, as well as to ensure highway efficiency and safety is maintained, albeit with details likely to inconvenience the development itself during construction.
- 5.5 **Residential amenity and noise impacts** Development Management (DM) DPD DM2 (Housing Standards), DM29 (Key Design Principles), DM30 (Sustainable Design), National Planning Policy Framework (NPPF) Section 8 (Promoting healthy and safe communities), and Nationally Described Space Standards (NDSS)
- 5.5.1 The submissions fails to provide the minimum space standards stipulated in the Nationally Described Space Standards (NDSS), and required through policy DM2. Ground floor apartment 1, first floor apartment 4 and second floor apartment 7 have two double bedrooms (over 11.5sq.m) for four persons, failing to provide the minimum gross internal floor area requirement 70sq.m for four person apartments. Ground floor apartment 2, first floor apartment 5 and second floor apartment 8 have one double bedrooms for two persons, failing to provide the minimum gross internal floor area requirement 50sq.m for four person apartments. This is exacerbated on the top floor apartments 7 and 8, where floor area under 1.5 metres in internal room height is excluded from floor area calculations. The failure to achieve the minimum space standards is considered to offer substandard levels of residential amenity to future occupants, contrary to DM DPD Policy DM2 and NPPF Section 12.
- 5.5.2 Windows to bedrooms of ground floor apartments 1 and 3 are within 2.3 metres of a boundary wall. Whilst this would have some impact upon outlook, this wall measures circa 1.3 metres tall, and as such this aspect would not be detrimental to residential amenity. The three-storey tall blank north side elevation would be much larger and closer to the rear elevations along Pond Terrace than the existing single storey building of greater setback. This fails to achieve the policy compliant separation distance of 12 metres, at it's closest just 11 metres from the closest existing neighbour. However, the urban grain of the area and density of dwellings presents short separation distances to neighbouring dwellinghouses as existing. Furthermore, the rear facing windows to no.7 and no.11 Pond Terrace appear to be obscure glazed to bathrooms, and whilst no.9 is clear glazed, a window visible through this rear facing window suggests this serves a dual aspect room. Given these arrangements and the fact separation distance of less than 12 metres are commonplace in the vicinity, the impact on neighbouring residential amenity would not constitute a reason for refusal in itself, subject to a construction management plan controlling hours and dust of development.
- 5.5.3 A Noise and Vibration Impact Assessment has been submitted, detailing that due to the noise environment locally and particularly to the west of the proposed development, that openable windows cannot be relied upon for background ventilation for an extended period due to noise disturbance. This assessment details that double glazing combined with hit and miss trickle vents would provide suitable mitigation to the west elevation. Whilst such window ventilation specifications are often discouraged in Conservation Areas, given this would apply to the west facing rear elevation of the building, this is considered to be an appropriate solution to provide a satisfactory noise environment to future occupants. Subject to such window details and mitigation being controlled

through planning condition, it is considered that the existing noise environment can be satisfactorily mitigated within the development. However, such noise mitigation would not overcome the deficiencies in standards of accommodation to future occupants.

- 5.6 **Drainage, ecology and open space Carnforth Neighbourhood Plan (CNP) Policies EC1 (Local Biodiversity, Landscape and Character) and EC3 (Sustainable Housing), Development Management (DM) DPD policies DM27 (Open Space, Sports and Recreational Facilities), DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM44 (Protection and Enhancement of Biodiversity) and 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 proposed development increases the impermeable area of the site, replacing the existing building with a larger footprint development, in place of existing grassland to the north of this. Whilst no percolation testing of the grass area has been undertaken, the proposal to develop on the majority of this area precludes the provision of soakaways within the site, although this does not explain the omission of any other sustainable drainage options. The proposed restricted discharge rates within an addendum to the original drainage scheme represents a betterment against existing flow rates. However, this confirms that flood risk would be exacerbated by the proposal during 1in100 year flood events, factoring in climate change allowance. This has been raised with the applicant, and if drainage is at functioning perfectly at 100% capacity the increased flood volume would be modest. This does not overcome the fact the system has been designed to fail under these conditions, which would exacerbate the impacts of flooding locally, another local concern raised within a number of public consultation responses. As such, the drainage scheme is considered to be unacceptable and contrary to DM DPD DM33 and DM34, and Section 14 of the NPPF.
- 5.6.2 The area of grassland appears to be of limited ecological value, and whilst information received during the consultation process details community use of the space, this has no formal designation in the neighbourhood or local plan, and as such is not protected through the policies relating to these. The existing building itself has potential for use by nesting birds and numerous potential bat roost features, although no active bird nesting or bat activity was recorded during an ecologist inspection and emergence survey. Subject to the mitigation measures within the submitted Bat, Barn Owl & Nesting Bird Survey regarding timeframes of development avoiding bird nesting season, inspection of historic nests prior to development, precautionary activity during construction and subsequent development including at least 8 potential bat roost sites within the development, the proposal is considered to adequately mitigate the potential low impacts upon protected species, whilst delivering a very modest degree of biodiversity net gain.
- 5.6.3 Morecambe Bay is very important for many species of birds. As such, there is the potential for development and recreational use close to the designated sites to have impacts on birds associated with the SPA and Ramsar designations. It is considered that these impacts could be avoided, but only through mitigation. In light of the People Over Wind ruling by the Court of Justice of the European Union, likely significant affects cannot be ruled out without mitigation and therefore an Appropriate Assessment (AA) is required. This is contained within a separate document and concludes that, with the implementation and retention, where appropriate, of mitigation the development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. Subject to the implementation of the mitigation measures within the AA, namely for homeowner packs including details of adjacent designated sites and alternative for recreation to mitigate such recreation pressure, the proposal is considered to have an acceptable impact upon the environment, habitats and protected species and sites.

6.0 Conclusion and Planning Balance

- 6.1 The proposal to deliver 9 additional residential apartments at the site offers social and economic benefits of additional housing, particularly at a time when there is a lack of housing land supply. Given the position on housing land supply and meeting housing need, a moderate degree of positive weight is attached to the provision of nine apartments.
- 6.2 Whilst the apartments garner suitable planning benefits in balance, the way these are achieved causes multifaceted harm. The design is considered to be poor and incongruent to the streetscene, resulting in unjustified harm to the Conservation Area, streetscene and setting of non-designated heritage assets. Great weight is attached to the moderate degree of less than substantial harm to designed heritage assets, constituting a reason for refusal, amongst others, which means that NPPF paragraph 11.d) is not engaged. The majority of residential apartments proposed to not meet minimum space standards, and as such provide unsatisfactory standards of residential amenity. The sought drainage scheme would exacerbate flooding during flooding events, and is designed to fail. The lack of parking provision or details of suitable cycle storage would adversely impact highway efficiency, safety and associated amenity. The proposal has failed to demonstrate that a robust and transparent marketing exercise has taken place or that the current / previous use no longer retains an economic and social value for the community.
- 6.3 Impacts upon protected species and other matters are neutral impacts, neither weighing for nor against the proposal. It is considered that the great weight attached to the heritage harm and degrees of weight attached to inappropriate design, housing standards, flood risk, and the unjustified loss of a community use/facility cumulatively and significantly outweighs the social and economic benefits from the provision of 9 residential unit at the site.

Recommendation

That Planning Permission BE REFUSED for the following reasons:

1. The applicant has failed to evidence to the satisfaction of the Local Planning Authority that a robust and transparent marketing exercise has taken place demonstrating that the retention of the existing community use is no longer economically viable or feasible. In addition, it has not been demonstrated that the current use no longer retains an economic and social value for the community serves. Therefore, the proposed development is contrary to Policy DM56 and DM57 of the Development Management Development Plan Document, and Section 8 of the National Planning Policy Framework, in particular paragraphs 92 and 93.
2. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, with good design forming a key aspect of sustainable development. Development that is not well designed should be refused. The proposal fails to contribute positively to the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height, detailing and the materials used, with little regard for local distinctiveness. The design of the proposed development results in an unsympathetic visual intrusion due to the inappropriateness of the design, siting, scale, massing, height, detailing and materials. The proposal would harm the identity and distinct sense of place of Carnforth with a conspicuous and incongruent development, causing a moderate level of less than substantial harm to the Carnforth Conservation Area, and further harm to the setting of non-designated heritage assets. The submission provides no clear or convincing justification to demonstrate that this scale of the harm and intrusion to the significance of the heritage assets is necessary to achieve public benefits, and has not presented any exceptional circumstances that outweigh the harm. As such, the proposal is contrary to the aims of Policies H1, HD1 and HD3 of the Carnforth Neighbourhood Plan, Policies DM29, DM38 and DM41 of the Development Management Development Plan Document, the aims of Strategic Policies and Land Allocations DPD Policy SG7, and Section 16 of the National Planning Policy Framework, in particular paragraphs 8, 126, 130, 134, 135, 189, 197, 199, 200, 202 and 203, and the Listed Building and Conservation Areas Act 1990.
3. Taking into account the existing level of on-street parking and likely degree of conflict between vehicle movements on Hunter Street and surrounding roads, the proposal will have an adverse impact upon highway efficiency and safety, detrimental to the amenity of the area through the omission of off-street car and suitable bicycle parking provision. The lack of parking proposed for nine additional residential

units is likely to lead to increased on-street parking and conflict with neighbouring uses and deliveries and service arrangements in the vicinity, exacerbating existing parking and congestion problems to the detriment of public safety and the operation of the local highway network. The scheme would therefore fail to comply with the aims and objectives of Section 9 of the National Planning Policy Framework, in particular paragraphs 104, 110, 111 and 112, and Policies DM29, DM57, DM61, DM62 and Appendix E of the Development Management Development Plan Document.

4. The proposal fails to provide minimum technical housing standards within the nationally described space standards, with insufficient internal space within the new residential apartments, offering substandard and detrimental standards of residential amenity of future occupiers. As a result, the proposal is contrary to Policy DM2 of the Development Management Development Plan Document and the aims and objectives of the NPPF Section 12, in particular paragraphs 126, 130 and 134.
5. Insufficient information has been provided within the application to demonstrate that surface water can be adequately disposed within the site during flood events, and flood risk would be exacerbated by the proposal. The proposal fails to incorporate sustainable drainage systems into the development, without sufficient justification for excluding sequentially preferable drainage options, and insufficient justification for the exacerbated impacts of flooding during such events through this proposal, increasing flood risk elsewhere. Therefore, the proposal is contrary to the aims of Policies DM33 and DM34 of the Development Management Development Plan Document and Section 14 of the National Planning Policy Framework, in particular paragraph 167.

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

In accordance with Article 35 of the above Order, Lancaster City Council has made the recommendation containing reasons for the refusal, specifying policies and proposals within the Development Plan which are relevant to the decision. 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.

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in the recommendation. The applicant is encouraged to liaise with the Case Officer in an attempt to resolve the reasons for refusal.

Background Papers

None

Agenda Item	A7
Application Number	23/00750/VCN
Proposal	Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane (pursuant to the variation of condition 3 on planning permission 19/01223/OUT to alter the visibility splays)
Application site	Land At Grid Reference E346580 N452460 Lancaster Road Cockerham Lancashire
Applicant	L&W Wilson (Higham) Ltd
Agent	HPA Chartered Architects
Case Officer	Mr Andrew Clement
Departure	No
Summary of Recommendation	Approval

1.0 Application Site and Setting

- 1.1 The application site is located on the northern fringes of the village of Cockerham, which is located 9km to the south of Lancaster city centre. The site is farmland, and reaches its highest point at circa 24.5 metres Above Ordnance Datum (AOD) to the southeast section of the site, and falls to around 20 metres AOD by Lancaster Road to the west, and 20 metres AOD to the eastern edge of the site. To the north lies Batty Cottage and to the east lies open agricultural fields. A linear form of development lies to the south consisting of 6 residential dwellings served off Willey Lane, with a seventh at the eastern end of this group currently under construction.
- 1.2 The site extends to around 1.7 hectares, and the boundaries to the northwest and south consist of a mixture of fencing, hedgerows and walling. To the east there is no boundary in place. The site is allocated as Open Countryside in the adopted Strategic Policies and Land Allocations DPD. Willey Lane, which is located 30 metres to the south of the site, is a Public Right of Way bridleway no.13 (but also serves as a road to access the residential properties along the Lane), and 85 metres to the north is footpath no.12 to Batty Hill farm and continuing northwards. The site lies within an aerodrome safeguarding zone where consultation is undertaken for structures over 6 metres tall. The northeast corner of the site is susceptible to surface water flooding 1in100 and 1in1000 events, in an under 25% groundwater flooding class for superficial deposits flooding.

2.0 Proposal

- 2.1 This application seeks to vary outline permission (19/01223/OUT), which was granted by Planning Regulatory Committee in December 2019 for the erection of 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane in Cockerham. This application proposes to vary condition 3 of this permission, relating to the approved vehicular access and associated visibility splays. This planning condition stipulated visibility splays to be 2.4 metres setback with 120 metres

visibility northbound and 100 metres southbound from the centre point of this approved access. This condition also requires constructional details of the access road and connection to the highway.

2.2 This application seeks consent to provide visibility splays of 105 metres northbound and 60 metres southbound from the centreline 2.4 metre back from the edge of Lancaster Road (A588). These visibility splays are shown on a proposed site/access plan, with the access in the same location as previously approved, but with reduced visibility splays. The reduction in splays is supported by an updated speed survey around the site access, based on the impact of recent changes to speed limits and speed management schemes in the immediate vicinity and between Lancaster and Pilling.

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
22/00058/DIS	Discharge of conditions 3,4,5,6,7,8,10,11,12,15, 16 and 19 on approved application 19/01223/OUT	Issued
22/01143/VLA	Variation of a legal agreement application attached to planning permission 19/01223/OUT to amend the clauses relating to affordable housing and mortgage protection	Pending legal agreement
22/00147/FUL	Erection of 1 dwelling with associated internal road and access	Pending legal agreement
22/00145/FUL	Raising and filling of land using excess spoil and topsoil	Pending legal agreement
22/00144/REM	Reserved matters application for the erection of 24 dwellings	Approved
19/01223/OUT	Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane	Approved
19/00164/OUT	Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane	Withdrawn

4.0 Consultation Responses

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

Consultee	Response
Cockerham Parish Council	No observation received
County Highways	No objection , the proposed lengths of the visibility splays are still in line with national guidance

4.2 At the time of drafting this report, one letter of objection has been received which states that local residents have not seen the revised plans.

5.0 Analysis

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

- Procedural matters, principle of development
- Highway safety

5.2 **Procedural matters, principle of development** Development Management (DM) DPD policies, DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing standards) and DM3 (Delivery of Affordable Housing); Meeting Housing Needs SPD; Affordable Housing Practice Note Planning Advisory Note; Housing Standards Planning Advisory Note, 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) and SP6 (The Delivery of New Homes), and National Planning Policy Framework (NPPF) Sections 2. Achieving sustainable development, Section 4. Decision-making, Section 5. Delivering a sufficient supply of homes and Section 6. Building a strong, competitive economy

5.2.1 A Section 73 application seeks permission to carry out development without complying with planning conditions imposed on a previous planning permission, but to vary the details controlled through planning conditions, and comply with such varied details and conditions. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions. The new permission sits alongside the original planning permission, which remains intact and unamended. It is ultimately open to the applicant to decide whether to implement the new permission or the one originally granted. Section 73 provides a mechanism to consider and assess minor material amendments (i.e. the changes sought via the Section 73 application) to an earlier planning permission.

5.2.2 A Section 73 application does not provide an opportunity to re-examine the principal considerations associated with the approved development, which were considered to be acceptable at the Planning Regulatory Committee in December 2019 and again in August 2020. During the original December 2019 committee, it was proposed by Councillor Janice Hanson and seconded by Councillor Malcolm Thomas:

“That, subject to a Section 106 Agreement being entered into to secure the obligations contained in Paragraph 8.1 of the Committee Report outline planning permission be granted, subject to the conditions set out in the Committee Report.”

5.2.3 Upon being put to the vote, 10 Members voted in favour, with 4 abstentions, whereupon the Chair declared the proposal to be carried, subject to the Section 106 agreement being entered and planning condition.

5.2.4 This parent consent application 19/01223/OUT was brought to committee members again in August 2020 due to the intervening progression of the current local plan and policies, and this was again considered acceptable and granted planning permission largely under the current suite of planning policies. All decision making must remain consistent with the requirements of planning legislation to determine applications in accordance with the provisions of the adopted local plan, unless materials considerations indicate otherwise.

5.2.5 The provision of 24 dwellings and the provision of new vehicular and pedestrian accesses has been established by the granting of a conditional planning permission. The material considerations of this application will focus only on the changes to the scheme proposed as part of this Section 73 application, namely the changes to the approved vehicular access and reduced visibility splays. In addition to the aforementioned variations to conditions, a decision has recently been issued regarding the discharge of conditions application at the site, finding a number of details submitted through this process acceptable. Where this is the case, these conditions would need to be attached as controlled conditions based on information submitted and agreed as part of the parent consent, if this variation of conditions application is granted.

5.3 **Highway safety** Development Management (DM) DPD policies DM29 (Key Design Principles) and DM60 (Enhancing Accessibility and Transport Linkages), Strategic Policies and Land Allocations (SPLA) DPD policy SP10 (Improving Transport Connectivity), National Planning Policy Framework (NPPF) Sections 8 (Promoting healthy and safe communities) and 9 (Promoting sustainable transport) and Manual for Streets

5.3.1 The proposed vehicular access point remains in the same location as previously approved, but this application seeks to reduce the northbound visibility splay from 120 metres down to 105 metres, with the southbound visibility splay reduced from 100 metres down to 60 metres. It is understood that the longer southbound visibility splay brought complications with implementation.

5.3.2 At the time of determining the original application, the speed limit in Cockerham was 30mph, increasing to 40mph just north of the approved vehicular access point. This remains unchanged, however beyond the 40mph zone the speed limit has been reduced from national speed limit to a

limit of 50mph. Furthermore, there are now speed control measures between Pilling and Lancaster, covering the site and stretches of public highway either side of this, with average speed cameras along this stretch of road to enforce speed limit compliance. This application is supported by average speed recording from a year ago (September 2022), recording an average 85th percentile speed of 41.1mph northbound and 37.2mph southbound.

5.3.3 The recently installed average speed cameras, in addition to the pavements and crossing provisions through public highway improvements to be delivered as part of this scheme, will hopefully reduce these local speeds further upon implementation. At the speeds recorded last year submitted as part of this application, the County Highway consultee has confirmed that the splays of 105 metres northbound and 60 metres southbound achieve national guidance for visibility splays, raising no objection to this proposed variation. As such, the visibility splays proposed are considered to cause no undue impact to highway safety, incorporating a suitable and safe access to the highway, maintaining safety and efficiency of the highway network. This is subject to their implementation in full prior to occupation of any dwellinghouses at the site, and maintained free of obstacles (over 1 metres above road level) in perpetuity thereafter. This can be controlled through a varied planning condition as sought as part of this variation of conditions application, and a variation of the legal agreement to reimpose previously agreed obligations and contributions of the scheme upon a varied permission.

6.0 Conclusion and Planning Balance

6.1 The proposed changes to the wording of condition 3 continue to ensure the proposed development would comply with the requirements of the Development Plan and specifically, ensure that the proposed access is safe and would not lead to a severe impact on the efficient operation of the local network, with no objection from County Highways to this proposal. On this basis, the Planning Committee are recommended to support the application.

Recommendation

Subject to the signing and completion of a Deed of Variation to the s106 planning obligation, that condition 3 be **VARIED** as follows:

3. No part of the development shall be occupied or brought into use until the vehicular access hereby approved, as detailed on the Access and visibility splays plan, referenced K39505 17 RevB, dated 26/05/23, has been constructed in accordance with the following approved plans and is available for vehicular use, and shall be retained as such at all times thereafter.

- Section 278 works typical sections and details, referenced 2021-042-C002, dated 07.01.22
- Road and footway sections, referenced 2021-042-C003, dated 07.01.22
- Kerb details plan, referenced 2021-042-C004, dated 07.01.22

No part of the development shall be occupied or brought into use until visibility splays hereby approved, as detailed on the Access and visibility splays plan, referenced K39505 17 RevB, dated 26/05/23, measuring 2.4m x 105m to the north and 2.4m x 60 metres to the south, have been implemented in full on both sides of the approved vehicular access. No walls, fences, trees, hedges, shrubs, ground or other structures within these splays shall exceed 1 metre in height above the centre line of the adjacent carriageway for the lifetime of the development.

Reason: In the interests of highway safety and to ensure safe access and egress from the site.

Condition no.	Description	Type
1	Two year timescale	Control
2	Development in accordance with the approved plan (red edge and access)	Control
3	Access details and visibility splays of 105m northbound and 60m southbound (as amended and drafted above)	Compliance
4	Scheme for Sustainable Surface Water Drainage	Compliance
5	Construction Environmental Management Plan	Compliance

6	Submission of Finished Floor and Site Levels	Compliance
7	Scheme for Foul Water Drainage Scheme	Compliance
8	Employment and Skills Plan	Prior to occupation
9	Off-site Highway Works	Development above ground
10	Provision of Nationally described space standards across all units	Compliance
11	At least 20% of the units to be M4 (2) compliant (Accessible and Adaptable) and housing mix to be agreed	Compliance
12	Scheme for the provision of open space	Compliance
13	Scheme for the connection to the Public Right of Way	Development above ground
14	Scheme for external lighting	Development above ground
15	Provision of electric vehicle charging points	Compliance
16	Provision of Home Owner Packs	Compliance
17	Vegetation clearance to be undertaken from 1 st March to 31 st July	Compliance
18	Scheme to be undertaken in accordance with the ecological mitigation methods	Compliance
19	Development in accordance with the submitted AIA	Compliance
20	Unforeseen contaminated land	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

19/01223/OUT – Previous officer report to the Planning Regulatory Committee December 2019 and August 2020

Agenda Item	(A9) APPENDIX A
Application Number	19/01223/OUT
Proposal	Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane
Application site	Land to the east of Lancaster Road and north of Willey Lane, Lancaster Road, Cockerham, Lancashire
Applicant	Mr P & M Hewitt
Agent	Mr Avnish Panchal
Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval (Subject to the signing of a Section 106 Agreement)

(i) **Procedural Matters**

Lancaster City Council received the Report on the Examination of the Lancaster Local Plan Part One: Strategic Policies and Land Allocations Development Plan Document and Part Two: Review of the Development Management Development Plan Document (the "Lancaster Local Plan") from the Planning Inspectorate on 12 June 2020.

The Inspector concluded that the Lancaster Local Plan provides an appropriate basis for the planning of the district provided that a number of main modifications are made to it. The main modifications were subject to public consultation over an eight-week period between August and October 2019. With the incorporation of these modifications (and some the Inspector made) the Local Plan documents meet the criteria for soundness in the National Planning Policy Framework. Officers are recommending to Councillors that the 'Lancaster Local Plan' be adopted when the report is presented to Full Council on 29 July 2020.

The application was presented to the Planning Regulatory Committee in December 2019. However, given the change in the Development Plan (with emerging policies attracting substantial weight), and owing to the legal agreement not being signed, Officers are re-presenting the scheme to Councillors for consideration.

1.0 Application Site and Setting

1.1 The proposed site is located on the northern fringes of the village of Cockerham, which is located 9km to the south of Lancaster city centre. The site is farmland, and reaches its highest point at circa 24 metres Above Ordnance Datum (AOD) and falls to around 20 metres AOD by Lancaster Road. To the north lies Batty Cottage and to the east lies open fields. A linear form of development lies to the south consisting of 6 residential dwellings served off Willey Lane.

1.2 The site extends to around 1.7 hectares, and the boundaries to the north west and south consist of a mixture of fencing, hedgerows and walling. To the east there is no boundary in place. The site is allocated as Countryside Area in the adopted Local Plan, and Willey Lane, which is located 30 metres to the south of the site is a Public Right of Way (but also serves as a road to access the

residential properties along the Lane). The site lies within an aerodrome safeguarding zone where structures greater than 6 metres in height will not be permitted.

2.0 Proposal

2.1 The application is made in outline form for the erection of up to 24 residential dwellings, with the only matter that is being considered in full is the provision of the access into the site. Matters associated with scale, appearance, layout and landscaping are proposed to be considered under the Reserved Matters application process. The scheme initially provided for 31 dwellings, but Officers had concerns regarding the density across the site, and therefore a reduced quantum of housing was negotiated through the determination of 19/00164/OUT. An indicative layout plan is submitted in support of the scheme that illustrates how 24 dwellings could be delivered on the site, alongside a connection to the Public Right of Way on Willey Lane and the provision of public open space.

3.0 Site History

3.1 The proposal was presented to, and resolved to be approved in December 2019 by, the Planning Regulatory Committee (the full report is appended). Under the scheme of public participation, Angela Manning spoke against the application, and Graham Salisbury spoke in favour of the application.

It was proposed by Councillor Janice Hanson and seconded by Councillor Malcolm Thomas:

“That, subject to a Section 106 Agreement being entered into to secure the obligations contained in Paragraph 8.1 of the Committee Report outline planning permission be granted, subject to the conditions set out in the Committee Report.”

Upon being put to the vote, 10 Members voted in favour, with 4 abstentions, whereupon the Chair declared the proposal to be carried.

Resolved:

That, subject to a Section 106 Agreement being entered into to secure the obligations contained in Paragraph 8.1 of the Committee Report outline planning permission be granted, subject to the following conditions:

1. Two year timescale.
2. Development in accordance with the approved plan (red edge and access).
3. Access details to be submitted.
4. Scheme for off-site highway works.
5. Construction Environmental Management Plan.
6. Scheme for Sustainable Surface Water Drainage.
7. Scheme for Foul Water Drainage Scheme.
8. Submission of Finished Floor and Site Levels.
9. Scheme for the provision of on-site open space.
10. Scheme for the connection to the Public Right of Way.
11. Scheme for any external lighting.
12. Vegetation clearance to be undertaken from 1st March to 31st July.
13. Scheme to be undertaken in accordance with the ecological mitigation methods.
14. Development in accordance with the submitted AIA.
15. Employment and Skills Plan.
16. Provision of electric vehicle charging points.
17. Uncontaminated Land.
18. Provision of Home Owner Packs.

4.0 Consultations

4.1 As set out in the appended report.

5.0 Analysis

5.0.1 The key technical matters have been addressed within the Committee report of December 2019 (appended). However, given the Inspector's Report the main issue is:

- The change in direction of planning policy following the receipt of the Inspector's report dated 12 June 2020, giving substantial weight to policies of the emerging Local Plan, and the potential adoption by the Council on 29 July 2020.

5.1 The change in direction of Planning Policy following the receipt of the inspectors report dated 12 June 2020 and the potential adoption by the Council on 29 July 2020 (Policies SP2, SP3, SP6, SP8, EN3, SC1 and T2 of the Strategic Policies and Land Allocations DPD (Adoption Edition July 2020) and Policies DM1, DM2, DM3, DM4 and DM55 of the Review of Development Management DPD (Adoption Edition July 2020).

5.1.1 Whilst a new suite of planning policies has evolved as part of the Strategic Policies and Land Allocations DPD (SPLA Adoption Edition July 2020), Cockerham is still identified as a sustainable rural settlement. Policy SP2 is clear that subject to technical matters being addressed, sustainable housing schemes will be supported in selected villages. This follows the same ethos as Policy DM42 in the adopted Development Management DPD. Whilst new policies have been included within the SPLA, notably the development strategy, and how new homes will be delivered, overall it is considered that the proposal complies with the over-arching development strategy policies in the SPLA 2020.

5.1.2 The Development Management DPD has been revised as part of the plan making process. Of particular note to this planning application are Policies DM1 (new residential development and housing needs), DM2 (housing standards) and DM3 (affordable housing provision).

5.1.3 Policy DM1 follows a similar train of thought to the existing adopted policies, whereby schemes that meet an identified housing need, ensure land is used effectively, and the environment (both natural and manmade) can accommodate growth, will be looked upon favourably. Policy DM2 concerning internal housing standards is a new policy requirement, whereby all new dwellings (market and affordable) must meet the Nationally Described Space Standards, and at least 20% of the new affordable and market housing should meet Building Regulations Requirement M4(2) Category. This is to ensure dwellings are accessible and adaptable. Officers recommend a condition should be imposed on any planning permission requiring the internal space standards to be met. This is considered a reasonable request given there was no viability concerns associated with the proposal. A condition should be imposed requiring that at least 20% of the dwelling houses are M4(2) compliant, both within the unit and parking arrangements and access to the property.

5.1.4 Policy DM3 relates to the delivery of affordable dwellings within the district. Councillors may recall historically the figure officers sought to secure was 40% affordable provision. Viability has been considered in the context of the plan, in ensuring that developments that come forward are deliverable. The approved scheme secured 40% affordable housing, but under Policy DM3 within Lancaster, Carnforth and Rural West (which Cockerham sits within), this has been reduced to 30%. The Section 106 therefore needs to be modified to account for this lower figure.

5.1.5 Whilst there has been variations to other policies within the Local Plan, given the location of the site, and those planning conditions previously recommended, no new issues are highlighted that require additional consideration, or are matters that have not been addressed by means of planning condition.

6.0 Conclusion and Planning Balance

6.1 The scheme was presented to the Planning Regulatory Committee in December 2019. The weight of the policies under the emerging plan has now changed to substantial, and the potential adoption of these by Full Council on 29 July 2020 would alter it again to full weight. There is now a lower quantum of affordable housing required at 30%, as opposed to 40%. The Plan as a whole has been viability tested, and whilst it is regrettable the figure is lower, the examined evidence base suggests 30%. This is to ensure a deliverable scheme that can provide for the likes of education, open space and a housing mix that is required. The major other change relates to the provision of internal space

standards across the development and ensuring the provision of 20% of the units are M4(2) compliant. Conditions can be imposed on the consent in addition to those recommended and sought by Councillors previously. With the above in mind, the development as a whole is considered sustainable, and the recommendation is to support the scheme subject to conditions and the provision of a legal agreement.

Recommendation

That Outline Planning Permission **BE GRANTED** subject to the signing of the Section 106 agreement to secure:

- The provision of 30% of affordable housing to be based on a 50:50 (affordable rented: shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be address at Reserved Matters stage based on local housing needs addressed by condition);
- The payment of £48,370.32 for two secondary school places (to be assessed at reserved matters stage when the number of units and bedroom numbers is known);
- Off-site open space contribution to be assessed based on the needs of the village of Cockerham (at the time of the reserved matters application); and,
- Long term maintenance of non-adopted highways, open space, landscaping and creation of Management Company.

and the following conditions:

Condition no.	Description	Type
1	Two year timescale	Control
2	Development in accordance with the approved plan (red edge and access)	Control
3	Access details to be submitted	Pre commencement
4	Scheme for Sustainable Surface Water Drainage	Pre commencement
5	Construction Environmental Management Plan	Pre commencement
6	Submission of Finished Floor and Site Levels	Pre commencement
7	Scheme for Foul Water Drainage Scheme	Pre commencement
8	Employment and Skills Plan	Pre-commencement
9	Off-site Highway Works	Development above ground
10	Provision of Nationally described space standards across all units	Development above ground
11	At least 20% of the units to be M4 (2) compliant (Accessible and Adaptable) and housing mix to be agreed	Development above ground
12	Scheme for the provision of open space	Development above ground
13	Scheme for the connection to the Public Right of Way	Development above ground
14	Scheme for external lighting	Development above ground
15	Provision of electric vehicle charging points	Development above ground
16	Provision of Home Owner Packs	Development above ground
17	Vegetation clearance to be undertaken from 1 st March to 31 st July	Compliance
18	Scheme to be undertaken in accordance with the ecological mitigation methods	Compliance
19	Development in accordance with the submitted AIA	Compliance
20	Unforeseen contaminated land	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

19/01223/OUT – December 2019 Committee Report

Agenda Item	Committee Date	Application Number
(A6) APPENDIX B	9 December 2019	19/01223/OUT

Application Site	Proposal
Land to The East of Lancaster Road and North of Willey Lane Lancaster Road Cockerham Lancashire	Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane

Name of Applicant	Name of Agent
Mr P & M Hewitt	Mr Avnish Panchal

Decision Target Date	Reason for Delay
3 January 2020	Not applicable

Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval (subject to a resolution on the location of the water main that crosses the site)

1.0 The Site and its Surroundings

- 1.1 The proposed site is located on the northern fringes of the village of Cockerham, which is located 9km to the south of Lancaster city centre. The site is farmland, and reaches its highest point at circa 24 metres Above Ordnance Datum (AOD) and falls to around 20 metres AOD by Lancaster Road. To the north lies Batty Cottage and to the east lies open fields. A linear form of development lies to the south consisting of 6 residential dwellings served off Willey Lane.
- 1.2 The site extends to around 1.7 hectares, and the boundaries to the north west and south consist of a mixture of fencing, hedgerows and walling. To the east there is no boundary in place. The site is allocated as Countryside Area in the adopted Local Plan, and Willey Lane, which is located 30 metres to the south of the site is a Public Right of Way (but also serves as a road to access the residential properties along the Lane). The site lies within an aerodrome safeguarding zone where structures greater than 6 metres in height will not be permitted.

2.0 The Proposal

- 2.1 The application is made in outline form for the erection of up to 24 residential dwellings, with the only matter that is being considered in full is the provision of the access into the site. Matters associated with scale, appearance, layout and landscaping are proposed to be considered under the Reserved Matters application process. The scheme initially provided for 31 dwellings, but Officers had concerns regarding the density across the site, and therefore a reduced quantum of housing was negotiated through the determination of 19/00164/OUT. An indicative layout plan is submitted in support of the scheme that illustrates how 24 dwellings could be delivered on the site, alongside a connection to the Public Right of Way on Willey Lane and the provision of public open space.

3.0 Site History

- 3.1 The only planning history associated with the site is noted below. The reason for application 19/00164/OUT being withdrawn was to allow additional time to resolve matters associated with surface water drainage and transportation matters.

Application Number	Proposal	Decision
19/00164/OUT	Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane	Withdrawn

4.0 Consultation Responses

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

Consultee	Response
Natural England	No objection , but recommends that the mitigation proposed should consist of Home Owner Packs. Natural England agrees that the proposed mitigation being secured by appropriate planning conditions will be sufficient to conclude no adverse effect on the site integrity on the Morecambe Bay.
Greater Manchester Ecology Unit	No objection , subject to the imposition of planning conditions controlling protection measures for Great Crested Newts, recreational pressure, birds, trees, hedgerows and biodiversity enhancement measures.
Lead Local Flood Authority	No objection , but recommends planning conditions associated with additional sustainable drainage scheme to be submitted, groundwater considerations, soakaway designs and long-term maintenance proposals.
United Utilities	No objection , but recommends that the development is undertaken in accordance with the submitted drainage scheme, and refer to a water pipe crossing the site that may influence the development layout.
County Highways	No objection . Advise that the amendments to the visibility splays can be provided to achieve a safe and suitable site access on Lancaster Road, and that the off-site highway works on Lancaster Road and Main Street are agreed
Cockerham Parish Council	Objection: <ul style="list-style-type: none"> • There is insufficient infrastructure in relation to drainage and surface water; • There are no amenities in the village to support the extra population. There is no shop etc and the school is only a small village school which may become oversubscribed; and • The proposed vehicular access is on a bend and is therefore a hazard for traffic.
County Archaeology	No objection , but recommends a condition for a scheme of archaeological investigation is undertaken on the site as a condition of the outline planning application, with the strong recommendation that the final design and layout of the development be informed by the results of the initial phase of field evaluation.
County Council Education	No objection but requests the payment of £48,370.32 towards the provision of 2 secondary school places. Given there are a number of applications that are pending determination this could result in the maximum claim of £64,202.16 towards 4 primary places.
Waste and Recycling Officer	Raise concerns regarding the proposed layout from a waste and recycling collection perspective.
Dynamo (Lancaster and District Cycle Campaign)	Objection . The village is being extended in a piecemeal fashion, which ignores new infrastructure for new sustainable transport.
Contaminated Land Officer	No observations received within the statutory timescales.
Environmental Health Officers (Noise and Odour)	No observations received within the statutory timescales.
Arboricultural Officer	No observations received within the statutory timescales.
Public Right of Way Officer	No observations received within the statutory timescales
Ramblers Association	No observations received within the statutory timescales

5.0 Neighbour Representations

5.1 There have been 3 letters of objection to the scheme based on the following matters:

- Drainage Concerns – foul water drainage concerns, given local residents feel the existing wastewater facility in Cockerham is not functioning as it should, concerns with flooding events that already happen in the village (through surface water flooding) and this development would add to the impact, and there are doubts regarding the permeability testing that has been conducted.
- Crime and Safety Concern – communal areas have the potential to generate crime, and should not abut residential buildings, and there are concerns that the development will open up potential access to the rear gardens associated with those properties along Willey Lane.
- Planning Principles – loss of Green Belt (the site is not designated as Green Belt land), loss of openness and the tranquil nature of the environment, the scheme does not respect the local context and existing village development pattern and would be a fragmented form of development, the development will generate privacy concerns, there is no real need for additional housing within the village and given the recent approvals this will provide for a healthy quantum of new housing in the village.
- Highway Safety Issues – the A588 is the third most dangerous road in the UK with 89 serious or fatal accidents recorded over a ten year period, cycling has not been catered for, pedestrians will have to walk to the hub of the village to reach the bus stops and village primary school and this is not considered safe, and no improvements to the surrounding road network are proposed by this planning application.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Section 2 – Delivering sustainable development;
 Section 4 – Decision making;
 Section 8 – Promoting healthy and safe communities;
 Section 9 – Promoting sustainable transport;
 Section 11 – Making effective use of land;
 Section 12 – Achieving well designed places;
 Section 14 – Meeting the challenge of climate change, flooding and coastal change;
 Section 15 – Conserving and enhancing the natural environment;
 Section 16 – Conserving and enhancing the natural environment;

6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

The Strategic Policies and Land Allocations DPD; and, (A Review of) The Development Management DPD

The Examination Hearing Sessions took place between the 9 April 2019 and the 1 May 2019. The Council published the proposed Main Modifications to the Local Plan. An eight-week consultation into the modifications was undertaken and expired on 7 October 2019.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making.

Given the current stage of both DPDs, it is considered that some weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC4 – Meeting the District's Housing Requirements

6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM30 – Development affecting Listed Buildings
DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth

6.6 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council 2018 SHELAA (January 2019);
- Cockerham Neighbourhood Plan;
- Low Emissions and Air Quality (September 2017);
- Housing Needs Affordable Practice Note (September 2017);
- Provision of Electric Vehicle Charging Points – New Developments (February 2016).
- Open Space Provision in new residential development (October 2015);
- Surface Water Drainage, Flood Risk Management and Watercourses (Planning Advice Note (PAN) May 2015.
- Housing Land Monitoring Report July 2019

7.0 Comment and Analysis

The main issues associated with the application include the following matters:

- Principle of development;
- Highways;
- Layout and design;
- Drainage;
- Landscape;
- Ecology;
- Infrastructure; and
- Other material considerations.

7.1 Principle of Development

7.1.1 Cockerham is listed as a Sustainable Rural Settlement under Policy DM42 of the adopted Development Management DPD, and the village continues to be allocated within the forthcoming Strategic Land Allocations document. It is a village in principle where sustainable housing will be supported. Policy DM42 does indicate that in all cases, proposals for new residential development on non-allocated sites must:

- Be well related to the existing built form of the settlement;
- Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
- Be located where the environment and infrastructure can accommodate the impact of the development; and,
- Demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape.

7.1.2 The proposal is sited on the eastern fringes of the village, with Batty Cottage located to the north, and residential dwellings to south of the site and therefore it is considered that the development is well related to the built form of Cockerham. It is fair to suggest that in recent years the village has seen a number of planning applications approved for residential schemes, namely the Village Road development which has now been built out for 17 houses (13/01018/FUL); together with 18 units off Rectory Gardens (17/00723/OUT); and land at Manor Inn for 24 units (18/00877/OUT). Permission had previously been granted for 36 dwellings off Marsh Lane (16/00494/OUT and 15/00587/OUT), however these permissions have now lapsed. However, there is an application for 36 houses which is pending consideration on the site (19/00438/FUL).

7.1.3 The consideration of this application does need to be considered in the context of the previously approved schemes, though there is no certainty that the any of the approved schemes would come forward for development. Officers consider that even taking account of the approved schemes, this scheme is capable of being of a scale and character appropriate to the settlement and is capable of being able to demonstrate a high-quality design. It is therefore considered that the development complies with the requirements of Policy DM42 of the Development Management DPD.

7.1.4 As part of this application the applicant has committed to providing *the full* (our emphasis) 40% affordable housing provision, so this would relate to the provision of nine affordable dwellings (37.5%). This is afforded significant weight in the decision-making process and one that could be controlled as such via the Section 106 Legal Agreement process.

7.2 Highways

7.2.1 One vehicular access is proposed off Lancaster Road (A588). The County Council did raise concerns to the original scheme (19/00164/OUT) regarding the sustainability credentials, and also from a highway safety perspective. The scheme originally proposed visibility splays in the region of 4.5 x 73m and 4.5 x 70m, and these have been increased during the application process to 2.4 metres x 92 metres to the north and 2.4 x 94 metres to the south. County's original response was to provide visibility splays of 120m x 2.4m, but this cannot be achieved within the extent of land that is within the applicant's ownership. A further amended drawing has been shared which now shows 2.4m x 100m to the south and 2.4m x 120m to the north. County has confirmed that the visibility splays proposed are considered acceptable.

7.2.2 The applicant has proposed a series of off-site highway improvement works. These consist of a new footway on the east side of Lancaster Road between Willey Lane. To implement this footway, it is necessary to reduce the footway width on the west side of Lancaster Road, in order to maintain the carriageway width. This will result in a short section of reduced footway to 1.5m on the west side. County is amenable to the applicant's proposal here and consider it is safe. The applicant also proposes an uncontrolled crossing and proposes a pedestrian drop crossing point on Main Street (within the centre of the village). This is considered acceptable, together with some improvements to the north of the Manor Inn car park. County has raised no objection subject to the measures being implemented. The Case Officer is still in discussions with County to ensure that all the measures proposed are all deliverable, and there will be a verbal update at the Planning Regulatory Committee.

7.2.3 Willey Lane is a Public Right of Way and the applicant has included a footway which connects to this. Officers from the City and County Councils were keen to see this included as a secondary means of access to amenities within the village such as the school, church and public house. This can be secured by means of planning condition should the scheme be supported.

7.3 Layout and Design

7.3.1 Layout, scale and appearance are Reserved Matters, and therefore Councillors are making a recommendation on whether they consider that the site can accommodate up to 24 residential dwellings. However, the applicant has included an indicative layout in support of the application to demonstrate how the site could be developed. The original iteration of the scheme included 31 dwellings and there was some concern when travelling southwards to the village on Lancaster Road how the dwellings could sit in relation to Batty Cottage. The applicant has removed this element of the scheme, and shown this area to be landscaped (on the indicative plan). Overall the scheme has the potential to be developed sensitively, and whilst there would need to be amendments at the Reserved Matters stage it is considered that the concept of the proposed layout has the potential to work in this location.

7.3.2 Given the gradient across the site and to ensure a high-quality layout it is considered necessary to include planning conditions requiring the submission of the finished floor and site levels. This should include gardens associated with the plots and also open space and roads and pavements. Whilst the gradient creates a challenge, the indicative layout has not sought to propose dwellings on the highest part and this is to be supported via any future Reserved Matters application. Concern has been raised amongst those residents on Willey Lane regarding loss of privacy, overlooking and privacy issues. The rear garden boundaries along Willey Lane have low boundary treatments, and therefore any future application would need to ensure suitable separation distances to ensure that privacy matters could be protected. All these matters could be addressed within any future Reserved Matters submission.

7.4 Drainage

7.4.1 One of the early concerns of officers was whether the site could be drained with sustainable drainage principles. There is no point of connection to the main sewer network directly outside the site, and no watercourses or drains are accessible to direct surface water to. The Flood Risk Assessment submitted in support of the scheme does state that infiltration would be a likely suitable means of surface water discharge from the site. The applicant has stated that the site at Rectory Gardens has a soil infiltration co-efficient of 3.15×10^{-5} m/s (0.113 m/hour). United Utilities records show that surface water drainage for the individual residential properties on Village Road immediately to the south of the proposed development are being drained by individual soakaways located in the rear gardens. United Utilities also advocate draining the site sustainably. The applicant has since undertaken two trial trenches on the site with the revealing that the site can be suitably drained by soakaways given the soil infiltration rate is 1.34×10^{-4} m/s. These works were undertaken in June 2019. The Lead Local Flood Authority raises no objection to the scheme on the basis planning conditions are imposed.

7.4.2 As testing has been undertaken, this provides the confidence that on the balance of probabilities that the site can be drained via soakaways. Notwithstanding this, a Grampian style condition should be imposed on any planning consent that provides for full drainage scheme to be submitted to, and approved by the Local Planning Authority in advance of any works on the site.

7.4.3 Concern has been raised via representations to the proposal regarding the problems faced by the existing waste water treatment facility within the village. Given this is the responsibility of United Utilities, who raise no objection to the scheme, it has to be assumed there is capacity to accept additional foul water (furthermore United Utilities are obligated to do so). The scheme provides for a foul pumping station on the site. This would need some careful consideration of its location as part of any Reserved Matters application.

7.4.4 United Utilities raises the Council's attention to a water main easement crossing the proposed development site. The water authority have statutory rights for inspection and maintenance. The water main is not detailed within the applicant's Utility Statement submitted in support of the scheme. Further clarification has been sought between the applicant and United Utilities (who do not object to the scheme, but raises the Council's attention to be mindful of their infrastructure when this application is determined). This could have a bearing in terms of how the site could be developed, and the quantum of development,

and therefore whilst layout is not being applied for, we need the confidence to understand where the pipework is located.

7.5 **Landscape**

7.5.1 The site is currently pastoral farmland, with open views across the Forest of Bowland to the east. It is accepted that there would be a moderate degree of harm associated with the development given the development occupies an area of greenfield, but the proposal represents a logical extension to the village in the Case Officer's opinion. The impact on the landscape can be mitigated via high quality design, and the use of soft landscaping, and therefore these are issues that can be addressed at the Reserved Matters stage.

7.5.2 The proposal would be proportionate to the existing scale and character of Cockerham (this includes those schemes that have been approved), and hence accords with criterion v of Policy DM42 of the DM DPD. It is considered that with a sensitive layout (including appropriate boundary features) and high-quality landscaping, this would mitigate the harm of the development. However, there would be some conflict with the landscape character and countryside setting aims of Policies DM28, DM35, DM41 and DM42 of the DM DPD, saved Policy E4 of the Local Plan, and Policy SC1 of the Core Strategy and Paragraph 170 of the Framework.

7.6 **Ecology**

7.6.1 The proposal is supported by an ecological appraisal and this has been reviewed by Greater Manchester Ecology Unit (GMEU). They initially raised concerns regarding whether wintering birds may utilise the site, but following additional information supplied by the applicant, GMEU withdrew their concerns. Natural England has now withdrawn their objection in this regard too. GMEU has raised concerns regarding a lack of Great Crested Newt (GCN) Survey on a pond to the north of the site and the applicant has responded to this by stating the pond is not accessible to survey. The in-accessible pond has been confirmed as being a garden pond and has amenity garden planting around its perimeter. The pony paddocks adjacent to the pond were found to be heavily grazed and consequently very short. The proposed development site itself does not support any GCN terrestrial or hibernacula habitat and whilst the hedges do provide some shelter it is considered unlikely that amphibians would cross the proposed development site due to its open nature and uniform length grassland.

7.6.2 In line with the requirements of the NPPF, there are opportunities for biodiversity enhancement to be incorporated into new development proposals, such as this scheme. GMEU has recommended a planning condition to this effect, and this could take the form of the inclusion of bat bricks/tubes within the development, bird boxes, native tree and shrub planting, bolstering of hedgerows and sensitive lighting.

7.7 **Infrastructure**

7.7.1 The County Council as Education Authority for the District has requested there would be a shortfall of 206 secondary places in 5 years' time, this equates to a need of a financial contribution of £48,370.32, for the provision of 2 secondary school places. With respect to primary places no contribution would be required as it is only envisaged that there would be 85 pupils at Cockerham Parochial School in 2024 when the future planned capacity is 102, although the County caveat that this position could change with planning applications that are pending consideration. Approval of this scheme would assist in contributing to the vitality of the school, as this is a key community asset. The applicant is amenable to the financial contributions being secured by legal agreement.

7.8 **Other Material Considerations**

7.8.1 The development proposes in excess of 20 dwelling houses, and therefore it is considered necessary and reasonable for a condition to be applied to any Planning Permission that contains an Employment Skills Plan. The Council's contaminated land officer had previously (on the previous outline application) requested a suite of planning conditions associated with contaminated land but it is only reasonable to include a condition associated with unforeseen contamination. Whilst not within an air quality management area, it is considered reasonable and appropriate to include electric vehicle charging points.

- 7.8.2 The site lies within an aerodrome safeguarding zone whereby obstacles higher than 6 metres will not be permitted. The principle of development would not pose a danger to aircraft or parachutists on the basis of two storey dwellings and in any event the Civil Aviation Authority would be consulted at Reserved Matters stage.
- 7.8.3 The scale of the site is such that there is unlikely to be a need for an on-site play area, although there will be a need for open space to be provided on the site. It is recommended that a condition is imposed regarding the provision of open space and also for an open space contribution to be assessed based on the needs of the village once the Reserved Matters application has been received (to be addressed by legal agreement). Given the Council's inability to demonstrate a deliverable 5-year housing land supply and the engagement of the tilted balance, it is considered to be justified to impose a two-year time period for the submission of a Reserved Matters planning application rather than the default three-year time period.

8.0 Planning Obligations

- 8.1 The applicant is amenable to securing the following requirements by way of legal agreement. These requirements are considered to meet the tests set out in paragraph 56 of the NPPF:
- The provision of 40% of affordable housing to be based on a 50:50 (affordable rented: shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be address at Reserved Matters stage based on local housing needs);
 - The payment of **£48,370.32** for two secondary places (to be assessed at reserved matters stage when the number of units and bedroom numbers is known);
 - Off-site open space contribution to be assessed based on the needs of the village of Cockerham (at the time of the reserved matters application); and,
 - Long term maintenance of non-adopted highways, open space, landscaping and creation of Management Company.

9.0 Planning Balance and Sustainability

- 9.1 Cockerham is a sustainable rural settlement, and therefore the principal of sustainable housing in the village can be found acceptable. It is accepted there are some day-to-day facilities and services within the village, and that it is possible to walk to the village primary school. However, in reality future residents would rely on the use of a private car to get to amenities, work places and attractions as the local bus service (No.89 – Knott End to Lancaster and vice versa) only runs every 90 minutes.
- 9.2 It is considered that there would be some environmental harm caused as a result of the reliance on the private car for many trips and hence the limited accessibility credentials of the site. In addition, it has been noted that there would be some harm to the landscape character and the general appearance of the countryside. Whilst there is harm, this should be weighed against the adopted Development Plan for the area (DM42 of the DM DPD and Policy E4 of the saved Local Plan). DM42 of the Development Management DPD does support additional housing in the village of Cockerham, and that the proposal would boost both affordable and market housing in the area. In addition, there would be some small-scale economic benefits. Given the Council's lack of 5-year housing land supply these benefits should be afforded significant weight in the tilted balance.
- 9.3 On balance, it is considered that taking into account the considerations above, that the identified adverse impacts of the development would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework. Consequently, it is considered that the development would constitute a sustainable form of development, and it is recommended to Councillors to approve the development subject to the signing of a S106 agreement and the conditions noted below.

Recommendation

That, subject to the applicant entering into a Legal Agreement to secure the obligations as noted in Section 8.1 of this report, Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Two year timescale
2. Development in accordance with the approved plan (red edge and access)
3. Access details to be submitted
4. Scheme for off-site highway works
5. Construction Environmental Management Plan
6. Scheme for Sustainable Surface Water Drainage
7. Scheme for Foul Water Drainage Scheme
8. Submission of Finished Floor and Site Levels
9. Scheme for the provision of on-site open space
10. Scheme for the connection to the Public Right of Way
11. Scheme for any external lighting
12. Vegetation clearance to be undertaken from 1st March to 31st July
13. Scheme to be undertaken in accordance with the ecological mitigation methods
14. Development in accordance with the submitted AIA
15. Employment and Skills Plan
16. Provision of electric vehicle charging points
17. Uncontaminated Land
18. Provision of Home Owner Packs

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

Agenda Item	A8
Application Number	22/01463/OUT
Proposal	Outline application for the development of up to 23 residential dwellings and creation of a new access
Application site	Land East Of Arkholme Methodist Church Kirkby Lonsdale Road Arkholme Lancashire
Applicant	Oakmere Homes (Northwest) Ltd
Agent	Mr Daniel Hughes
Case Officer	Mr Andrew Clement
Departure	Yes
Summary of Recommendation	Approval subject to conditions and a Section 106 legal agreement

(i) Procedural Matters

The application was presented to the Planning Regulatory Committee in April 2023. However, Lancashire County Council School Planning Team (County Education) no longer consider the education contribution originally sought to be necessary to mitigate the impacts of the development. As such, Officers are re-presenting the scheme to Councillors for consideration without this education contribution previously sought and approved in April.

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 The proposal was presented to, and resolved to be approved in April 2023 by, the Planning Regulatory Committee (the full report is appended), following a member site visit on 17th April 2023. Under the scheme of public participation, it was proposed by Councillor Geoff Knight and seconded by Councillor Dave Brookes:

“That the application be approved subject to the conditions in the Committee Report.”

Upon being put to the vote, 8 Councillors voted in favour of the proposal with none against and 4 abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to a Section 106 legal agreement 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).

and subject to the conditions in the Committee Report:

1. Timescale for commencement (2 years).
2. Development in accordance with approved plans.
3. Arboricultural Impact Assessment details, submission of Arboricultural Method

Statement and Tree Protection Plan.

4. Final surface water sustainable drainage strategy (SuDS).
5. Foul water scheme.
6. Finished site and floor levels (including gardens and open space).
7. Full landscaping and ecological management plan.
8. Ecology mitigation measures, including updated protected species appraisal.
9. Full energy efficiency measures, at least 4% enhancement.
10. Submission of an Employment and Skills Plan.
11. Submission of construction management plan.
12. Submission of construction surface water management plan.
13. Full details of site access/footway/crossing/lighting.
14. Contaminated land - following recommendations of the report.
15. Boundary and surface treatments remove permitted development.
16. Scheme for the full engineering, drainage and construction details of the internal estate roads.
17. Off-site highway works, including pavements.
18. Visibility splays.
19. Sustainable drainage system operation and maintenance manual.
20. Verification report of constructed sustainable drainage system.
21. Scheme of archaeological work.
22. Public right of way (PROW) connection scheme.
23. Cycle and bin storage details.
24. Housing mix address local need/policy.
25. Requirements of M4(2) accessibility and adaptability.
26. Nationally Described Space Standards.
27. Limit up to 2 storey.

3.2 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 These have been set out in the appended report, with the additional comments from a subsequent response from County Education updated below:

Consultee	Response
County Education	No objection , contribution previously sought no longer required in relation to this application, as the impact of the development can be mitigated by available surplus places, for both primary and secondary education, due to revised pupil projections.

5.0 Analysis

5.1 The key technical matters have been addressed within the Committee report of April 2023 (appended). However, given the updated response from County Education the main issue is:

- The change in direction and necessity of education contributions, and Community Infrastructure Levy (CIL) compliance of such contribution.

5.2 **The change in direction and necessity of education contributions, and Community Infrastructure Levy (CIL) compliance of such contribution Development Management (DM) DPD policies DM57 (Health and Wellbeing), DM58 (Infrastructure Delivery and Funding), and National Planning Policy Framework (NPPF) Section 8 (Promoting healthy and safe communities)**

5.2.1 County Education had requested 9 primary school places and 3 secondary school places to mitigate the impact of the proposal in January 2023. This was subsequently reported to planning committee in April 2023, approved subject to such an obligation being controlled through legal agreement. The financial contribution to school places was to be calculated at reserved matters stage, given that the number of dwellinghouses and bedrooms within them will be determined at reserved matters stage (up to a maximum of 23 dwellinghouses, and a planning condition for housing mix to reflect local need/policy). Upon Planning Regulatory Committee approving the application, this progressed to arranging the legal agreement to secure such contributions. During this time, an updated education contribution assessment was carried out by County Education, concluding that this is no education contribution requirement in relation to this application, as the latest assessment identified that the impact of the development can be met by surplus places due to revised pupil projections.

5.2.2 Whilst public consultation responses and the Parish Council have stated that the local primary school is currently at capacity, County Education now conclude that based on pupil projections there is a surplus of local places at both primary and secondary education locally, and this surplus is greater than the number of places likely generated by the proposed development. As such, at the point of agreeing the obligations and legal agreement through this proposal, there is no requirement for this contribution. Whilst demand and supply of school places changes over time, as has occurred in the short period of time between consultation response and arranging the legal agreement, this assessment must be taken at the time of the legal arrangements and issuing of a decision notice at this outline stage, and at this time there is no education requirement in this location.

5.2.3 Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

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

Whilst the assessment undertaken in January met these requirements, a subsequent assessment following the determination by Planning Regulatory Committee, but crucially prior to completing the legal agreement and issuing the decision, has concluded that no mitigation is required in terms of education. Due to revised pupil projects and the surplus school places greater than the demand generated through this proposal, such a contribution is no longer necessary to make the development acceptable, nor would it be fair or reasonable to request this contribution through this application process. Continuing with this contribution as part of the decision would be contrary to guidance regarding planning obligations and the statutory tests of The Community Infrastructure Levy (CIL) Regulations 2010. As such, we're presenting this back to members of the Planning Regulatory Committee to determine the application as before, but with this contribution omitted from the planning obligations progressed as part of the recommendation for approval. No other new issues are highlighted that require additional consideration, as this proposal provided no viability assessment, and seeks to provide policy compliant obligations below.

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; and,
- Provision for long term drainage, open space and landscaping/BNG, maintenance and management company.

7.0 Conclusion and Planning Balance

7.1 The scheme was presented to the Planning Regulatory Committee in April 2023. The availability and supply of local primary and secondary school places has altered since this was reported, now finding that there are surplus places based on revised pupil projections, beyond those likely to be generated by this proposal. As such, requesting such a contribution is no longer CIL compliant at the point of completing legal agreement for such obligations and issuing a decision, and therefore this education contribution cannot be included due to conflict with associated guidance and regulations. The requirement for school places has been re-assessed, and the County Education have confirmed that a contribution previously sought is no longer necessary as part of this proposal following revised pupil projections.

7.2 Conditions sought by Councillors previously can be imposed on the consent, and the planning obligations for provision of affordable housing, open space, biodiversity net gain, landscaping, drainage and maintenance of this controlled through legal agreement, with just the omission of education contribution from the previous determination by the Planning Regulatory Committee. With the above in mind, and the fact that education contributions cannot be sought unless they're necessary to make the development acceptable in planning terms, the development as a whole is considered sustainable without this contribution, and the recommendation is to support the scheme subject to conditions and the provision of a legal agreement.

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):

- 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; and,
- Provision for long term drainage, open space and landscaping/BNG, maintenance and management company.

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

Previous report to the Planning Regulatory Committee April 2023

Agenda Item	(A7) APPENDIX A
Application Number	22/01463/OUT
Proposal	Outline application for the development of up to 23 residential dwellings and creation of a new access
Application site	Land East Of Arkholme Methodist Church Kirkby Lonsdale Road Arkholme Lancashire
Applicant	Oakmere Homes (Northwest) Ltd
Agent	Mr Daniel Hughes
Case Officer	Mr Andrew Clement
Departure	Yes
Summary of Recommendation	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
Arkholme-with-Cawood Parish Council	Objection , 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.
Cadent Gas	No objection , informative note regarding works within proximity to gas infrastructure.

County Highways	Support 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.
County Education	No objection , subject to contribution to proportionate primary and secondary school places at nearest schools within the district.
Environmental Health	No observation received
Environment Agency	No objection , informative note required regarding wastewater hierarchy and environmental permitting.
Historic England	No observation received
Lead Local Flood Authority (LLFA)	No objection , 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
Conservation Section	Unable to fully assess the outline application due to lack of information. The proposal would result in minor harm (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.
Tree Protection Officer	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.
Fire Safety Officer	No objection , subject to informative regarding emergency vehicle access and water provision.
Public Rights Of Way (PROW)	No objection , 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.
Ramblers Association	No observation received
Public Realm	No objection , 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.
Lancashire Constabulary	No observation received
NHS	No objection, subject to £14,075 contribution to Ash Tree Surgery in Carnforth. Objection in absence of requested contribution.
United Utilities (UU)	No objection , 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.
Engineering	No observations received.
Planning Policy	<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>
Strategic Housing	No observation received
Lune River Trust	Objection , 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.
Waste And Recycling	No observation received
Economic Development	No observation received
Archaeology	No objection , subject to a condition for scheme of archaeological investigation and implementation of a programme of works to be agreed.
Natural England	No observation received
Greater Manchester Ecology Unit (GMEU)	No objection , 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.
Lancashire Minerals	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

Agenda Item	A9
Application Number	23/00982/PAD
Proposal	Prior approval for the demolition of former Skerton High School, caretakers house and bunker
Application site	Former Skerton High School Owen Road Lancaster Lancashire
Applicant	Mr Andrew Whittaker
Agent	Mr Steven Healey
Case Officer	Mrs Petra Williams
Departure	N/A
Summary of Recommendation	Prior Approval of Further Details is Required.

(i) **Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, the application has been applied for by Lancaster City Council, and as such the application must be determined by the Planning Committee.

1.0 Application Site and Setting

1.1 The site that forms the subject of this application comprises of buildings associated with the former Skerton Community High School located between Mainway and Owen Road. The main school building closed in 2014 however, two blocks (one to the south of the application site and one to the east) have subsequently been re-occupied as Chadwick High School. These buildings would be unaffected by the proposal.

1.2 The site is surrounded by predominately residential properties other than Ryeland's Park which is situated to the west of the site. The extensive playing fields to the front of the site are designated as Open Space as are the tennis courts to the east of the main building. The access driveway from Owen Road is lined with mature cherry trees and to the front of the building there is a substantial amount of overgrown shrubs and tree planting. A single tree adjacent to the northern part of the site (within the rear garden of 1 Pinfold Court) is subject to a Tree Preservation Order.

1.3 The site is within an Air Quality Management Area Zone 1 and within the Morecambe Bay Duddon SPA Buffer zone for residential development.

2.0 Proposal

2.1 This application seeks a determination as to whether prior approval is required for the demolition of the former Skerton High School building, caretakers house and bunker. The site is subject to emerging redevelopment proposals, and the demolition of the redundant buildings would help accelerate site enabling works and subsequent delivery of new development.

3.0 Site History

3.1 A submission for pre-application advice relating to the future re-development of this site has previously been received by the Local Planning Authority.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No comments received at the time of writing this report. A verbal update will be provided at the Committee meeting.
Environmental Health	No comments received at the time of writing this report. A verbal update will be provided at the Committee meeting.
Arboricultural Officer	No comments received at the time of writing this report. A verbal update will be provided at the Committee meeting.

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

- No comments received at the time of writing this report. A verbal update will be provided at the Committee meeting.

5.0 Analysis

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

- Whether the proposal benefits from permitted development rights under GPDO Schedule 2, Part 11, Class B Demolition
- Protected species
- Method of demolition and restoration of the site

5.2 **Whether the proposal benefits from permitted development rights under GPDO Schedule 2, Part 11, Class B Demolition**

5.2.1 The purpose of an application Under Class B, Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (GDPO) is for the Local Planning Authority to determine whether prior approval will be required for the method of demolition and any proposed restoration of the site. The purpose of this control is to give local planning authorities the details of demolition in order to minimise the impact on that activity in the local amenity.

5.2.2 The demolition of a building is subject to five conditions, development is not permitted if:

- A) The building has been rendered unsafe through the actions or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support.
- B) The demolition is classed as relevant demolition
- C) The building was last used as a drinking establishment
- D) The building was last used as a concert hall/venue hall/theatre
- E) The demolition relates to a statue, memorial or monument which has been in place for a period of 10 years.

5.2.3 The building appears to be in a structurally sound condition albeit with cosmetic issues which could be rectified. The building has not been rendered as unsafe. The demolition does not constitute relevant demolition as the site is not located within a Conservation Area. In addition, the building while currently not occupied was last in use as a dwelling and agricultural barn, not a drinking establishment, concert hall/venue hall/theatre or statue, memorial or monument.

5.2.4 As such, it is considered that the proposed demolition is permitted development and it is only the manner in which the demolition is to be carried out and the restoration of the land upon which the building stands which determines whether prior approval will be required.

5.3 **Protected species**

5.3.1 Although protected species are not specifically referred in Schedule 2 Part 11 Class B of the General Permitted Development Order (GPDO), Regulation 9 of 'The Conservation of Habitats and Species Regulations 2010' still applies. This states that the "competent authority must exercise their functions which are relevant to nature conservation... so as to secure compliance with the requirements of the [Habitats] Directive". Accordingly, competent authorities must consider the Directives in making decisions relating to any of their planning functions. Therefore, even though there is no 'reminder' in the GPDO, protected species must still be considered.

5.3.2 This application is accompanied by a bat survey which has assessed the subject buildings. This survey included an emergence survey undertaken on the May 2023 which identified no bat activity arising from the subject buildings. Bats were seen foraging over the site. It was concluded that there were no indications of use of the site by bats for roosting or barn owls for nesting. It advises that the site should be rechecked for nesting birds if demolition work is to commence in the period March-September inclusive.

5.4 **Method of demolition and restoration of the site**

5.4.1 This application is accompanied by a Method Statement, a Programme of Works, an Environmental Management Plan and covering letter. The details contained within the submitted documents set out the way in which the proposed demolition will take place in a safe manner. Although the submitted Method Statement sets out that "No trees to be removed or roots damaged unless specifically marked on tree protection plan" (this intention has also been confirmed by the applicant), no Tree Protection Plan or Arboricultural Impact Assessment has been provided. As such the submission has failed to show that the method of demolition will not result in detrimental impact on the surrounding trees. Consequently, further details will be required in this regard.

5.4.2 The Environmental Management Plan sets out that working hours of 07.30 to 18:00 Monday to Friday will be strictly adhered to with no noisy operations commencing prior to 08:00hrs or after 18:00hrs. No machines will be started up or demolition works commenced before the hours of 08.00hrs. Demolition will not occur, or machines operated after the hours of 18.00hrs Monday to Friday. Welfare and temporary parking facilities are to be located to the rear of the former school building with all demolition traffic taken off Mainway to the east of the site. There would be no deliveries or collections at peak school drop off and pick-up times to avoid conflicts with Chadwick High School. The submitted Environmental Management Plan also sets out how dust will adequately be dealt with.

5.4.3 Following demolition waste material and concrete will be crushed and recycled on site. Where material cannot be recycled it will be removed from site and recycled in an appropriate manner. As set out in section 2.1 of this report it is anticipated that the site will be redeveloped. In terms of restoration, in the intervening period the submission sets out that it is intended to utilise crushed material and aggregate to level the site and the footprint of the former school and caretaker's house. The bunker located to the north of the former school building would also be filled with the material. This is acceptable but it is considered that further details are required with regard to how the site will be enclosed following demolition and prior to the anticipated development commencing. As such details of boundary treatments will be required.

6.0 **Conclusion**

6.1 Although the planning authority would have no objections to the demolition of the building (and the subsequent redevelopment of the site), the submitted application fails to address matters relating to tree protection during demolition and how the site will be screened following demolition. Given the time scales of a prior approval for demolition application and the lack of detailed information within the submission it is considered that further details are required.

Recommendation

That **PRIOR APPROVAL OF FURTHER DETAILS IS REQUIRED** and shall include the following details:

Condition no.	Description	Type
1	An Arboricultural Method Statement and Tree Protection Plan needs to be submitted to assess potential of demolition on trees and how these will be protected during demolition works.	
2	Details of boundary treatments to the site following the demolition process.	

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
21/01581/FUL	Field 3225, Arna Wood Lane, Aldcliffe Partially retrospective change of use of land to 3 no Gypsy/Traveller pitches comprising 3 touring caravans and 3 mobile homes, siting of a day room, erection of a barn, installation of a septic tank and creation of an area of hardstanding for Mr E Jenkins (Scotforth West Ward Ward)	Application Refused
22/01315/FUL	Land At OS Grid Reference E346559 N452188, Main Street, Cockerham Erection of a detached dwelling, detached garage and associated hard landscaping for Karen Holden (Ellel Ward Ward)	Application Permitted
23/00077/DIS	Lancaster Quaker Meeting House, Meeting House Lane, Lancaster Discharge of conditions 5 and 6 on approved application 22/01281/LB for Jim Bennetts (Castle Ward Ward)	Application Permitted
23/00082/DIS	Land And Buildings Southwest Of Westmoor Farm, 7 Carr Lane, Middleton Discharge of conditions 4,5,6,7 and 8 on approved application 23/00004/FUL for Mr & Mrs Scott Redpath (Overton Ward Ward)	Application Permitted
23/00116/DIS	Land South Of Willow House, Bailrigg Lane, Lancaster Discharge of conditions 6 and 8 on approved application 21/00303/VCN for Mr E Samson (Ellel Ward Ward)	Application Permitted
23/00121/DIS	Sun Street Feet Surgery, 14 Sun Street, Lancaster Discharge of condition 5 on approved application 22/00746/LB for Mr Adrian Thompson (Castle Ward Ward)	Application Permitted
23/00146/FUL	43 Hill Street, Carnforth, Lancashire Demolition of attached store building and erection of single storey rear extension for Mr. & Mrs Whittick (Carnforth And Millhead Ward Ward)	Application Permitted
23/00156/DIS	Furnace Barn, Foundry Lane, Halton Discharge of condition 4 on approved application 23/00414/FUL for Mrs Louise Morris (Halton-with-Aughton And Kellet Ward Ward)	Application Permitted
23/00423/FUL	Haverbreaks House, Brettargh Drive, Lancaster Erection of a detached garage for Mr David Clarke (Scotforth West Ward Ward)	Application Permitted
23/00472/FUL	12 Malvern Avenue, Lancaster, Lancashire Erection of a two storey front extension, a two storey side extension and a single storey rear extension for Mr A. Majidi (Scotforth West Ward Ward)	Application Permitted
23/00508/FUL	7 Bradshawgate Drive, Silverdale, Carnforth Demolition of existing garage, erection of a single storey side extension, construction of a dormer extension to the rear and installation of a Juliette balcony to the side for Mr Bowen (Silverdale Ward Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

23/00563/FUL	8 Hall Park, Lancaster, Lancashire Construction of a raised roof, erection of dormer extensions to the front and rear elevations and installation of solar panels to front and side elevations for Mr & Mrs Porter (Scotforth West Ward Ward)	Application Permitted
23/00565/FUL	University Hospitals Of Morecambe Bay NHS Foundation Trust, Royal Lancaster Infirmary, Ashton Road Construction of a platform for the siting of air handling unit and chiller for Lancaster Royal Infirmary (Scotforth West Ward Ward)	Application Permitted
23/00567/OUT	Land South Of Aldcliffe Hall Lane, Aldcliffe Hall Lane, Aldcliffe Outline application for erection of 7 dwellings with associated access and landscaping for Mr M Mister (Scotforth West Ward Ward)	Application Withdrawn
23/00573/FUL	1 The Green, Borwick Lane, Borwick Erection of a detached carport with solar panels for Mr Smith (Kellet Ward 2015 Ward)	Application Permitted
23/00574/LB	1 The Green, Borwick Lane, Borwick Listed building application for erection of detached carport with solar panels for Mr Smith (Kellet Ward 2015 Ward)	Application Permitted
23/00579/CU	16 Ashmeadow Road, Nether Kellet, Carnforth Change of use of dwellinghouse (C3) to a residential care home for children (C2) for Mr James Jose (Kellet Ward 2015 Ward)	Application Permitted
23/00582/FUL	38 Wyresdale Road, Lancaster, Lancashire Subdivision of existing property into 2 maisonettes (C3), construction of a dormer extension to the rear and installation of replacement doors and windows for Mrs Sarah Probert (John O'Gaunt Ward Ward)	Application Refused
23/00615/FUL	3 Scotland Road, Carnforth, Lancashire Change of use of first and second floor office and storage space (Use Class E) to two 2-bed flats, construction of a raised roof to the rear, installation of shop frontage, infilling of window to front elevation, replacement windows to front and rear and installation of doors to the rear for Mr Chris Corless (Carnforth And Millhead Ward Ward)	Application Permitted
23/00661/FUL	7 Monkswell Drive, Bolton Le Sands, Carnforth Retrospective application for retention of a raised patio area and fencing to the rear for Paul Sewell (Bolton And Slyne Ward Ward)	Application Permitted
23/00678/PLDC	National Grid, Carnforth Compressor Station, Dunald Mill Lane Proposed lawful development certificate for the erection of a detached garage for Mr Alexander Knowles (Halton-with-Aughton And Kellet Ward Ward)	Lawful Development Certificate Granted
23/00730/FUL	Parklands View, Borwick Road, Capernwray Change of use of agricultural land to domestic garden in association with Parklands View, erection of a single storey side extension, construction of raised decking to the rear, installation of cladding to external walls and roof mounted solar panels to the front and rear elevation for Mr and Mrs Brian Wickens (Halton-with-Aughton And Kellet Ward Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

23/00731/LB	Lowgill Hall, Lowgill Lane, Lowgill Listed building application for repairs to both chimneys, including new chimney pot/cowl, repair/retile roof with the existing flag stone tiles, installation of breathable felt, lead flashing and valleys, remove render from front/west elevation and re-render, restore existing stonework and repoint in a hot lime mortar, repair existing wall, replacement of existing taps and removal of exterior pipework, repair existing guttering/downpipes, replacement of exterior lights, repainting and replacement of glazing to existing windows/doors, removal of existing oil tank, installation of exterior boiler housed in timber structure for Mr Daniel Leach (Lower Lune Valley Ward Ward)	Application Permitted
23/00752/FUL	Ravensclose Barn, Ravens Close Road, Wennington Part retrospective application for the erection of a stable block, change of use of land to form extension to the residential land in association with Ravensclose Barn, siting of a pod to the rear, demolition of existing agricultural building and erection of a detached garage to the rear for Mr & Mrs Havard (Upper Lune Valley Ward Ward)	Application Permitted
23/00766/FUL	11 Burford Drive, Heysham, Morecambe Erection of single storey side extension for Mr And Mrs Kellet (Heysham South Ward Ward)	Application Permitted
23/00767/PLDC	14 Bloomfield Park, Carnforth, Lancashire Proposed lawful development certificate for the construction of a hip to gable roof extension, erection of a rear dormer extension and installation of a rooflight to front elevation for Mr And Mrs Woof (Carnforth And Millhead Ward Ward)	Lawful Development Certificate Granted
23/00769/FUL	Lowgill Hall, Lowgill Lane, Lowgill Construction of a porch to the western (front) elevation for Mr Daniel Leach (Lower Lune Valley Ward Ward)	Application Withdrawn
23/00781/FUL	19 Norland Drive, Heysham, Morecambe Demolition of existing detached garage and erection of a replacement detached garage with workshop for Mr & Miss M & L Friend & Daghish (Heysham Central Ward Ward)	Application Permitted
23/00783/FUL	8 Princes Crescent, Morecambe, Lancashire Construction of a dormer extension to the rear elevation and installation of rooflights to the front elevation for D & AM Dixon Ltd (Bare Ward Ward)	Application Permitted
23/00830/PLDC	2 Peacock Crescent, Hest Bank, Lancaster Proposed lawful development certificate for the erection of a single storey rear extension for Mr And Mrs D Edwards (Bolton And Slyne Ward Ward)	Lawful Development Certificate Refused
23/00860/FUL	39A Lindeth Road, Silverdale, Carnforth Construction of a canopy to the front elevation, installation of rooflights to the front and side elevation for Neil and Val Martin (Silverdale Ward Ward)	Application Permitted
23/00861/NMA	Hill Crest, Grange View, Warton Non-material amendment to planning permission 23/00590/FUL to change window and door position for Mr Tom Carling (Carnforth And Millhead Ward Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

23/00867/PLDC	7 Hest Bank Lane, Hest Bank, Lancaster Proposed lawful development certificate for the installation of rooflights to the front elevation for Mr & Mrs Kyle (Bolton And Slyne Ward Ward)	Lawful Development Certificate Granted
23/00950/NMA	8 Lindbergh Avenue, Lancaster, Lancashire Non-material amendment to planning permission 22/01522/FUL to amend front window to garage conversion for Mr and Mrs Walker (Scotforth West Ward Ward)	Application Permitted