



Committee: PLANNING REGULATORY COMMITTEE

Date: MONDAY, 24 JUNE 2024

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

To receive as a correct record the Minutes of meeting held on 28th May 2024 (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 22/01463/OUT | Land East Of Arkholme Methodist Church Kirkby Lonsdale Road Arkholme Lancashire | Halton-with-Aughton and Kellet Ward | (Pages 5 - 21) |
| | | Outline application for the development of up to 23 residential dwellings and creation of a new access. | | |
| 6 | A6 23/00430/REM | Land West Of Hadrian Road Morecambe Lancashire | Torrisholme Ward | (Pages 22 - 28) |
| | | Reserved matters application for the erection of 13 dwellings. | | |
| 7 | A7 23/01400/FUL | Land To The North Of Porsche Centre South Lakes Electric Drive Carnforth Lancashire LA6 1FW | Halton-with-Aughton and Kellet Ward | (Pages 29 - 36) |
| | | Erection of a veterinary referral clinic (Use Class E) with associated access, infrastructure, cycle shelter, bin store, pallet store, generator/fuel tank, parking and landscaping and installation of package treatment plant. | | |

8	A8 23/01216/FUL	Land Adjacent Bowerham Hotel Bowerham Road Lancaster Lancashire LA1 4DT	Bowerham Ward	(Pages 37 - 53)
		Erection of Class E units with associated access, parking and loading bay, landscaping, infrastructure and demolition of existing outbuilding.		
9	A9 22/01396/FUL	Lune House And Derby House Lune Street And Derby Road Lancaster Lancashire	Skerton Ward	(Pages 54 - 60)
		Works to existing flats including installation of balconies, replacement of pitched roofs with flat roofs, installation of solar panels, external cladding, new and replacement windows/doors, installation external canopies, erection of external bin and bike stores and associated external works, formation of communal courtyard and private amenity spaces and landscaping.		
10	A10 23/01435/FUL	Lancaster City Council White Lund Depot White Lund Road Morecambe Lancashire LA3 3DT	Westgate	(Pages 61 - 65)
		Demolition of existing office building, canteen building, welfare building and greenhouse and erection of a new office building, canteen and welfare building.		
11	A11 24/00437/VCN	Lancaster City Council White Lund Depot White Lund Road Morecambe Lancashire LA3 3DT	Westgate Ward	(Pages 66 - 69)
		Retrospective application for the temporary siting of 2 portable buildings to provide office space (pursuant to the variation of condition 1 on 23/01134/VCN to extend the time frame for removal).		
12	A12 24/00216/FUL	Silverdale Parish Council Public Conveniences Emesgate Lane Silverdale Lancashire LA5 0RA	Silverdale Ward	(Pages 70 - 74)
		Demolition of existing public toilets and erection of a replacement public toilet & storage building.		

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|----|---------------------------------------|---|------------------------|------------------------|
| 13 | A13 24/00113/FUL | The Shore Car Park Shore Road Silverdale Lancashire LA5 0TP | Silverdale Ward | (Pages 75 - 79) |
| | | Retrospective application for a pole mounted light/camera and associated cabinet. | | |
| 14 | A14 24/00114/ADV | The Shore Car Park Shore Road Silverdale Lancashire LA5 0TP | Silverdale Ward | (Pages 80 - 83) |
| | | Advertisement application for the display of 1 x sign on camera column, 1 wall mounted sign, 2 x pole mounted signs on new poles and 2 x pole mounted signs on existing pole. | | |
| 15 | Delegated List (Pages 84 - 92) | | | |

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

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

(ii) Substitute Membership

Councillors Mandy Bannon (Substitute), Martin Bottoms (Substitute), Phil Bradley (Substitute), Tim Hamilton-Cox (Substitute), Paul Hart (Substitute), Colin Hartley (Substitute) and Paul Newton (Substitute)

(iii) Queries regarding this Agenda

Please contact Eric Marsden - Democratic Support: 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 12th June 2024.

Agenda Item	A5
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	Refusal

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 a reduced area of 0.92 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 Shelling' 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 site access is at a high risk of groundwater flooding above the surface, with other pockets of medium surface water flooding within the site. Beyond the site to the east, the area susceptible to surface water flooding in 1in30 year events, in line with an existing culvert, has been removed from the reduced proposed development area, although the application still suggests draining to this area. The strip of development area between the remainder of the site and Bains Beck to the south has also been removed within amended plans.
- 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 and planning conditions.

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

Consultee	Response
Arkolme-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. Amendments raised additional concerns regarding removing elements from the development area, particularly drainage arrangements, visibility splays and footpath omissions.
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 adverse comment
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. Amendments have raised concern as to whether a legal agreement with a third party is now required to secure access to this land for the construction, inspection, operation and future maintenance of the culverted watercourse and surface water outfall over the lifetime of the development, which the Local Planning Authority should satisfy itself that appropriate arrangements are in place to secure any off-site works.
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 objection , but advocate that new residential development should be designed using the security principles and security rated products as stated in the 'NEW HOMES 2024' Design Guide.
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.
- Amendments omit visibility splays, drainage routes and walking provision impacts.
- It would seem sensible to see on a smaller site a reduction in the number of dwellings.

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, increased density through amended reduced development area.
- 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
- No provision for a footpath link to the village on what is a very unsafe stretch of road
- Visibility splays and drainage routes
- 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
- The only need for more housing in the village is affordable sustainable housing
- Detract from residential amenity standards of existing dwellinghouses, particularly at The Sheilings. Loss of views and overbearing from existing dwellinghouses, which are at a lower topography

- 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 in associated policies, 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 any protected areas or assets of particular importance provides a clear reason for refusing the development proposed. Such matters include national heritage assets and areas at risk of flooding, amongst others, which are matters explored in a following section of this report. If granted, a 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 other matters.
- 5.2.4 Such an approach of delivering additional homes with the same site area would require a much 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 reduced and considered to be circa 0.57ha, provision of 23 dwellings at the site would result in a suburban density of over 40dph (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 across a larger site area 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. 40dph is considered to be high density, and particularly for such a rural location, but cottage style apartments and mews of small rows of terraced dwellings could provide appropriate development at higher density. Ultimately if a satisfactory scheme for 23 units cannot be devised, with the proposal as an up-to figure, 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 in principle can be supported as an up-to figure. The weight attributed to benefits of additional housing, and whether the tilted balance is engaged through this proposal, will be explored in the concluding paragraphs.

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 of the village, 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 form, 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. This is particularly important given the increase density, to restrict inappropriately ways of addressing this with tall multistorey development. 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 appropriately provided and mitigated through positive housing mix, 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 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 limited harm to heritage assets, whilst a standardised scheme using suburban house types and layouts could result in a significant 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 limited 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-

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, abliet with modest weight in favour given this is 4% above minimum standards.

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. Whilst the red edge reduction through amended plans removes some of the aforementioned measures from the development area, correspondence with County Highways details that the adopted highway land is over 10 metres wide to the north of the site, and that the pavement can be provided within existing highway land with setback from the adjacent hedge. As such, the red edge developable area reduction in this area should not prevent delivery of the above off-site highway works on highway land through planning condition and 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 sequential test Development Management (DM) DPD policies DM33 (Development and Flood Risk), 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)**
- 5.6.1 The submitted flood risk assessment identifies the site as within Flood Zone 1, with the majority of the site at very low risk of surface water flooding. The area east of the reduced site area 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. This area has been removed from the development area through amended plans.
- 5.6.2 Whilst the submitted flood risk assessment concludes it is unlikely that groundwater will produce flooding problems, the British Geological Survey (BGS) Groundwater data used to inform the Strategic Flood Risk Assessment (SFRA) shows that the proposed site vehicular access and entrance to the site is at high risk of groundwater flooding, with potential for groundwater flooding to occur at surface, and slightly further within the site medium groundwater risk for potential for groundwater flooding of property situated below ground level. It has previously been demonstrated that infiltration is not feasible at the site.

- 5.6.3 New development in areas vulnerable to flood risk are required to meet the Sequential and Exception Tests as appropriate, and to demonstrate the site is not at risk of flooding and would not increase the risk of flooding elsewhere. The sequential test is to be applied to steer development to areas with the lowest risk of flood from any source. Whilst there is a fallback position for 16 dwellinghouses at this site, the proposal intensifies the impact of flood risk, placing more proposed properties at such risk, and through high density development making avoiding development in areas at flood risk more difficult to avoid. Whilst a sequential and exceptions test has repeatedly been requested, no such information is forthcoming, and the applicants' positions remains that one is not required.
- 5.6.4 On this basis of the failure to provide a sequential test, and the proposal not being minor development nor change of use exempt from sequential test, it is considered that the required sequential test fails. It cannot be concluded that there are no reasonably available sites within the district that could accommodate the proposed development that are at a lower risk of flooding. Failure of the sequential test means that it is not necessary to apply the exception test.
- 5.6.5 NPPF paragraph 168 states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, whilst the associated flood risk and coastal change guidance states that where the sequential and the exception tests have been applied as necessary and not met, development should not be allowed. The proposed development seeks dwellinghouses, within the 'More Vulnerable' classification, namely future residents' homes, and the impact of groundwater flooding blocking the sites only vehicular access point and domestic properties themselves within the site would have serious consequences for future occupants of the development.
- 5.6.6 The proposed vehicular entrance to the site is at high risk of groundwater flooding risk, with potential for groundwater flooding to occur at the surface (above ground). The BGS groundwater dataset has no greater flood risk level than this. Whilst this would largely impact the site access, and likely open space to the south beyond the submitted parameter plan area for residential development, under such a flood event this could prevent vehicular access and egress from the site to escape such flood events. There is no known flood warning system for groundwater flooding in Arkholme, and no mitigation as part of the proposal or flood risk assessment for this risk. Further within the site, there is an area of medium risk of groundwater flooding. Whilst the approved development for 16 dwellings has the front part of one approved dwellinghouse in this area, the extent of More Vulnerable development within the proposal would be greater, with a larger extent of the proposed residential area of the parameters plan impacted by this flood risk. Higher density of development would concentrate more properties into the site, and consequently into areas at risk of flooding.
- 5.6.7 The NPPF and associated national guidance attaches great significance to avoiding flood risk, and directing new development to the areas of lowest risk. It is considered that the failure of the sequential test and lack of conclusive evidence in directing development to areas at the lowest risk of flooding has substantial harm weighing against this proposal. This is due to the severity of significance placed on the failure of the sequential test within the NPPF and guidance, along with the risk and extent of impact from high and medium risk of groundwater flooding above the surface flooding at the sole proposed vehicular access and dwellinghouse that are 'More Vulnerable' to the impacts of such flooding. Areas at risk of flooding are defined as assets of particular importance, therefore the policy protection referred to in footnote 7 of the NPPF is relevant to this proposal. For that reason, a normal planning balance as opposed to the tilted balance previously discussed, is engaged, due to the failure to provide a sequential test, and development that does not steer development to areas with the lowest risk of flood from any source. For these reasons, the application is considered to be contrary to DM DPD Policy DM33 and NPPF Section 14, and is unacceptable in terms of flood risk.
- 5.7 **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)**

- 5.7.1 A culverted watercourse lies just outside the site's eastern boundary and flows from the north to the south to discharge into Bains Beck, circa 75 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. The submitted drainage information lacks detail, and the suggested drainage scheme relies on works to the culvert to accommodate the discharge rate. Specifically, to accommodate the 9 l/s discharge from the site, the culvert will require to be laid at 1 in 500 giving a capacity of 81 l/s, which is an additional 34mm of fall over a section of culvert, before the existing culvert is of sufficient gradient.
- 5.7.2 The submitted flood risk assessment states that the developer has control over land to the south. Whilst the amended application removed the slither of red edge development area linking the remainder of the amended application site directly to Bains Beck, through the course of this application Officers have been provided a copy of the Transfer Deed, which is understood allows the right to lay a surface water drain from the application site to Bains Beck. As such, from the information available, it appears that a suitable outfall can be provided within the developers control through current legal agreements. The recently received Lead Local Flood Authority consultation response returns no objection, but on the very clear proviso that the required off-site works to the culvert are able to be constructed, inspected, operated and maintained for the culverted watercourse and surface water outfall over the lifetime of the development. The Transfer Deed provides suitable control over such service media.
- 5.7.3 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.
- 5.7.4 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. The drainage and outfall of treated water is less certain from discussions over the Transfer Deed, particularly over the rights of laying drainage over third party land for surface water. However, this does appear to allow connection to the existing culvert, and given the likely lower flows of treated water, and potential to restrict such flow rates, subject to details of the proposed foul drainage controlled through planning condition and legal arrangements, it is considered that foul drainage can be resolved through suitable design and scale of package treatment plant.
- 5.8 **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)
- 5.8.1 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.

- 5.8.2 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 for traffic calming measure by road narrowing, 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. 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.
- 5.8.3 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.
- 5.8.4 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.
- 5.9 **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
- 5.9.1 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.
- 5.9.2 It is crucial that development coming forward makes provision for essential community infrastructure, and education would fall within this. 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. County Education is currently being reconsulted to ensure this remains the case, and if any updated position is received this will be reported either prior to or verbally at committee, but the last known position was that there are surplus local school spaces projected, and therefore a contribution would not be CIL compliant.

- 5.9.3 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.
- 5.9.4 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.
- 5.9.5 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.
- 5.9.6 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.
- 5.9.7 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,

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 associated economic benefits, and a significant 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 limited 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, heritage matter would not provide a clear reason to refuse permission.
- 7.3 Whilst previous planning permissions have been granted at the site, and this application has been before members before, since committee last resolved on this the local planning authority has received legal advice relating to flooding matters, albeit for a different scheme and dismissed appeal within the district. It is considered that a flood risk sequential test and exceptions test should be undertaken, due to the way these were undertaken within the plan making process and subsequent subtle NPPF alterations. This requirement has been relayed to the planning agent and applicant, who have informed that a sequential test will not be provided, as they consider this is not required.
- 7.4 The site lies within an area at risk of groundwater flooding, and areas at risk of flooding is defined as an area or asset of particular importance referred to in associated footnote 7. When a site is at risk of flooding from any source, it would need to first satisfy a sequential test. There is no exemption to provision of a sequential test for such a proposal, and with the deliberate omission of this required assessment, the Council cannot be satisfied that it is not possible for development to be located in areas with a lower risk of flooding. The failure to satisfy the sequential test means the proposal cannot demonstrate if there are other sites that would be sequentially preferable at a lower risk of flooding. The potential effects of flooding could be serious, particularly as the high risk of flooding to the proposed site access is the only vehicular access and egress to the site, combined with the More Vulnerable nature of the development to the impacts of flood risk.
- 7.5 The failure of the sequential test is a critical matter in this case. This means that the tilted balance in paragraph 11 d) of the NPPF, engaged by the lack of a 5 year housing land supply, is disengaged by footnote 7 and 11 d) i. of the Framework. The failure to satisfy the sequential test is also considered to be a clear reason for refusing the development, both by the conflict with Policy DM33 of the DM DPD, Policy SP8 of the SPLA, and the NPPF and associated guidance. This matter is of overriding substantial harm, outweighing the totality of housing and economic benefits of the proposal, given that there could be other sites that are sequentially preferable to develop that would avoid flood risk. The NPPF is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and due to the lack of any sequential test as part of this application, the proposal constitutes unjustified inappropriate development in an area at risk of flooding. Whilst there is a fallback position for 16 dwellinghouses to be developed at this site through previous permissions, this does not justify exacerbating the risk and impacts of flooding through delivering additional dwellinghouses and higher density of development as proposed.

Recommendation

That Outline Planning Permission BE REFUSED for the following reason:

1. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The proposed site access is within an area that is at high risk of groundwater flooding, with further areas of medium groundwater flooding within the site. The failure to provide a Sequential Test does not satisfy the requirements of the Sequential Test, and has not satisfactorily demonstrated that the development cannot be accommodated elsewhere within the district that would be at a lower risk of flooding. Therefore, the proposal is contrary to policy DM33 of the Review of the Development Management Development Plan Document, policy SP8 of the Strategic Policies and Land Allocations Development Plan Document, and Section 14 of the National Planning Policy Framework.

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

In accordance with the above legislation, the City Council can confirm that it 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. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in this report. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Background Papers

None

Agenda Item	A6
Application Number	23/00430/REM
Proposal	Reserved matters application for the erection of 13 dwellings
Application site	Land West Of Hadrian Road Morecambe Lancashire
Applicant	Mr Hill
Agent	Mr Jake Salisbury
Case Officer	Mrs Eleanor Fawcett
Departure	No
Summary of Recommendation	Approval

1.0 Application Site and Setting

1.1 The site relates to a roughly triangular shaped piece of land located at the end of a cul-de-sac, Hadrian Road, in Morecambe. It comprises a grassed area, which has most recently been used to graze horses, and is partly dissected by a row of trees, which follow the line of a watercourse across the site. There are also a number of other trees along the site boundaries that are covered by a group Tree Preservation Order (TPO 436(2008)), along with those within the site. A 450mm sewer pipe crosses the site and the part of the land is identified as having potential for groundwater flooding to occur at the surface. There are also relatively small areas of medium and high surface water flood risk across the site (1 in 100 and 1 in 30 year events).

1.2 Adjacent to the southwest boundary is a multi-use path, which forms part of the strategic cycleway and follows the line of the former railway. This is also identified as a green corridor on the Local Plan Proposals map. Beyond this, to the south west, is White Lund Industrial Estate, which is an allocated employment site. To the north of the site is Torrisholme Cemetery and to the east is an existing residential housing estate which is generally at a higher level than the site. The site is located approximately 1.8 kilometres from Morecambe Bay, which is designated as a Site of Special Scientific Interest (SSSI) Special Protection Area (SPA), Special Area of Conservation (SAC) northwest of the site. The Lune Estuary SSSI is approximately 1.6 kilometres to the south of the site and is also covered by the other Morecambe Bay designations.

2.0 Proposal

2.1 Outline planning permission was granted in April 2020 for the erection of 13 dwellings with all matters reserved. The current application seeks approval of the details which were reserved at outline stage relating to the access, appearance, layout, scale and landscaping.

2.2 Access into the site would be created off Hadrian Road, which is close to the southeast corner of the site. The dwellings are proposed to be located to the northeast of the main road through the site, with the land towards the south west boundary comprising landscaping and open space. Three

dwelling would front onto a private cul-de-sac leading off this main access. All the dwellings would be two storey, with six having three bedrooms and seven having two bedrooms. Two of the three-bedroom dwellings and one of the two bedroom dwellings are proposed as affordable units.

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
22/01025/FUL	Change of use of paddock for the siting of 25 static caravans for holiday accommodation with associated parking and creation of an associated internal road	Withdrawn
18/01367/OUT	Outline application for erection of 13 dwellings (C3)	Approved
18/00671/OUT	Outline application for erection of 17 dwellings (C3)	Withdrawn
17/01252/PRETWO	Pre-application enquiry for the erection of 22 residential dwellings	

4.0 Consultation Responses

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

Consultee	Response
Morecambe Town Council	No comments received
County Highways	No objection subject to conditions requiring: submission of a construction management plan; construction deliveries outside peak traffic; wheel washing/mechanical road sweeping; highway works constructed prior to start of development; new road built to base course level before any other construction;
Lead Local Flood Authority	No objection subject to conditions requiring submission of: a construction surface water management plan; a sustainable drainage system operation and maintenance manual; and a verification report of the constructed sustainable drainage scheme.
Environmental Health	No objection. Satisfied that it would be possible, with the installation of specific noise attenuation measures, to achieve acceptable levels both within and outside the dwellings.
Tree Protection Officer	Comments. A detailed and up to date Arboricultural Impact Assessment (AIA) needs to be produced, which includes an accurate Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS).
Waste and Recycling Team	No comments received
Property Services	No comments received
Engineering Team	No comments received
Public Realm Officer	Comments. This site is allocated as open space and it needs to be demonstrated that it no longer has an economic, environmental or community value. The amenity space should be designed to the front of dwellings to provide a contribution to the streetscape and an off-site contribution of £22,483.90 should be provided towards outdoor sports, young persons provision and parks and gardens.
Natural England	No objection Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes
Environment Agency (EA)	No objection subject to a condition regarding contamination. The site is close to two facilities operating under Environmental Permits, regulated by the EA, so noise and odour impacts should be considered.
United Utilities	No objection subject to a condition requiring: the submission of a sustainable surface water drainage scheme and a foul water drainage scheme. Advise if the applicant intends to offer the drainage for adoption to United Utilities, the current proposals do not currently meet their adoptions criteria.

Lancashire Fire and Rescue Service	Comments. It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.
Dynamo Cycle Campaign	Object. The layout does not include direct access to the Lancaster-Morecambe shared use path.
NHS	No objection subject to a financial contribution of £8295 towards increasing GP capacity.
Lancashire Constabulary	No comments received
RSPB	No comments received

4.2 12 pieces of correspondence have been received which raise an objection to the application and include the following concerns:

- **Highway safety:** increased traffic through existing residential estate; narrow width of existing road; construction traffic; increased parking on adjacent roads
- **Flood Risk:** land is required for flood drainage
- **Residential Amenity:** increased noise during and post construction; dirt and disruption during construction; impacts to future occupants from nearby industrial uses
- **Loss of green space**
- **Biodiversity:** harm to wildlife
- **Infrastructure:** capacity of existing drains and services; school spaces

5.0 Analysis

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

- Scale, layout and design
- Residential amenity
- Impact on trees and ecology
- Housing mix and affordable housing
- Highway Impacts
- Flood Risk and Drainage

5.2 **Scale, layout and design** NPPF sections: 8 (Promoting Healthy and Safe Communities) and 12 (Achieving well-designed and beautiful places); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM43 (Green Infrastructure) and DM57 (Health and Well-being)

5.2.1 This is a reserved matters application following the grant of outline permission for the erection of 13 dwellings. The layout has been largely dictated by the constraints provided by the watercourse across the site, which is partly culverted, the United Utilities sewer and the proximity to the employment site. The dwellings are proposed to be located on only one side of the main highway through the site, which was envisaged at the outline stage. This allows for the land on the other side to be left as open space with planting, with a larger area of open space in the northwest corner of the site. A landscaping scheme has been provided but does not include the existing boundary to the multi-use path and misses opportunities to bolster this planting and better screen views from the proposed dwellings towards the employment site. However, a scheme can be covered by condition.

5.2.2 The proposed layout is slightly different to the indicative plan submitted at outline stage, and is possible slightly poorer, particularly when viewed from the multi-use path, particularly in terms of the orientation of some dwellings and the predominance of parking to the front. However, as the dwellings will be set back, and separated by some open space and the highway, and taking into account the context of the site close to the industrial site and an existing housing estate, the layout is considered to be acceptable. The amount of amenity green space on the site is considered to be acceptable. Whilst the public realm officer has set out that an off-site contribution should be provided towards outdoor sports, young person's provision and parks and gardens this is a reserved matters application so is something that would need to be considered at the outline stage. The contribution that this site currently has in terms of open space, being a field grazed by horses, was also considered at outline stage.

- 5.2.3 The proposed dwellings are all two storey and comprise two house types. One is a detached three bedroom unit and one is a two bedroom unit that has been shown as detached, semi-detached and in a terraced arrangement on the floor plans. The two bedroom unit is relatively simple in form, rectangular in shape with a dual pitched roof, the roof slope facing the front a rear. The three bedroom units are deeper, also rectangular in shape but have the gable facing the front and rear. These are generally poorer in design but similar to the design of dwellings at the end of Hadrian Road adjacent to the site. These are proposed to be finished in brick with a tiled roof and the precise details of the materials can be covered by condition. The design is considered to be acceptable in the context of the adjacent houses and the industrial site.
- 5.2.4 Overall, the layout and design are considered to be acceptable and in keeping with the character and appearance of the surroundings. Whilst it is considered that the design and layout could be improved and of a higher quality, the scheme is considered appropriate in this location. As set out above, the landscaping could be enhanced to improve the amenity of occupants and the overall quality of the development. The proposal is therefore considered to comply with Local Plan policies, set out in Policies DM29, and DM43.
- 5.3 **Residential Amenity NPPF sections: 8 (Promoting Healthy and Safe Communities), 12 (Achieving Well-Designed and Beautiful Places) and 15 (Conserving and enhancing the natural environment); Development Management (DM) DPD policies DM29 (Key Design Principles), and DM57 (Health and Well-Being).**
- 5.3.1 The site is in close proximity to the White Lund Industrial area which is allocated as an employment site for light industrial, general industrial and storage. It therefore needs to be ensured that the amenities of the future occupiers of the dwellings on this site can be adequately protected, but also that the development does not adversely impact on the current or future operation of the businesses. This is one of the main employment sites within the District, and therefore the development should not be allowed that would prejudice the use or redevelopment of part of this. This was considered at the outline application stage, and it was demonstrated that 13 dwellings could be accommodated on the site and the amenity of occupants be protected. The layout has been altered slightly to ensure that gardens are generally to the rear of properties and benefit from screening from the industrial site by the dwellings. There is a condition on the outline permission requiring details of noise mitigation to be agreed. Environmental Health have confirmed that there are satisfied that it would be possible, with the installation of specific noise attenuation measures, to achieve acceptable levels both within and outside the dwellings. This includes: façade insulation treatment, mechanical extract ventilation, acoustic triple glazing and acoustic fencing.
- 5.3.2 The proposed dwellings all have rear gardens and most of these are at least 10 metres in length. Three are slightly below this, and all along the northern boundary are slightly constrained by the existing hedgerow. Whilst not ideal, these are mostly two bedroom properties and it is still considered that they will provide an acceptable level of amenity for future occupants. The position of the road and parking makes it difficult for this to be increased.
- 5.3.3 There are five residential properties which share boundaries with the site, all located to the east. The property to the north east, 29a Stanhope Avenue, benefits from planning permission for the demolition of the existing bungalow and the erection of four dwellings (23/00113/FUL), and included a small section of the field. The rear gardens of three dwellings are proposed to abut the land at 29a Stanhope Avenue where two detached dwellings have been proposed, with their rear gardens extending up to the application site. The approved plans show the main two storey element of these two new dwellings set back from the boundary by 10 metres. The dwellings proposed by the current application would be set in from the boundary by distances between 13.8 metres and 16 metres. As such, the distance between facing windows will exceed 21 metres and it is considered that an acceptable level of amenity will be afforded to the future occupants of the dwellings on this site and the adjacent one.
- 5.3.4 The access road will be a continuation of Hadrian Road and one dwelling will be sited adjacent to the 84 Hadrian Road. It will be a two storey detached dwelling of a similar orientation, with the gable facing the highway. No windows are proposed in the side elevation and an area of landscaping has been indicated between the two properties. As such, it is considered that there will not be a detrimental impact on the amenity of this neighbouring property by way of overlooking, loss of light or overbearing impact.

- 5.3.5 It is considered that noise impacts from the nearby industrial uses can be appropriately mitigated and that there will not be a detrimental impact to the amenity of the neighbouring properties as a result of the development. In this respect, the proposal complies with policy DM29.
- 5.4 **Impacts on trees and ecology** (NPPF section: 15 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).
- 5.4.1 There are a number of trees along the boundaries of the site, but also following the line of the watercourse/ditch which are mostly protected by a Tree Preservation Order (TPO). It is likely that the majority of these could be retained given their location at the edge of the site. An Arboricultural Impact Assessment (AIA) has been submitted with the application, although this is not sufficiently detailed. The outline application identified a total of 1 individual tree (T1), 6 groups (G1-G6) and a single hedge (H1) in relation to the proposed development. Species include, hawthorn, elder, goat willow, Norway maple and Leyland cypress. Whilst there are no individual trees of moderate or high amenity value, as a collective the existing site trees provide an important element of greening and partial screening to the site. Remedial works are required to manage the hedge along the northern boundary including the management of invasive species and new planting to infill existing gaps.
- 5.4.2 Whilst the current submission is lacking in detail, it is considered that most trees and hedges can be retained and any loss can be adequately mitigated, and covered by condition. Condition 5 on the outline permission requires the submission of an AIA, which includes an accurate Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS). This can be used to inform the landscaping condition that can be included on the reserved matters permission.
- 5.4.3 The site is located approximately 1.8 kilometres from Morecambe Bay, which is designated as a Site of Special Scientific Interest (SSSI) Special Protection Area (SPA), Special Area of Conservation (SAC) northwest of the site. The Lune Estuary SSSI is approximately 1.6 kilometres to the south of the site and is also covered by the other Morecambe Bay designations. It is considered that there will be no direct impacts on the designated sites, however there is potential for increased recreational disturbance to associated birds, although limited due to the small scale of the development. As such, a Habitats Regulations Assessment has been undertaken and submitted to Natural England. This recommends that a condition is attached to the permission requiring a homeowner pack to be provided to each dwelling which would be expected to include details of the designated sites (and the wider Morecambe Bay coastline), their sensitivities to recreational pressure and promote the use of alternative areas for recreation, in particular dog walking areas. Natural England have raised no objections to the proposal. Other ecological impacts were considered as part of the outline application.
- 5.5 **Affordable housing, housing standards and mix** NPPF section: 5 (delivering a sufficient supply of homes); Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards) and DM3 (The Delivery of Affordable Housing)
- 5.5.1 Affordable housing has been secured by a Section 106 agreement on the outline permission. This required the provision of three affordable units or two and a financial contribution. Following amendments, three units are now proposed comprising two with two bedrooms and one with three. The tenure has been proposed as shared ownership and first homes, however there is a greater need for affordable rented units. As such, the agent has been advised to amend the affordable housing scheme. The tenure is not fundamental to the reserved matters application, it just needs to be agreed prior to the commencement of the development, in accordance with the legal agreement.
- 5.5.2 The scheme proposes a mix of two and three bedroom units, and this is considered to be acceptable. All the units comply with the Nationally Prescribed Space Standards, in accordance with Policy DM2. Subject to amendments in relation to the affordable housing tenure, the housing mix is considered to be acceptable and in compliance with the Local Plan.
- 5.6 **Highway Impacts** NPPF section 9 (Promoting Sustainable Transport); Development Management (DM) DPD policies DM29 (Key Design Principles), DM57 (Health and Well-being), DM60 (Enhancing

5.6.1 Access to the site is proposed off Hadrian Road where it currently ends adjacent to the field. This is the same access point as envisaged at the outline application stage. The layout shows a main road through the site, which is shown to be adopted, and a private road off this providing access to four of the dwellings. Following some amendments, County Highways have raised no objections subject to conditions. This application can only consider the access details, rather than any impacts during construction. The plans show the road layout, and the technical details will be agreed with the highway authority through separate agreements. As such, it is not necessary to request further details of this, however conditions are appropriate in terms of the provision of the access and the road. The scheme was also amended to ensure that access was shown from this development to the adjacent multi-use path which will benefit proposed occupants and potentially existing residents and encourage the use of sustainable modes of transport. The layout includes sufficient parking to serve the dwellings. As garages are not included, storage for bicycles will need to be provided and can be covered by a condition.

5.7 **Flood Risk and Drainage** NPPF section: 14 (Meeting the challenge of climate change, flooding and coastal change); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Waste Water)

5.7.1 Drainage is not a reserved matter and is covered by a condition on the outline permission. However, it needs to be ensured that it can be accommodated within the layout. Initial concerns were raised by the Lead Local Flood Authority (LLFA). However, following discussions and the submission of an amended drainage scheme, they are satisfied that an appropriate drainage solution can be accommodated within the proposed layout. Flood risk mitigation was also considered at the outline application stage and included within the conditions on the decision notice. Whilst the LLFA have requested some additional conditions, these cannot be included as drainage is not a reserved matter.

6.0 Conclusion and Planning Balance

6.1 The reserved matters details provide an acceptable layout and design that is in keeping with the character and appearance of the area and will not have a detrimental impact to the residential amenity of existing or future occupants. It provides an appropriate access, open space and can accommodate a drainage system to ensure that flood risk is not increased on or off the site. The proposal is therefore considered to be acceptable and comply with local and national planning policy, as set out above.

Recommendation

That Reserved Matters Consent BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard reserved matters timescale	Control
2	In accordance with approved plans	Control
3	Materials including bicycle storage	Above slab level
4	Landscaping scheme	Above slab level
5	Homeowner pack (mitigation for ecological designated sites)	Before occupation
6	Construction of access, road and link to multi-use path	Control

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

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the

relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None

Agenda Item	A7
Application Number	23/01400/FUL
Proposal	Erection of a veterinary referral clinic (Use Class E) with associated access, infrastructure, cycle shelter, bin store, pallet store, generator/fuel tank, parking and landscaping and installation of package treatment plant
Application site	Land To The North Of Porsche Centre South Lakes Electric Drive Carnforth Lancashire
Applicant	Mrs Tracey Clavell-Bate
Agent	
Case Officer	Mrs Eleanor Fawcett
Departure	Yes
Summary of Recommendation	Approval, subject to conditions

1.0 Application Site and Setting

- 1.1 The site is located 1km to the east of Carnforth town centre and 1.25km to the west of the village of Over Kellet. It is approximately 1.4 hectares in area and most of the site forms the northeastern section of a larger 3 hectare site which is roughly rectangular in shape with a curved boundary at the northeastern end. The site comprises agricultural land, although the larger site benefits from planning permission for the erection of four buildings for employment use, which is currently under construction. The site is located between the M6 motorway and the B6601, which connects the roundabout at junction 35 to Kellet Road. The roundabout lies close to the northeast boundary, separated by a wide verge and an existing car showroom lies adjacent to the southwest of the site, separating it from Kellet Road. Beyond the M6, to the west, is Carnforth Business Park, and to the east is open agricultural land.
- 1.2 The site is undulating, and the land levels fall towards the boundary with the M6, with the highest part of the site located at the site's entrance, at approximately 39 metres AOD. There is a watercourse crossing the site which causes the land levels to decrease quite steeply on either side. There are open views across the site from the M6 motorway and there is some hedgerow with a grass verge between the B6601 and the site, except where the access has been created to serve the car showroom and this site.
- 1.3 The site is designated as Countryside Area in the adopted Local Plan and is covered by a mineral safeguarding area. A public footpath is located approximately 60 metres to the west, which runs parallel to the M6 motorway. The Arnside and Silverdale National Landscape (formally known as an Area of Outstanding Natural Beauty) is located approximately 1.2 kilometres to the northwest.

2.0 Proposal

- 2.1 Planning permission is sought for the erection of a two storey building to accommodate a veterinary referral clinic. The proposal includes an access road and other associated infrastructure. The part of the site which will accommodate the building comprises the northeastern section of a wider site that has permission for the employment units. Outline planning permission was granted in January 2020 for up to 8,400 square metres of employment space, as part of a hybrid application which included a full application for engineering works to provide a development platform across this and the site to the south which now contains the car showroom. A subsequent application was approved to vary the requirements of some of the conditions on the permission and this replaces the original outline consent. More recently, a reserved matters application was approved in June 2023 and agreed those details which were reserved at outline stage relating to the appearance, layout, scale and landscaping. This permission has been implemented and the central two buildings are currently under construction.
- 2.2 The proposed building lies on part of the wider site than was indicated as Building D on the reserved matters application. As the use falls outside that approved on the wider site, and the building is not yet constructed, the application seeks permission for a new building to be used as a veterinary referral clinic and includes its associated infrastructure. Building D was the furthest proposed unit from the access point off the highway. As such, the current application includes the previously approved access road and the associated drainage infrastructure which would sever this plot. The location of the building and associated parking on the site are similar to the previous approval. The scale and design are also broadly similar, although the building includes some slightly different glazing and an external staircase on the northwest elevation. The building measures 43.5 metres by 17.3 metres and is 8.6 metres high to the ridge and would be finished in a mix of grey cladding.

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
22/01328/REM	Reserved matters application for the approval of layout, scale, appearance, and landscaping following planning permission 22/00562/VCN for the development of 8,397sqm of employment (Use Classes B1(c), B2 and B8)	Approved
22/00562/VCN	Hybrid application comprising a full application for proposed alterations to land levels and associated access, and outline application for up to 8,400sqm of employment floor space (Use Classes B1(c), B2 and B8) with associated access (pursuant to the removal of conditions 7,8,9 and 12 on outline planning permission 19/00545/HYB in relation to site access and off-site highway works and variation of condition 24 in relation to BREEAM standards)	Approved
19/00545/HYB	Hybrid application comprising a full application for proposed alterations to land levels and associated access, and outline application for up to 8,400sqm of employment floor space (Use Classes B1(c), B2 and B8) with associated access	Approved (contrary to officer recommendation)
18/01606/PRE3	Pre-application advice for the development of up to 6400sqm of Use Class B1 (Business), B2 (General Industry) and B8 (Storage and Distribution) with associated access	Advice provided

4.0 Consultation Responses

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

Consultee	Response
Over Kellet Parish Council	<p>No objection in principle. However, raise the following concerns:</p> <ul style="list-style-type: none"> Concerns regarding the extent of the culverted section of the stream to accommodate the access road and suggest use of a bridging structure; Green energy options should be incorporated into the scheme; Disappointed that there is no provision for any form of waste separation including specific measures for dealing with potential waste associated with this specific use; Inaccuracies in the traffic report including details of a bus route.
Environmental Health	No comments received.
Arboricultural Officer	Comments. The ecological survey and tree survey are out of date given that the site has been totally transformed.
Engineering Team	No comments received.
Waste and Recycling Team	No comments received.
Sustainable Growth Team	Comments. The submitted Employment and Skills Plan provides a positive commitment towards meeting the policy requirements. However, it does need more work, and this can be covered by a condition.
County Highways	No objections. Some concerns regarding the details in relation to: larger spaces for pet drop off and collection; lighting scheme for car park; number of electric vehicle charging points. It is advisable that the pm period restricting deliveries for construction is 3pm-6pm.
County Active Travel	No comments received.
Lead Local Flood Authority	No objection subject to conditions requiring: final surface water drainage strategy; a Construction Surface Water Management Plan; a sustainable drainage system operation and maintenance manual; and a Verification Report of Constructed Sustainable Drainage System. Raise some queries about the size of attenuation tanks.
Public Rights of Way Officer	No comments received.
County Planning Policy (Minerals)	No comments received.
National Highways	No objection. Request conditions requiring: details of fencing to M6 boundary; details of drainage; detailed Construction Design Plan and working Method Statement relating to site earthworks; and an assessment of the site boundary with the M6 motorway under the Roads Risk Assessment Process.
Natural England	No comments received.
Environment Agency	No comments received.
Arnsdale and Silverdale AONB Unit	No comments received.
Ramblers Association	No comments received.
Lancashire Constabulary	No comments received.
United Utilities	Comments. Proposed drainage strategy is acceptable in principle. Request condition requiring drainage in accordance with the submitted scheme.
Cadent Gas	No objection.
Electricity North West	No comments received.
Dynamo Cycle Campaign	No comments received.

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

5.0 Analysis

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

- Principle of the development
- Siting, scale, design and landscape impacts

- Highway impacts
- Flood risk and drainage
- Impact on biodiversity and trees
- Sustainable design and renewable energy

5.2 **Principle of the Development** NPPF section: 6 (Building a strong competitive economy); Policies and Land Allocations (SPLA) DPD: SP2 (Lancaster District Settlement hierarchy), SP3 (Development Strategy for Lancaster District), SP4 (Priorities for Sustainable Economic Growth), SP5 (The Delivery of New Jobs) and EN3 (The Open Countryside); Development Management (DM) DPD policies DM14 (Proposals Involving Employment and Premises) and DM47 (Economic Development in Rural Areas).

5.2.1 Planning permission is sought for the erection of a two storey building to accommodate a veterinary referral clinic. This site relates to one of the plots which already benefits for planning permission for employment units. The original outline scheme was granted as a departure from the Local Plan. Development has commenced on the wider site, with two of the buildings currently under construction. These units are restricted to light industrial, general industrial and office use, and the proposed use falls outside this. As the building is not yet constructed, permission is sought for the building and its associated use, rather than just a change of use. As such, it needs to be considered whether this use is acceptable in this location.

5.2.2 The site is within the open countryside, although it is relatively close to the edge of Carnforth which in a Market Town. Policy SP2 sets out that key service centres and market towns will play a supporting role to the regional centre (Lancaster) and will accommodate levels of new residential and economic development to serve more localised catchments. Policy DM47 deals with economic development in rural areas and sets out that proposals should be located in sustainable locations and represent sustainable development. It goes on to say that development of greenfield sites within the open countryside will only be supported where it is clearly demonstrated through a robust assessment that no alternative suitable locations exist within local settlement areas and that the benefits of the proposal outweigh the impacts on local amenity.

5.2.3 In line with policy DM47, the submission includes the assessment of alternative sites. It is acknowledged that this assessment would not be required if an application for a change of use was submitted after the building had been constructed as it would no longer be a greenfield site. The fallback position is therefore a material consideration when assessing the merits of the application as a whole.

5.2.4 The submission sets out that the development would be operated by Linnaeus Group which are a veterinary group in the UK and Ireland which offer specialist referral services as well as primary care across their practices. This group currently operates a specialist orthopaedic and spinal referral practice known as Kentdale and located close to junction 36 of the M6 at Moss End Business Village, approximately 9 miles to the north of the site, outside the District. The submission sets out that the practice majors in orthopaedics but also offers additional services in soft tissue, neurology, and physiotherapy. The Group want to expand the range of surgical treatments they can offer to their clients across north Lancashire and south Cumbria, however, the current unit is small at around 325-372 square metres, and the site is constrained by existing road infrastructure and buildings on all sides with no land available for expansion. They are therefore looking for new premises to enable the business to grow and meet the needs of their clients.

5.2.5 The operator has confirmed that they require a site of at least 0.5 hectares that can accommodate a building with a minimum floorspace of 1,115 square metres over one or two floors with a minimum of 60 car parking spaces for staff and customers located adjacent to the building to allow customers to transport animals easily to and from their vehicles. 24-hour access is required for staff and patients staying on the premises overnight and for clients requiring emergency treatment overnight. This will generate additional vehicle movements and noise during unsociable hours so the location in relation to sensitive uses, such as residential properties, is a consideration. The submission also sets out that, to ensure the proposed development serves the operator's client base and catchment in north Lancashire and south Cumbria the site needs to be within a 10 mile radius of their existing practice. As the proposal will serve a large catchment area, a location close to the motorway is desirable.

- 5.2.6 The assessment includes the consideration of a number of sites, taking into account the requirements of the business as set out above. This includes sites within Carnforth, Milnthorpe and Ackenthaite, Burton, Endmoor, Holme, Levens and Oxenholme. The settlements of Kendal, Grange-over-Sands, Allithwaite, Kirkby Lonsdale, Burneside, Cartmel, Levens and Oxenholme have not been considered the distance from the motorway. It is considered that the submitted assessment demonstrates that there are no sequentially preferable sites where the development could be located. The assessment does not include sites designated as Open Countryside in the Lancaster Local Plan Part One or that sit outside of the defined settlement boundary in the South Lakeland Site Allocations DPD, which would be comparable to the location of the application site. However, as set out above, this site does benefit from planning permission for an employment use, which means it would not have the same impact in terms of visual amenity.
- 5.2.7 The site benefits from planning permission for an employment use and the proposal will provide a level of employment and a service that would be difficult to locate within a more sustainable location, such as a town centre, given the nature and requirements of the business, as discussed above. The development will also not occupy land that has been specifically protected for employment purposes, as the site is not allocated in the Local Plan. The proposal will allow a local business to remain and expand, although currently located just outside the District, and will provide economic benefits. It is therefore considered to be acceptable and in compliance with the aims and objectives of the NPPF, in addition to policy DM47 of the Local Plan. The submission sets out that the proposed use falls within class E, and this includes a wide variety of uses including retail. To ensure that the implications of any alternative use in the future can be fully considered, it is appropriate to including a condition restricting the use of the building to use as a veterinary clinic.
- 5.3 **Scale, design and landscape impacts** NPPF sections: 12 (Achieving well-designed and beautiful places) and 15 (Conserving and enhancing the natural environment); Policies and Land Allocations (SPLA) DPD: SP8 (Protecting the Natural Environment) EN2 (Areas of Outstanding Natural Beauty), EN3 (The Open Countryside); Development Management (DM) DPD policies DM29 (Key Design Principles), DM46 (Development and Landscape Impact).
- 5.3.1 As set out above, the site benefits from planning permission for a building of a similar size and siting and the permission has been implemented for the wider site. This scheme proposes some slight changes to the appearance, however these are not significant. When the previous reserved matters application was considered, some changes were made to improve the appearance of the buildings and limit their impact within the landscape. This proposal will have a similar visual impact to the approved building. It is therefore considered to be acceptable in terms of its design and landscape impact and will not have a detrimental impact on the Arnside and Silverdale National Landscape, in accordance with policies DM29 and DM46.
- 5.4 **Highway Impacts** NPPF section: 9 (Promoting Sustainable Transport); Development Management (DM) DPD policies DM29 (Key Design Principles), DM60 (Enhancing Accessibility and Transport Linkages), DM62 (Vehicle Parking Provision).
- 5.4.1 The access to the site was approved by the outline application relating to the employment use of the wider site, but also by the earlier application in relation to the car showroom. As such the highway impacts have been previously considered. There have been some concerns raised by County Highways in relation to the internal layout, specifically relating to parking and initially also relating to turning by refuse vehicles. It should be noted that a similar car park layout was approved in relation to the employment development. In addition, there is turning on the main access road close to the access into this part of the wider site. As such, in this instance, it is considered that the further requested information is not necessary. Details of cycle storage can be covered by condition and two electric vehicle charging points have been shown on the plan, which is the same provision as approved in relation to the previous application.
- 5.4.1 National Highways have advised that the potential impact from cars entering the site from the M6 needs to be investigated, with potential for the installation of a barrier and have requested a condition. They have also advised that it needs to be ensured that vehicles from the site cannot enter the M6. This was considered through the conditions relating to the earlier application at the site and this application includes similar details and information. National Highways have been reconsulted on the further information, which should mean that pre-commencement conditions are

not required. Wire mesh fencing has also been proposed along the boundary with the M6, similar to the previous application.

- 5.4.2 As set out above, the layout includes in a shared access road and parking and turning facilities for large vehicles and cars. This is considered to be acceptable to serve the development. It is considered that the application will not have a detrimental impact on highway safety.
- 5.5 **Flood Risk and Drainage** NPPF section: 14 (Meeting the challenge of climate change, flooding and coastal change); Development Management (DM) DPD policies DM29 (Key Design Principles), DM33 (Development and Flood Risk) and DM34 (Surface Water Run-off and Sustainable Drainage)
- 5.5.1 As with the previous scheme on this site, the proposed drainage strategy outlines that phase 1 and 2 ground investigations have been completed which indicates that infiltration may not be possible as a discharge location for surface water from the site. Therefore, surface water is proposed to be discharged to the existing ordinary watercourse on site. The submitted scheme shows a reduction in the attenuation volume within the proposed attenuation tanks from the previously approved scheme to serve plot D. As such, the Lead Local Flood Authority (LLFA) have raised some concerns regarding the scheme and have requested pre-commencement conditions in relation to drainage. Amended details have been submitted and the LLFA reconsulted, however it is considered that an appropriate drainage scheme can be designed and accommodated as acceptable details have been previously agreed.
- 5.5.2 Whilst there is an acceptable drainage solution to serve the development, as set out above, there is a watercourse that crosses the site. This is located to the south of the proposed building on the application site. As such, this presents a level of flood risk which is indicated as surface water flooding on the Environment Agency flood risk maps. This ranges from low to high risk and roughly follows the line of the watercourse. The mapping information within the Council's Strategic Flood Risk Assessment (SFRA) also indicates some small pockets along the edges of the site where there is potential for groundwater flooding of property below ground level. The NPPF sets out that, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk which means adopting a sequential approach to the location of new development. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. This is reiterated within policy DM33.
- 5.5.3 However, it needs to be acknowledged that there is a fallback position where the site could be developed under the existing permission and a change of use application submitted for a change of use of the building, which would not require the consideration of the sequential test. The original permission was not subject to a flood risk sequential assessment as this was considered prior to the change to the Planning Practice Guidance which introduced a requirement for other sources of flood risk to be considered in addition to flood zones. The fall back position is a material planning consideration however, as this is a full planning application for a new building, a sequential assessment is required.
- 5.5.4 A sequential test has been submitted which acknowledges the fallback position, but also looks at alternative sites where the development could be accommodated at a lower risk of flooding. A similar area of search has been used to the one which considered previously developed land, as discussed under the principle of the development above, although this has been expanded to include undeveloped land adjacent to settlements. When considering availability, the assessment sets out that there is an expectation that the proposed development would commence as soon as planning permission has been granted and the operator would occupy the site in the second quarter of 2025. This is not an unrealistic expectation given the permission on the wider site which has been implemented.
- 5.5.5 It is considered that the assessment sufficiently considers land that could accommodate this development and that there are no reasonably available sites available where this development could be accommodated. The PPG does not require an Exception test to be undertaken in this situation and, as set out above, there is an appropriate drainage solution available to ensure that surface water can be adequately disposed without causing a risk of flooding both within and outside

the site. The proposal therefore complies with the requirements of the NPPF and policies DM33 and DM34 of the Local Plan in terms of flood risk.

5.6 **Impact on biodiversity and trees** (NPPF section: 15 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).

5.6.1 The submission includes a preliminary ecology appraisal, a tree report, landscape proposals which include measures to enhance biodiversity and a construction environmental management plan. This is similar to what has been agreed as part of the proposals for the wider site, but does include the specific enhancements relating to this particular plot, which includes additional planting and improvements to the watercourse. No biodiversity metric has been submitted, however the application was submitted prior to the mandatory requirement for 10% biodiversity net gain and the scheme does show enhancements to biodiversity across the site and the fall-back position, as discussed above, is also acknowledged. Whilst clearance works have taken place across this plot, this is permitted under the previous permission and is in accordance with the mitigation measures for trees and ecology.

5.6.2 It is considered that the impacts to biodiversity and trees have been appropriately assessed and can be adequately mitigated and the proposed enhancements are acceptable. The proposal is therefore in compliance with the NPPF and policies DM44 and DM45 of the Local Plan.

5.7 **Sustainable Design and Renewable Energy** NPPF sections: 12 (Achieving well-designed and beautiful places) and 14 (Meeting the challenge of climate change, flooding and coastal change); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30 (Sustainable Design) and DM53 (Renewable and Low Carbon Energy Generation)

5.7.1 The permission for the wider development, amended by the section 73 application in included a requirement for the development to achieve at least BREEAM standard of 'Good'. Details and confirmation has been received to demonstrate that this will be achieved. The submission sets out that 98 panels will be installed on the building, giving an annual general of 35600 kWh. These measures are considered to be acceptable and will ensure that the development provides mitigation for the impacts on climate change, in accordance with policies DM30 and DM53.

6.0 Conclusion and Planning Balance

6.1 The proposal is similar in terms of its overall siting, design and landscape impact to the previously approved development on this part of the wider site. It is considered that the proposed use is appropriate to this location, taking into account the implemented permission, and will allow a local business to remain and expand, although currently located just outside the District, providing economic benefits. The submission has adequately demonstrated that there are no other suitable sites at a lower risk of flooding where the development could be located and the building itself is outside the areas identified at risk of flooding, and it is also acknowledged that there is a fallback position. The scheme will also provide appropriate landscaping and biodiversity enhancements and will not have an adverse impact on the local or strategic highway networks. It is therefore considered to be acceptable and in accordance with local and national planning policy, as set out above.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard three year timescale for commencement	Control
2	In accordance with approved plans	Control
3	Employment and skills plan	Pre-commencement
4	Fencing to M6, including during construction	Pre-commencement
5	Measures to prevent vehicle access between site and M6	Pre-commencement

6	Drainage scheme	Pre-commencement
7	Maintenance of drainage scheme	Pre-commencement
8	In accordance with Construction method statement and construction environmental management plan and	Control
9	Unforeseen contamination	Control
10	Tree/hedge Protection during construction	Control
11	Verification for drainage scheme	Prior to first use
12	Details of covered and secure cycle facilities, lighting and any CCTV	Prior to first use
13	Foul drainage in accordance with details	Control
14	To achieve at least BREEAM standard of 'Good'	Control
15	Provision of EV charging points and solar panels	Control
16	Materials, surfacing materials, boundary treatments, retaining features in accordance with details	Control
17	Implementation of Landscaping scheme including maintenance and biodiversity enhancements	Control
18	Restriction to use as veterinary clinic	Control

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

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

Background Papers

None

Agenda Item	A8
Application Number	23/01216/FUL
Proposal	Erection of Class E units with associated access, parking and loading bay, landscaping, infrastructure and demolition of existing outbuilding
Application site	Land Adjacent Bowerham Hotel Bowerham Road Lancaster
Applicant	Mr Renwick
Agent	Mr Chris Betteridge
Case Officer	Mr Andrew Clement
Departure	None
Summary of Recommendation	Approval

(i) **Procedural Matters**

This application has been requested to be referred for determination by Planning Regulatory Committee by Councillor Hamish Mills, due to impacts relating the highway, non-designated heritage assets and flood risk, seeking to express the views and concerns of local residents and own assessment.

1.0 Application Site and Setting

1.1 The site relates to a walled disused bowling green and a detached stabling outbuilding adjacent to the Bowerham Hotel, within the Local Centre and residential area of Bowerham in Lancaster. The land was previously used as a bowling green, associated with the public house to the south. However, it has not been used in this way for several years, with the KPP Playing Pitch & Outdoor Sports Strategy & Assessment Report concluding:- Bowerham Hotel is not used currently. A bowling team that previously used the site is now displaced to Highfield. The land lies between Bowerham Road to the east, and Trafalgar Road to the west, and is bounded by stone walls on both of these sides. Bowerham Road is at a higher topography than the site, with Trafalgar Road at a lower topography. Avondale Road is to the north, with the site access proposed from Newsham Road to the south.

1.2 The Bowerham Hotel is considered to be a non-designated heritage asset (NDHA), as a remarkably ornate two-storey late C19-early C20 purpose-built public house, with a hipped roof hidden behind a parapet. It is square on plan on a corner plot, and addresses Bowerham Road to the east and Newsham Road to the south. Bowerham Hotel is faced in coursed sandstone ashlar with a rock faced plinth. The Bowerham Hotel is highly unusual, if not unique, in its use of eclectic styles to outstanding effect, the strong sense of rhythm created by the moulded string courses, projecting voussoirs and scalloped parapet is tempered by Classical motifs, such as the pilastered architraves at first floor, which add a sense of order. It provides a fine contrast to the late Victorian housing stock

along Bowerham Road. Its striking appearance is emphasised by its strong, square massing, which is accentuated by its scale, and visually anchors the building in the street scene.

- 1.3 An outbuilding is located to the west of this, which appears to have been constructed as part of the hotel, possibly as stabling, with an end gable facing onto Newsham Road. The outbuilding has a side wall abutting Back Bowerham Road to the west, and is constructed of stone with a slate roof, although roof slates have recently been removed. It is a modest, attractive and well-proportioned building which provides contrast to the hotel and indicates the historical, functional uses in this area in the late C19-early C20. Between this and the public house is an existing vehicular access and a small parking area. To the west of the site are rows of two-storey terraced dwellings on Trafalgar Road, including a small takeaway in the nearest end terrace. To the north of the site is a row of dwellings fronting onto Bowerham Road, and three dwellings fronting Avondale Road, backing onto the site, with the latter at a lower topography given the changing ground levels. The application site is elevated above Trafalgar Road to the west, with rows of terraced housing along a predominantly east-west road layout, but set down from Bowerham Road to the east. A row of stone-under-slate 2- and 2.5-storey tall terraced houses front facing towards the site from the east on the opposite site of Bowerham Road.
- 1.4 Part of the site adjacent to the eastern boundary wall within the site is identified as being at low risk from surface water flooding (1 in 1000-year event), within an area susceptible to ground water flooding for potential groundwater flooding below ground level, at medium risk category. The bowling green is a designated open space, recreation and leisure area, adjacent to the designated Bowerham Urban Local Centre. The site is circa 800 metres south of the Lancaster Air Quality Management Area (AQMA), and within a smoke control area covering the majority of Lancaster. Bowerham Road forms part of the designated cycle route.

2.0 Proposal

- 2.1 Planning permission is sought for the erection of retail unit(s), with a two-storey development to Bowerham Road, single storey tall to the rear. The application includes associated carparking area, accessed through widening an existing vehicle access onto Newsham Road, facilitated by the removal of the existing former stabling outbuilding. The retail building has a footprint of circa 465sq.m, measuring 28.8 metres deep between Bowerham and Trafalgar Road east to west, and a maximum of 18.8 metres wide, with a 17-space carpark to the south between the proposed building and the Bowerham Hotel. Deliveries are to be taken to a compound and goods-in area to the west of the proposed retail building, with a turning space within the proposed carpark. Sections of existing circa 2.5 metres tall stone wall to Bowerham Road are proposed to be removed to provide a frontage to the retail unit to this road and visibility of the proposed carparking area from this eastern perspective, with elements of this stone incorporated into the front elevation facing Bowerham Road.
- 2.2 The proposed development measures a maximum of 7.8 metres tall to the ridge perpendicular along Bowerham Road, with an eaves height of circa 5.6 metres. The proposed retail space is to the upper floor accessed from Bowerham Road, with the a larger space across the ground floor presenting window opening to Bowerham Road but fronting and accessed from the internal parking space facing south. The wider site area is to be bound by partial retention of the tall natural stone wall to Bowerham Road, with shrub planting, trees and hedges to the north and northwest boundaries to the site. The proposed development is to be finished in natural stone walls under a natural slate gable roof to Bowerham Road and hipped roof to the single storey rear element, with traditional design to Bowerham Road and more contemporary entrance and eaves dormer window features to the south facing elevation across the proposed carpark.

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
22/00551/FUL	Erection of single storey building comprising of two retail units (Class E) with associated access, parking and loading bay, erection of acoustic fence and demolition of	Refused and dismissed at appeal

	existing outbuilding	
21/01404/PRETWO	Erection of 373sqm convenience store, 111sqm retail unit with three no.2 bedroom apartments and one no.3 bedroom apartment in a two and a half storey building with car parking and associated development with access from Newsham Road	Advice provided
18/01526/FUL	Erection of a mixed use scheme comprising two retail units (A1) and 49 1-bed student accommodation studio flats, conversion of existing outbuilding to create 4 1-bed student accommodation studio flats and associated access, parking and loading bay	Refused and dismissed at appeal
17/01437/PREMTG and 17/01192/PRETWO	Erection of a three storey mixed used development comprising of retail units with key worker/student apartments above, including new access and car parking	Advice provided
16/01030/PRETWO	Mixed use development	Advice provided
16/00543/FUL	Demolition of outbuilding and erection of two 2-bed dwellings	Refused

4.0 Consultation Responses

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

Consultee	Response
Bowerham Ward Councillor	Objection , due to adverse impacts relating the highways, non-designated heritage assets and insufficient flood risk assessment
County Highways	No objection , subject to planning conditions for a construction management plan, implementation of off-site highway works for parking restrictions, implementation of vehicular and cycle parking provision, and wheel washing provision during construction.
Environmental Health	No objection , subject to planning condition for a contaminated land assessment, implementation of mitigation measures within the submitted noise assessment, and controls to hours of opening (7am to 11pm), operations (6:30am to 11:30pm), deliveries (7am to 7pm) and construction (8am to 6pm weekdays, 8am to 1pm Saturdays)
Natural England	No observation received
Conservation Section	No observation received
Public Realm	No observation received
Fire Safety Officer	No objection , informative regarding emergency vehicle access and water provision
Lancaster Civic Vision	No objection , question the need for retail development in Bowerham, note improvements on previously proposed and refused developments at this site. Concern regarding exacerbating traffic congestion
Engineering Team	No observation received
Tree Officer	No adverse comment
Sport England	No adverse comment , guidance regarding the loss of any sport facility

4.2 The following responses have been received from **63 objections** and **2 observations** from members of the public:

- Exacerbating traffic and parking problems locally, and hazards to local junctions
- Road safety concerns and dangerous transport impacts, particularly upon local children/pupils and limited visibility from side streets
- Inappropriate access for larger vehicles, accessed from a narrow side street
- Parking beats survey undertaken over a bank holiday weekend, not an ordinary traffic situation nor reflective of ordinary traffic movements and parking requirements
- Adverse impact upon existing established retail businesses, no local need for additional retail
- Loss of green open space, ecological impacts and loss of outdoor sport facility/beergarden
- Flood risk and drainage/sewerage

- Noise and pollution, particularly from deliveries and air conditioning, littering
- Adverse impact on light (overshadowing and light pollution), overlooking, overbearing and residential amenity, particularly from proposed tall boundaries
- Loss of characterful wall to Bowerham Road, demolition of historic structures
- Uncharacteristic appearance of the development in the street scene
- Reduce house prices locally
- Lost opportunity for community use/space, such as park or allotments

5.0 Analysis

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

- Principle of the retail use
- Scale, design and impact on the character and appearance of the area and non-designated heritage asset
- Residential amenity of neighbouring properties and noise
- Accessibility, parking and highway safety
- Flood risk and drainage
- Ecology and loss of open space
- Other matters

5.2 **Principle of the retail use** Development Management (DM) DPD policies DM14 (Proposals involving Employment Land and Premises), DM15 (Small Business Generation), and DM18 (Local Centres), 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), SP5 (The Delivery of New Jobs), TC1 (The Retail Hierarchy for Lancaster District) and TC3 (Future Retail Growth) and National Planning Policy Framework (NPPF) Sections 2. (Achieving sustainable development), Section 4. (Decision-making), Section 6. (Building a strong, competitive economy) Section 7 (Ensuring the vitality of town centres), and Section 11. (Making effective use of land)

5.2.1 The application proposes a retail/commercial use of the proposed part-two-storey part-single-storey building. The floor plans show this space divided into two units, with a combined floor area of circa 510sq.m, with retail space at ground floor of 285sq.m and first floor 104sq.m. Bowerham lies outside of Lancaster City Centre, but forms part of an identified Local Centre within SPLA DPD Policy TC1. As such, the location is appropriate for commercial development providing key services to local residents proportionate to the locality, with policy DM15 providing support for small business generation.

5.2.2 Other services within Bowerham are located slightly further south, with a public house, retail, hairdressers, pharmacy and other local services, and these are predominantly units with smaller internal floorspaces than that proposed. However, the proposed retail floorspace is considered to be proportionate to this Local Centre, measuring 285sq.m and 104sq.m retail floorspace respectively, with additional storage and back of house facilities. It is considered that these are proportionate to provide a basic level of services for the neighbourhood and communities they serve, without directly competing with the retail offer within the larger Lancaster City Centre.

5.2.3 Whilst a widespread response within public consultation information questions the need, or lack of need, for additional commercial and retail space within Bowerham Local Centre, it is not for the planning authority to restrict or limit the provision of such space within a particular area. Planning policy supports and encourages the creation of small commercial units in appropriate locations, such as designated Local Centres, to provide key services to local residents. As such, the principle of retail development within the Local Centre of Bowerham is considered to be acceptable, and the economic benefits of such development and increased commercial activity from the site weigh in favour of the proposal. To ensure these units remain of a scale to provide key services to local residents, as opposed to competing with larger town centre units, the scale of gross floor area proposed should be controlled planning condition, split across at least two separate units.

5.3 **Scale, design and impact on the character and appearance of the area and non-designated**

heritage asset Development Management (DM) DPD policies DM17 (Retail Frontages), DM21 (Advertisements and Shopfronts), DM29 (Key Design Principles) and DM41 (Development Affecting Non-Heritage Assets or their settings), Strategic Policies and Land Allocations (SPLA) DPD policy SP7 (Maintaining Lancaster District's Unique Heritage), and National Planning Policy Framework (NPPF) , National Planning Policy Framework (NPPF) Section 12. (Achieving well-designed places) and Section 16. (Conserving and enhancing the historic environment)

- 5.3.1 The site lies within the predominantly residential area of Bowerham, characterised principally by small scale 2-storey Victorian sandstone terraced properties. Bowerham contains a number of small local shops, often formed within converted ground floor of former residential properties. The Local Centre focuses around the much larger Bowerham Hotel public house, creating a mature and visually diverse streetscene. The Bowerham Hotel lies adjacent to the application site, fronting onto Bowerham Road and Newsham Road, and has been identified as a non-designated heritage asset (NDHA) by the Council. It opened around 1901 and is constructed in coursed sandstone with a hipped slate roof, set behind a stone parapet, and is a largely unaltered Victorian period hotel with eclectic revival architectural influences. The hotel has an attractive symmetrical design, with eclectic revival architectural influences which was popular in the early-20th century, creating an attractive and distinctive landmark feature. It is situated in a landmark position on the corner of two roads, which emphasises its architectural prominence and design. The stabling outbuilding and long tall boundary stone wall to Bowerham Road both contribute positively to the setting of this NDHA. The site is highly prominent from Bowerham Road within the Bowerham Local Centre, with further elevated viewpoints up to Lonsdale Road to the west and the roads running perpendicular to this towards the application site.
- 5.3.2 A variety of design, scale and appearance of development have been progressed at the site over almost a decade. The last proposal, refused and dismissed at planning appeal, the latter referenced APP/A2335/W/22/3311459, was found within this appeal by the Planning Inspector, that on balance this would not harm the setting of the Bowerham Hotel and character of Bowerham Road, despite this forming a reason for refusal. The design reasons for refusal for impacts upon Trafalgar Road of this preceding scheme were upheld in dismissing the scheme at appeal, but impacts upon Bowerham Road and Hotel were found to be unarmful by the Planning Inspector.
- 5.3.3 The proposed design and development has been amended through the course of this application, to address officer concerns with the proposal, albeit with negotiations undertaken with the previous appeal in mind. The impacts upon Bowerham Hotel NDHA from the loss of the former stabling outbuilding, partial loss of the boundary wall, visibility of the carpark were accepted as unarmful by the Planning Inspector. The partial removal of the characterful boundary wall to Bowerham Road and outbuilding is to be partially mitigated by incorporating and re-using the natural stone from these features into the ground floor Bowerham Road elevation of the proposed development. Concerns with the incongruent single storey height and appearance of the proposed development to Bowerham Road have been addressed with the addition of a first floor, within a development that is still subservient to the adjacent dwellings and Bowerham Hotel, but in proportion with the Bowerham Road streetscene. The elevations contain design, materials, window arrangements and roof features that all reflect the surrounding built form, in a design similar to the surrounding commercial units in former residential properties, but with a contrast in upper floor stone and likely subsequent signage to differentiate this as new and commercial within this Local Centre. The design of the proposal is considered to be appropriate to the character of the area, and an improvement upon the previous scheme that was refused at this site.
- 5.3.4 The preceding refused application was dismissed and upheld for the reason of harmful impacts upon Trafalgar Road, which has proposed an acoustic fence up to 1.5 metre tall atop an existing over 2-metre-tall stone wall along more the 55 metres of the eastern head of Trafalgar Road. This was found to be harmful by officers and the Planning Inspector. The current application has sought to address this by removing the proposed fencing, and instead planting landscaping along and atop of this existing boundary stone wall. The trees and hedgerow in this location would provide a more natural and softer screening of the carparking and commercial activities within the site from Trafalgar Road, similar to the existing vegetation in this location. Full details of how this would be managed and maintained would be required, particularly species, staggering and heights of hedges, which are setback from walls by circa 1.3 metres. However, this boundary treatment and landscaping is considered to be an improvement of the current proposal, and has addressed the harm previously identified along Trafalgar Road from the proposal.

- 5.3.5 Overall, the design is considered to be an improvement upon the previously refused scheme, more congruent to Bowerham Road and the streetscene, with a much softer and unarmful impact upon Trafalgar Road. Whilst the removal of the former stabling outbuilding for access and partial removal of the boundary wall to Bowerham Road will undoubtedly be noticeable changes through removal of established features in the area, these formed part of the previous refusal and appeal, with the Planning Inspector determining that these elements were justified, despite dismissing the appeal on other grounds. However, to prevent unjustified demolition and removal of the stables and characterful boundary wall, a condition should prevent these demolitions until there is a contract legally in place to secure the commencement of the new development immediately following demolitions. Subject to this and the use of high-quality natural materials within the development and appropriate boundary landscaping, controlled through planning conditions, the design, scale and appearance of the development is considered to be appropriate, and would have no adverse impact upon the streetscene and character of the surround area of Bowerham, and would have no adverse impact upon the non-designated heritage asset of Bowerham Hotel.
- 5.4 **Residential amenity of neighbouring properties, noise and pollution** Development Management DPD policies DM29 (Key Design Principles), DM31 (Air Quality Management and Pollution) and DM32 (Contaminated Land, Strategic Policies); Strategic Policies and Land Allocations (SPLA) DPD Policy EN9: (Air Quality Management Areas), and National Planning Policy Framework (NPPF) Section 8. (Promoting healthy and safe communities) and Section 12. (Achieving well-designed and beautiful places)
- 5.4.1 The submitted noise assessment indicates that the noise egress from the proposed development would exceed the typical measured background noise level by +2 and +5dB at the façades of the most noise sensitive receivers during the daytime period. The noise assessment includes mitigation measures of CO2 packaged gas cooler and low noise card air conditioning units, located within an external rear plant compound bound by 1.8 metres tall acoustic fencing, with landscaping around this to the north and west. The CO2 Packaged Gas Cooler unit will operate throughout the night- time however, the air conditioning condenser units will operate during daytime hours only.
- 5.4.2 The preceding appeal maintained the reason for refusal for adverse noise impacts, however this application contains further details of plant machinery and proportionate mitigation measures, which the Environmental Health consultee recommend should be controlled through planning condition. The Planning Inspector was primarily concerned with night-time noise, due to the existing noise environment during the day lessening this impact. Environmental Health have recommended conditions restricting opening, operations, deliveries and construction hours, to avoid the nights and evening in the cases of more disruptive activities of construction phase and deliveries. Whilst concern within the public consultation responses with this regard is noted, given the additional information and mitigation measures submitted as part of this application, and planning conditions and restrictions recommended by the Environmental Health consultee, it is considered that the proposal would have no undue adverse noise impacts upon residential neighbours.
- 5.4.3 The proposed development has taller elements than the preceding refused and dismissed scheme, although this taller element is only inline with the blank side elevation of no.3 Hanmer Place to the north. To the rear of this, the single storey element has been reduced in height with a flat roof to the northern aspect. Importantly, the height of this element has reduced by almost a metre along this northern boundary, due to the reduced ground floor finished floor level, and this is setback 4.4 metres from the northern boundary, as opposed to being just beyond a narrow walkway in the previously refused and dismissed scheme. The increased space to the north is to be hedgerow and landscaping, softening the visual appears and the back end and side of properties to the north. These element of the proposal are considered to have addressed the overbearing impacts upon neighbouring properties to the north, through increased setback and soften visual through landscaping. It is considered that the proposal has sufficiently reduced height and increased setback of built form to the north to result in no adverse impact upon neighbouring residential amenity, in a location where tight urban grain is characteristic of the area.
- 5.4.4 The proposed development has no windows facing north or west, and is located over 20 metres from the dwellinghouses on the opposite side of Bowerham Road and the Bowerham Hotel to the south. The proposed development is in line with the adjacent properties along Hanmer Place, again reflecting the urban grain. Furthermore, the proposed development has lower finished floor levels

than neighbouring properties to the east and south, reducing overlooking impact from the proposal. As such, there proposal is considered to have no adverse impact with regards to overlooking and privacy. As such, due to the design, scale and increased setback distances, it is considered the development would have no undue adverse impact upon neighbouring residential amenity, subject to conditions to ensure noise impacts are mitigated.

- 5.5 **Accessibility, parking and highway safety** Development Management DPD policies DM29 (Key Design Principles), DM57 (Health and Well-being), DM60 (Enhancing Accessibility and Transport Linkages), DM61 (Walking and Cycling), DM62: (Vehicle Parking Provision), Appendix E (Car Parking Standards), Strategic Policies and Land Allocations DPD T2: Cycling and Walking Network, T4 (Public Transport Corridors), PAN08 (Cycling and Walking), National Planning Policy Framework (NPPF) Section 9. (Promoting sustainable transport)
- 5.5.1 The application proposes a new widened access off Newsham Road, with 17 parking spaces and turning space for delivery vehicles between the proposed retail building and the retained elements of Bowerham Hotel, and goods-in area to the west of the proposed building. To facilitate the proposed widened access, the existing stabling outbuilding is proposed to be demolished, with circa 30 metres of on-street parking restrictions through double yellow lines between the proposed site access and Bowerham Road to facilitate larger vehicle access and egress from the site. This would remove 6 on-street parking spaces through the provision of such yellow lines and loss of space in front of the proposed site vehicular access. The proposed turning area for the delivery and waste collection heavy vehicle movements is across the sought customer/employee car parking area. The entrance to the larger unit in front of the proposed carpark would encourage greater use of this, rather than parking on Bowerham Road. Furthermore, there is suitable provision for convenient access on foot or by bike, with ramps and cycle parking Sheffield stands proposed.
- 5.5.2 The loss of these on-street parking spaces has sought to be justified by the submission of a parking beat survey, which concludes that there is sufficient on-street parking availability in the vicinity to accommodate the loss of spaces through this proposal. Whilst local concerns have raised that this survey was undertaken during a bank holiday, County Highways concur with the conclusions within the report and the submitted transport statement, with no objection to the proposal subject to details and implementation of the proposed access and parking provision, double yellow lines and bus-stop improvements, and a construction management plan to mitigate highway impacts during construction. These matters are controllable through planning conditions.
- 5.5.3 Given the likelihood of passing traffic visiting the proposed development, provision of 17 parking spaces within the site provides a ratio of 1 space per 23sq.m of commercial floorspace. There is also potential for these spaces to be used for linked visits to the site and neighbouring business premises. As such, and with no objection from County Highways, it is considered that the proposal would have no severe undue impact upon the public highway and parking provision, despite the scale of local concerns with this regard. The proposal is in a location accessible by public transport, and restricting the unit floorspaces to local level scale would encourage a larger proportion of trips on foot or by bicycle. Bicycle parking for both customers and employees of the site can be controlled through planning condition. Subject to the aforementioned planning conditions, the proposal is considered to sufficient encourage sustainable transport and result in no severe harm to highway safety. County Highways conclude that the level of vehicle movements to and from the development would not have a significant impact on the operational performance of the local network.
- 5.6 **Flood risk and drainage** Development Management (DM) DPD Policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water), DM36 (Protecting Water Resources and Infrastructure), 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)
- 5.6.1 The preceding refusal included a reason relating to surface water drainage, and insufficient information submitted. Further information was submitted for consideration during the course of the appeal process, which was accepted and this reason for refusal was not defended through the appeal, but was ultimately dismissed on other grounds. Whilst no observation has been received from engineers to this application, it is considered that precise details of drainage arrangements and mitigation can be controlled through suitably worded planning conditions. This will ensure that foul

drainage is directed to the nearby mains sewers, and surface water is attenuated to discharge at existing rates or better, ensuring no exacerbation of flood risk beyond the site.

- 5.6.2 The site falls within Flood Zone 1, over 450 metres from areas of Flood Zone 2 and 3 due to separation from rivers and the sea. Surface water flooding impacts the north and west boundaries just within the site are a low risk from 1in1000 year events. Over half the site is at medium risk of groundwater flooding, which could occur below ground level, with the remainder of the site at lower risk of limited groundwater flood risk. New development in areas vulnerable to flood risk are required to meet the Sequential and Exception Tests as appropriate, and to demonstrate the site is not at risk of flooding and would not increase the risk of flooding elsewhere.
- 5.6.3 The sequential test is to be applied to steer development to areas with the lowest risk of flood from any source. A sequential assessment has been submitted as part of this application to address this matter. The proposal is located within a Local Centre, a commercial area where proportionate commercial development is encouraged to serve the local community. Given that such development is directed to Local, Town and City Centres, looking at alternative sites within these designated centres is considered to be suitable for this proposal, excluding other areas that would not be policy compliant for such a proposal for retail/commercial space to the ground and first floor. The application site is considered to be immediately deliverable in terms of timeframe for development, with multiple applications previously sought to develop the site.
- 5.6.4 For a site to be sequentially preferable to the application, it would need to have lower risk than the recognised medium groundwater flood risk at the site, with small area of low surface water flood risk within the site. The submitted sequential test has assessed various centres within the district both within and beyond the above agreed parameters for the sequential assessment for the development in terms of floorspace. However, it has focussed on sites brought forwards through the Local Plan, and does not look beyond those to other sites granted planning permission or other windfall sites that could be available.
- 5.6.5 Lancaster University is a designated local centre, and the submitted sequential test does not sufficiently explore this area, simply discounting due to lack of allocated housing and employment sites, without exploring whether these are actually premises or land available to accommodate the proposed commercial use on campus. This is insufficient justification to discount a whole local centre. Sequential assessments of other local centre similarly focusses too narrowly on sites brought forward through the Local Plan only, rather than actual sites that could accommodate development within this local centre. As an example, within Heysham Local Centre there is a circa 500sq.m vacant site of the former Policy Station, which has previously been granted planning permission for similar scale commercial development to the ground floor of the proposal, and apartments above. Whilst the original sequential test mentions this site, it is discounted for being too small, despite the site being able to accommodate the physical development, albeit with a 9-bay carpark, rather than 17 proposed. Given this scale of 9-bay carpark within the public highway was considered appropriate in approving the development at this former Police Station site, it is considered that insufficient justification has been provided to discount this site within the sequential test, which does not elaborate on why the site cannot accommodate the proposal nor explore whether this is reasonably available for such a development. The Councils sequential approach also requests consultation with professional property agents with demonstrable knowledge and understanding of the local land and property market, which has not been undertaken within the submitted sequential test.
- 5.6.6 The above assessment does not comprehensively explore all alternatives within local centres, but more importantly neither does the submitted sequential test. On this basis and due to the highlighted deficiencies and alternatives not assessed nor considered within the sequential test, it is considered that the sequential test fails, as the one provided is inadequate. Failure of the sequential test means that it is not necessary to apply the exception test, but also the 'less vulnerable' flood risk category of the proposal negates the requirement of an exceptions test for the risk of flooding at the site. NPPF paragraph 168 states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, whilst the associated flood risk and coastal change guidance states that where the sequential and the exception tests have been applied as necessary and not met, development should not be allowed. These statements appear rather categorical, but such matters can be weighed into planning balance along with other material considerations of the proposal. Given the 'Less Vulnerable' risk of the

sought use combined with the medium risk of flood from groundwater to part of the site, in this case it is considered pragmatic to do so.

- 5.6.7 Taking account of all sources of flooding, large swathes of the district are at risk from one or multiple sources of flooding. It is considered that the submission has failed to rule out all other potential sites within local centres at lower risk of flooding than the application site. However, this should be assessed in the context of a commercial development, which is within the 'Less Vulnerable' to the risk of flooding, also containing uses such as carparks. Only 'Water-Compatible Uses' such as docks and coastguard centres considered to be lesser risk from flooding. If flooding were to occur at the site within the lifetime of the development, whilst there would be a commercial impact and potential inconvenience to employees and customers, this would clearly be less impactful than 'More Vulnerable' uses, such as people's homes, hospitals and care homes, where flooding has far greater repercussions.
- 5.6.8 The flood risk at the site is low from surface water, 1in1000 year events, with approximately a third-low and two-thirds-medium ground water flood risk, the latter of which is understood to represent potential for groundwater flooding of property situated below ground level. This medium risk affects the rear (eastern) portion of the site used as goods-in and storage areas, as well as rear section of commercial floorspace, all situated above ground level. It is noteworthy that flooding of property situated below ground level would have less impact for a proposal with no basement such as this. The areas of cumulative impact to the eastern edge of the site from both ground and surface water, but both these risks are low in this area, so cumulatively considered no more than medium risk.
- 5.6.9 The NPPF and associated national guidance attaches great significance to avoiding flood risk, and directing new development to the areas of lowest risk. This should ideally come forwards through the Local Plan and allocations of sites for appropriate development. Even through this Local Plan process, in Lancaster District this has resulted in housing and employment allocations in locations at known risk of river and sea flooding, due to the lack of alternative sites to meet the development requirements for the district over the plan period. Furthermore, those at 'More Vulnerable' risk, such as residential sites, would more likely be directed to the lowest flood risk areas through the current Local Plan review process, with 'Less Vulnerable' commercial and industrial uses allocated following this, once residential allocations have been directed to the most appropriate sites at lowest risk. Whilst this Local Plan review process has only recently begun, from the currently adopted plan position and knowledge of constraints in the district, it will be unachievable for all the districts development needs to be on land at no or low risk of flooding.
- 5.6.10 For windfall sites such as this, proposals must demonstrate they have considered all sources of flooding, which is a significant task in terms of assessing alternatives, particularly when developers have multiple other commercial considerations in terms of locations for development. When considering all sources in a district as constrained as Lancaster, it will not always be pragmatic to expect all development to have no or low risk of flooding from all sources. Given the relatively low likelihood/frequency of groundwater flooding situated below ground level affecting part of the site, combined with the less harmful impacts of such events upon 'Less Vulnerable' uses such as at the proposal without a basement, it is considered that this reduces the severity of such impacts, and proportionately reduces the weight of harm attributed in planning balance.
- 5.6.11 Due to the severity of significance placed on the failure of the sequential test within the NPPF and guidance, balanced with the actual risk and extent of impact from risk of groundwater flooding below ground flooding to a 'Less Vulnerable' use without a basement, it is considered that the failure of the sequential test and lack of conclusive evidence in directing development to areas at the lowest risk of flooding has limited to moderate harm weighing against this proposal. The limited to moderate harm identified presents conflict with local and national planning policies with regards to flooding, which should be proportionately and pragmatically weighed against the merits of the proposal. This task is undertaken in the conclusion and planning balance section of this report.
- 5.7 **Ecology and loss of open space** Development Management (DM) DPD policies DM27 (Open Space, Sports and Recreation Facilities), DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland); Strategic Policies and Land Allocations (SPLA) DPD Policy SP8 (Protecting the Natural Environment); National Planning Policy Framework (NPPF) Section 15. (Conserving and enhancing the natural environment)

- 5.7.1 The proposed development will cause the loss of all habitats on site, including the stabling outbuilding. However, the submitted ecological survey concludes that the existing site is of poor ecological value, with no evidence of bat activity or suitable bat roost habitat. The site supports very limited suitable bird nesting habitat, and subject to a planning condition requiring removals outside of bird nesting season as recommended in the submitted survey, the proposal will cause no undue harm to protected species. To ensure biodiversity net gain, soft landscaping should include suitable provision of flowering perennial species in addition to bat and bird boxes within the proposed development. Whilst the information submitted in these regards is scant, the landscaping proposal includes 2x heavy standards and 3x select standard tree, double staggered cherry laurel hedging and native shrubs, and subject to a planning condition requiring full details of ecological enhancement measures and implementation and maintenance of landscaping, biodiversity net gain is considered to be achieved through the proposal.
- 5.7.2 During the site visit a number of picnic benches were placed across the site and appears to have been most recently used as a beer garden associated with the Bowerham Hotel. However, up until 2015, the site was actively used as a bowling green, and whilst the site has been disused for sport since the bowling team was displaced to facilities at Highfield, the Lancaster Playing Pitch and Outdoor Sport Strategy recommends mitigation of the loss through investment in alternative bowling provision, as opposed to an aim to protect this designated sports site. Therefore, whilst the site is designated as and Outdoor Sports Facilities, which ordinarily should be protected from inappropriate development, subject to appropriate mitigation it is considered that the permanent loss of this provision for development could be supported.
- 5.7.3 DM DPD Policy DM27 establishes the circumstance by which the loss of open space and sports provision could be supported. No assessment has been submitted evidencing that the site is surplus or no longer of value, and a number public of consultation response attest to the value of the site as local green space. Whilst the Lancaster Playing Pitch and Outdoor Sport Strategy identifies the site as disused without an aim to necessarily protect this provision, it recommends that mitigation is required for any loss of the site, effectively the third criteria of Policy DM27. Whilst the poor maintenance and condition of the bowling green does not justify its loss, the loss of the bowling green is considered to be acceptable if compensation is provided for this loss in order to improve facilities at nearby bowling greens, as recommended in the aforementioned strategy.
- 5.7.4 The Public Realm Officer and Planning Policy have advised that this could be used to improve the quality of facilities at Palatine Recreation Ground and/or Highfield Recreation Ground, where the majority of the Bowerham Bowling team relocated. The application statement includes a suggested contribution of £70,000, a sum and mitigation scheme that was agreed through an executed Section 106 agreement through the appeal dismissed last year. This sum and project were agreed with Public Realm colleagues when deciding not to defend the reason for refusal for the loss of open space at the preceding appeal, subject to this obligation being provided for improvements to the bowling green, pavilion and shelter projects at Highfield Recreation Ground. Such projections and contributions could alternatively be delivered at Palatine Recreation Ground a short distance south of the site. This position of Public Realm has been reiterated in the consultation response to this planning application. As such, the sum is considered to be appropriate and proportionate compensation for the permanent loss of the bowling green at the site, directly mitigating the impacts upon those displaced to Highfield.
- 5.8 **Other matters** Development Management DPD Policies DM29 (Key Design Principles), DM30 (Sustainable Design), and DM31 (Air Quality Management and Pollution); Strategic Policies and Land Allocations (SPLA) DPD Policy EN9 (Air Quality Management Areas)
- 5.8.1 An energy statement has been submitted with this application, detailing building fabric and fenestrations that would exceed the minimum requirements of building control Part L2A, and heating through air source heat pumps and lighting through LEDs only. The installation of these measures would exceed the minimum requirements with a 12.1% reduction in CO2 achieved by the suggested measures, which is considered to be policy compliant in terms of sustainable design, subject to a condition to control the implementation of these measures. This should be controlled through planning condition.
- 5.8.2 An air quality assessment was also submitted with this application, detailing that the results of

emissions from the local highway network due to the proposal would not be significant at any sensitive locations, although construction air quality impacts would need to be mitigated through measures to control dust and reduce potential impacts. Subject to planning conditions mitigating dust emission during construction and the provision of two fast EV charging points within the proposed parking area, the proposal is considered to be acceptable with regards to air quality.

6.0 Obligations

Contribution of £70,000 (seventy thousand pounds) to be paid to the Council, which shall be used by the Council for improvements of the recreational facilities at Highfield Recreation Ground and/or Palatine Recreation Ground in Lancaster.

6.0 Conclusion and Planning Balance

6.1 Development of the site has gone through a number of iterations and decisions, primarily resulting in refusal and dismissal of development. However, the development has evolved over this period and application process to address a number of points of concern and detraction of development of this location. Whilst highways and parking are a contentious matter locally, the design and development has no objection from County Highways, and therefore the proposal is considered to be neutral in this regard. Other matters of drainage, open space, ecology and residential amenity can all be mitigated to ensure no adverse impact and policy compliance, similarly all neutral matters in a planning balance. The design and external materials of the development have improved significantly over the course of this application and history of applications, and is considered to be appropriate to the setting and congruent to the area through a modest and well designed development.

6.2 Whilst a sequential test of alternative sites to direct development to lower flood risk has been provided, the scope and content of this is considered to have failed the sequential test. There is gravity to this matter in policy terms, but it is considered that this should be considered in the context of a proposal is for a less vulnerable use, and a site at medium risk of groundwater is for flooding beneath ground level, with lesser degrees of surface water and groundwater flooding cumulative impacts. As such, even though officers are not satisfied that this is the lower risk site reasonably available for the development in the district, for this use and level of risk it is considered this can only be afforded limited to moderate weight against this proposal for the actual severity and risk of harm to such a proposal at this site. The benefits are primarily social and economic, providing additional services to local residents at a scale appropriate to this local centre, and associated economic benefits during construction and through providing employment and commercial space. As new build additional commercial space for proportionate units over two floors, it is considered that these benefits would be moderate, and would outweigh the failure of the sequential test.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale	Control
2	Accord with amended plans	Control
3	Demolition and construction management plan, including hours of construction and demolition	Pre-commencement
4	Land contamination survey	Pre-commencement
5	Surface water drainage scheme	Pre-commencement (except demolition)
6	Details and samples of external materials and boundary treatment	Pre-commencement above ground
7	Landscaping scheme and maintenance	Pre-commencement above ground
8	Details of plant/waste compound boundary	Prior to installation and first use
9	Surface water maintenance and verification	Prior to first use

10	Foul water drainage scheme	Prior to first use
11	Off-site highway works (including yellow lines and bus stop improvements)	Prior to first use
12	Mitigation within ecology assessment	Prior to first use
13	Implement new accesses	Control
14	Implement mitigation in energy report	Control
15	Implement mitigation within noise assessment	Control
16	Implement car and bicycle parking provision, including 4x EV parking spaces	Control
17	Hours of site opening, operations and deliveries	Control
18	Maximum commercial floorspace restriction and units	Control
19	Demolition only prior to imminent commencement	Control

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

Preceding appeal referenced APP/A2335/W/22/3311459



Appeal Decision

Site visit made on 21 February 2023

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 March 2023

Appeal Ref: APP/A2335/W/22/3311459

Bowerham Hotel, Bowerham Road, Lancaster, Lancashire, LA1 4DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Renwick for Luna Developments against the decision of Lancaster City Council.
 - The application Ref: 22/00551/FUL, dated 29 April 2022, was refused by notice dated 15 September 2022.
 - The development proposed is erection of 373sqm (gross) retail unit, 165 sqm (gross) flexible Class E unit in a single storey building together with 22 car parking spaces and associated development with access from Newsham Road, following demolition of existing building.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. It seems that the Council are not defending the third reason for refusal in relation to surface water drainage. They have agreed that this matter could be dealt with by planning conditions should I be minded to allow the appeal.
3. Regarding the fourth reason for refusal in relation to the loss of formal open space, an executed section 106 agreement has been submitted that would secure a sum of £70,000 for improvements to an existing recreational ground in Lancaster. On this basis the Council are no longer defending this reason for refusal. I shall deal with the appeal on this basis.

Main Issues

4. On the basis of the above, the main issues are the effect of the proposal on:
 - i) the character and appearance of the surrounding area, including a non-designated heritage asset; and
 - ii) the living conditions of neighbouring properties.

Reasons

Character and appearance

5. The appeal site is located on Bowerman Road, between the Bowerman Hotel, a non-designated heritage asset, and 3 Hanmer Place a 2.5 storey traditional end terrace residential property fronting Bowerman Road. The front of the appeal site is bounded by a tall stone wall, partially covered in vegetation. This

- prevents the site from being seen from Bowerman Road. The site is currently an area of grassland with a few trees on its boundaries.
6. There is an old stabling building within the appeal site, at the rear of the hotel. The site was latterly used as a bowling green associated with the hotel, but now appears to be used by the hotel as a beer garden. The site is at a lower level than Bowerman Road but much higher than Trafalgar Road which runs along the rear boundary of the site. Trafalgar Road gives access to a number of rows of residential terraced dwellings. Behind No 3, to the north of the site, is a row of 3 terraced dwellings known as 5, 7 & 9 Avondale Road. Access to the site is currently off Newsham Road across the back of the Bowerman Hotel.
 7. The Bowerman Hotel is an imposing square building on the corner of Bowerman Road and Newsham Road. It is a very ornate late Victorian building, built as a public house. It is faced in coursed sandstone ashlar with a rock faced plinth. The elevations of the building contain a mix of styles resulting in a unique looking building. This design, combined with its scale and mass create an important landmark building which is seen in contrast to the smaller, simpler late Victorian terraced dwellings nearby.
 8. To the rear of the Hotel is a simple outbuilding, likely used as stabling in connection with the Hotel when it would have been used as a stopping point for people travelling in the area by horse. The building is a simple unremarkable building of no particular architectural value in itself. Clearly it has historical value in terms of its relationship with the hotel.
 9. The site is located in an area containing a mix of high density terraced housing and shops with living accommodation above. There are a number of such commercial properties opposite the appeal site. The proposal would involve the removal of sections of the tall stone wall at the front of the site and the erection of 2 commercial units in the northern part of the site, close to the side of No 3 and the rear yards of the three terraced dwellings on Avondale Road.
 10. The southern section of the site, closest to the hotel, would contain 22 car parking spaces. The delivery area and storage compound for the proposed units would be located on the rear boundary, adjacent to Trafalgar Road and 9 Avondale Road. Access to the site would be from both Bowerman Road and Newsham Road.
 11. The retail units would be single storey and so significantly lower in height than other buildings nearby. They would be constructed from materials that would respect the character and appearance of the area. The simple, modern design incorporates tall windows to create a vertical emphasis, in keeping with the surrounding area. This would help to assimilate the building into the surrounding area and ensure it would not compete with the ornate Bowerman Hotel. Moreover, the building would be sited some distance away from the non-designated heritage asset.
 12. I do have some concerns about the loss of a parts of the boundary wall along Bowerman Road and its impact on the character and appearance of the surrounding area. However, the loss has been kept to a minimum and importantly a good section closest to the Hotel would be retained. Whilst the loss of the stabling building would be regrettable, because of its association with the Hotel, it would not be so harmful as to count against the proposed scheme.

13. My main concern is with the rear of the building because as a result of the gradient of the site the building would appear unduly tall and thus very prominent when viewed from Trafalgar Road. Although the retail units would be set back from this boundary there would be a lower compound building in part of the gap and these elevations of the new buildings would consist of unrelieved solid walls. As a consequence, the building would appear very large and visually dominant from this road. The harm here would be exacerbated by the proposal to erect a tall acoustic fence on top of the traditional stone retaining wall on this boundary. Because of its location adjacent to the road there would be no opportunity to provide landscaping to reduce the impact.
14. Turning to consider the visual impact of the car parking, this would be located between the commercial units and the Bowerman Hotel. The 22 spaces would be provided in 2 rows with the access road running between them. It is clear that for highway safety reasons car parking is necessary as part of this development. If a scheme were to be delivered with the car parking behind the units then it is likely that it would be less well used or indeed even known about by people visiting the area. This could lead to dangerous on street parking close to the site.
15. Whilst the car parking would change the character and appearance of the site it would only be visible along a short section of Bowerman Road because of the presence of the Bowerman Hotel at one side and the proposed commercial units at the other. The main views of it would be from the properties opposite. The car parking closest to the Bowerman Hotel would be screened by the retained section of wall here. Consequently, on balance I find that the car parking would not appear unduly harmful in the streetscene.
16. Overall whilst I find that on balance the proposal would not harm the setting of the Bowerman Hotel and would preserve the character and appearance of Bowerman Road, I have serious concerns about the harm to the character and appearance of the area around Trafalgar Road. The harm I have identified here would lead to conflict with the advice in the Framework in relation to creating high quality places and the adopted Lancaster District – Part Two: Review of the Development Management DPD (DPD) policy DM29 in so far as it seeks to ensure that new development contributes positively to the identity and character of the area through good design, appropriate siting and scale.

Living conditions

17. Dealing first with 3 Hanmer Place, this has no windows in the side elevation, but the rear elevation contains numerous windows. The proposed building would project well beyond the dwelling and its small rear yard. Whilst the section of the proposed building that would project beyond the rear elevation of No 3 would have a pitched roof, pitched away from the boundary, because of its proximity and overall height it would appear incongruous and overbearing, thereby harming the outlook from No 3.
18. This would be particularly so in the rear yard area because of its small size as well as the windows closest to the boundary as the development in conjunction with the outrigger at No 3 would create a dark tunnel at lower levels. On the basis of the submitted drawings I agree that loss of sunlight would not be a serious issue here. There would also be no loss of privacy as there are no windows in the proposed elevations facing No 3.

19. Turning now to the impact on Nos 5, 7 & 9 Avondale Road, this is a short row of 2 storey traditional dwellings with small rear yards backing onto the side of the appeal site where the main building and rear compound would be erected. The submitted sectional elevational drawings show that the proposed building, which would be close to this boundary, would be significantly higher than the rear boundary wall of these dwellings.
20. Moreover, apart from a fire exit door this elevation would be completely unrelieved. It would appear extremely oppressive when viewed from the rear windows of these dwellings and have a severe adverse impact on the amenity value of the rear yards due to it appearing overbearing as a result of the scale and mass so close to the boundary. I appreciate these rear yards contain outbuildings on the boundary, but they are much lower in height than the proposed building. On the basis of the submitted evidence it is unlikely to adversely affect the sunlight reaching solar panels on the roof of a single storey rear outrigger at No 5.
21. The Council have expressed concerns about the effects of potential increased noise from the development on local residents. I have reviewed all of the evidence on this matter, including the additional information submitted by the appellant, dated 25 October 2022. On balance I find that the proposal is unlikely to cause any noticeable increase in noise levels in the daytime when the ambient noise level is already quite high.
22. Any noise at night is likely to come from plant on the flat roofed area of the building when the surrounding area is much quieter. This would be most likely to affect the dwellings on Avondale Road and 3 Hanmer Place. I do have some concerns that a full assessment of the exact plant to be used and its precise location on the building has not been assessed to fully understand the noise impact. Plant can be very noisy and tends to operate 24 hours a day. The lack of comprehensive information in this regard is a serious concern given the proximity of the proposal to a number of residential dwellings.
23. I conclude on this main issue that the proposal would conflict with DPD policy DM29 in so far as it seeks to ensure that new development does not have a significant detrimental impact on amenity in relation to overshadowing, visual amenity, massing and noise pollution.

Other matters

24. I appreciate that the proposal would result in the creation of jobs during the construction phase and once the units are operational. It would also have the potential to increase the retail facilities in the area and create a car parking area that could be used by people accessing other services in the area. There is no disputing the site is in an accessible location and that it would make use of an underutilised site in an otherwise built up urban area.

Conclusion

25. Whilst the appellant has overcome two of the Council's reasons for refusal, this lack of harm has a neutral effect on the overall planning balance. I have however identified significant harm in relation to my main issues and these are not outweighed by the factors weighing in favour of the proposal set out above.
26. Accordingly, having taken all other matters raised into consideration, I conclude that this proposal would conflict with the provisions of the

development plan and the Framework when taken as a whole and the appeal is dismissed.

Louise Crosby

INSPECTOR

Agenda Item	A9
Application Number	22/01396/FUL
Proposal	Works to existing flats including installation of balconies, replacement of pitched roofs with flat roofs, installation of solar panels, external cladding, new and replacement windows/doors, installation external canopies, erection of external bin and bike stores and associated external works, formation of communal courtyard and private amenity spaces and landscaping
Application site	Lune House And Derby House Lune Street And Derby Road Lancaster Lancashire
Applicant	Place Capital Group Limited
Agent	Mr Lewis Evans
Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

This application would normally be determined under delegated powers, however, Lancaster City Council holds an interest in this development proposal. For this reason, in the interests of transparency, the application is reported to Planning Committee for determination.

1.0 Application Site and Setting

1.1 The site sits to the south of the Mainway Estate, just to the southeast of Owen Road and Skerton Bridge overlooking the River Lune. Lune Street and Derby Road skirt the northern and western periphery of the site and the northern bank of the River Lune forms the southern border to the site. Lune House and Derby House are both 4 storey residential buildings featuring rendered exteriors underneath hipped roofs. Smaller bin storage buildings are located close to each building. Within the site are numerous trees and an adopted pedestrian footpath runs through the centre.

1.2 The surrounding area features a mixture of residential dwellings, including terraced dwellings to the west and a further residential building to the north, as well as numerous commercial buildings. Skerton Bridge which is located to the south is Grade II* listed and is also Scheduled Ancient Monument. Skerton Liberal Club located to the west is also Grade II listed. The majority of the site falls within flood zone 2, however, Derby House falls within flood zone 3 and a small area along the southern boundary of the site falls within flood zone 3b. The site benefits from the flood defences installed along the northern bank of the River Lune. The River Lune is a designated Marine Conservation Zone and a Biological Heritage Site. The site falls within the Article 4 area controlling

Houses in Multiple Occupation, part of the site though not Lune House and Derby House themselves falls within the Air Quality Management Area. The footpath through the site forms part of the adopted network and is also a designated cycle path.

2.0 Proposal

2.1 This application seeks planning permission for external alterations to the existing residential blocks including the installation of balconies, replacement of pitched roofs with flat roofs, installation of solar panels, installation external brick cladding, new and replacement windows/doors, installation external canopies, erection of external bin and bike stores and associated external works, formation of communal courtyard and private amenity spaces and landscaping within the site.

3.0 Site History

3.1 No relevant planning applications relating to this site have 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 response received.
Environmental Health Officer	Raises concerns with respect to potentially adverse impacts to the properties with regard to noise, overheating and air quality.
Fire Safety Officer	No response received.
Arboricultural Officer	No objections subject to a condition to secure final landscaping details.
Conservation Team	Does not wish to provide comments on this application.
Natural England	No response received.
Environment Agency	No objection subject to a condition to ensure development is undertaken in accordance with the Flood Risk Assessment.
Lune River Trust	No response received.
Historic England	Does not wish to provide comments on this application.
Waste And Recycling	No response received.
Property Services	No response received.
County Ecologist	No response received.
Cadent Gas (Previously National Grid)	No objections, informative advice provided to applicant.

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

5.0 Analysis

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

- Design and heritage matters
- Residential amenity
- Flood risk
- Ecology
- Trees
- Highways

5.2 **Design and heritage matters** National Planning Policy Framework: Section 2. Achieving sustainable development, Section 12. Achieving well-designed and beautiful places, Section 16. Conserving and enhancing the historic environment; Strategic Policies and Land Allocations DPD: Policy SP7: Maintaining Lancaster District's Unique Heritage; Review of the Development Management DPD: Policy DM29: Key Design Principles, Policy DM30: Sustainable Design, Policy DM39: The Setting of Designated Heritage Assets.

5.2.1 The issues to be considered are the potential impact of the proposals upon the setting and significance of the Skerton Bridge as a Grade II* Listed Building and Scheduled Ancient Monument. Skerton Bridge was erected in 1788 to the design of the notable bridge architect, Thomas Harrison and was further altered in 1849. The bridge demonstrates a high level of architectural interest as a major example of late-18th century public bridge design. The application site is situated to the immediate north-west of the northern end of the bridge, and is visible when moving northwest over the bridge. It is also visible when approaching the bridge in a south-easterly direction along Owen Road. The development site forms part of the wider surroundings of the bridge but do not contribute to the ability to understand its architectural and historic significance.

5.2.2 Section 16 of the NPPF states that when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Policy DM39 of the Review of the Development Management DPD also states that the Council will look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Development proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset will be treated favourably.

5.2.3 The current buildings due to their form, appearance and prominence along the northern banks of the River Lune are considered to be poor quality structures which jar with the townscape particularly when viewed from the southern side of the river and from upon Skerton Bridge itself. The smooth textured beige render and pyramidal tiled roofs appear quite at odds with the prevailing historic context of sandstone and slate. In their current form, the buildings are considered to detract from the setting of the adjacent heritage asset and harm the character of the locality more generally.

5.2.4 The proposal seeks to enhance the character and appearance of these buildings through the removal of the obtrusive pyramidal roof and formation of a flat roof with a parapet. The buildings will then be clad with buff brick which will more closely reflect the character and appearance of sandstone with respect to tone and texture, a contrasting darker brick plinth is proposed to the lower section of the elevations. In addition to this, vertical bays with expressed window surrounds and profiled cladding panels, door canopies and external balconies will be constructed. Replacement windows and doors will complement the profiled cladding panels and expressed window surrounds.

5.2.5 Within the wider site, further landscaping is proposed along with the creation of private garden areas for some of the ground floor accommodation, the creation of a communal courtyard within the centre of the site, replacement bin storage facilities and the installation of a bike storage building. New boundary treatments and gates would be installed around the site perimeter along with new soft landscaping on site.

5.2.6 It is clear that relative to the design and appearance of the current structures and their immediate surroundings, the design alterations would significantly lift these buildings, creating a site that more

closely reflects the historic character of development along the banks of the River Lune. The use of buff brick would better reflect the surrounding sandstone structures adding texture and interest to these large and prominent structures. The formation of vertical bays with profile cladding panels and window surrounds add further visual interest and create proportions that reflect loading bays found within historic warehouse structures which are found along the southern side of the river. In wider townscape views such as from the southern side of the river, the proposal would enhance the visual appearance of the buildings and their interaction with their surroundings. The landscaping works around the site will further enhance the environment creating attractive spaces to encourage social interaction between residents. With respect to the setting of the adjacent heritage asset, and the policy requirements set out in the NPPF and DM39, the proposal will result in change to the character and appearance of the site and its interaction with the asset. Overall, it is considered that the proposal would have a positive effect upon the setting of the bridge through improving the experience of views from the bridge itself and when transitioning from the bridge to the path which runs through and around the site. The proposal would serve to enhance the built environment within the immediate setting of the heritage asset. In summary, the proposals present no risk of harm to the significance of the affected heritage assets, and no conflict with the requirements of the relevant policies of the Local Plan.

5.2.7 In order to ensure that a high quality of design is delivered, a condition is recommended to secure final details and samples of materials, along with final details of the hard and soft landscaping of the site, boundary treatments and the bin and bike storage buildings.

5.3 **Residential amenity** National Planning Policy Framework: Section 2. Achieving sustainable development, Section 12. Achieving well-designed and beautiful places; Review of the Development Management DPD: Policy DM29: Key Design Principles.

5.3.1 The proposal retains the existing accommodation, however, it seeks to provide private and communal garden spaces for residents, which also includes the stopping up of the adopted footpath through the site. At present, the accommodation does not benefit from such private amenity space, therefore, this represents an enhance in residential amenity terms. The design and appearance of the boundary treatments will be important and final details of these are to be secured by condition. Whilst not providing privacy within the gardens, given the openness of the site and relationship with the street scene, it is considered that low and open boundary treatments would be most appropriate. Furthermore, the installation of balconies would impinge upon the privacy of the private garden spaces, however, these are considered important both in design terms and in terms of enhancing social interaction and sense of community. They also serve to create a small outdoor space for the accommodation to the upper floors.

5.3.2 The Environmental Health Officer has reviewed the development and raised some concerns with respect to potentially adverse impacts to the properties with regard to noise, overheating and air quality. The proposal amounts to external alterations of the building, creation of ancillary bin and cycle stores and landscaping of the surrounding grounds for form gardens and communal spaces. The use of the site as residential is already established and the proposal does not result in any changes to the use of the site, layout of the residential units or number of residential units. Whilst the development site is close to the A6, given the use of the residential site is already established and proposal results in no material changes in this regard, a noise survey is not considered relevant to the determination of this proposal. Moreover, the provision of external amenity space would only serve to enhance the amenity standards of occupants given no private or shared external space is currently provided at the site.

5.4 **Flood risk** National Planning Policy Framework: Section 14. Meeting the challenge of climate change, flooding and coastal change; Review of the Development Management DPD: Policy DM29: Key Design Principles; Policy DM33: Development and Flood Risk.

5.4.1 Derby House is located within flood zone 3 and Lune House is located in flood zone 2. The site benefits from the Lune flood defence wall and bund. The effective crest level for the flood defence wall is between 6.32-6.99 mAOD for the site. The tidal flood level is 7.79mAOD for the 0.5% AEP event incorporating climate change at the modelled location closest to the site. For fluvial flood levels, the scenario of defences and climate change incorporated proved to be worst case providing a flood level of 8.66m AOD. Therefore, flood defences would be overtopped, and the flood levels

would exceed the finish floor levels of the development which was estimated to be at 7.47m AOD for Derby House and 8.06m AOD for Lune House.

- 5.4.2 The proposals are for external refurbishments with minimal internal works required. Existing finished floor levels are not able to be raised above the identified flood levels. Instead, options for flood resilience will be considered during the internal refurbishment works, and should flooding occur at the site, occupants are able to use internal staircases to route above the flood level to a safe place. Alternatively, Mainway, a 2-minute walk north of the site, is located outside of flood extents. The Environment Agency have reviewed the development and have raised no objection, subject to the development being undertaken in accordance with the Flood Risk Assessment.
- 5.5 **Ecology** National Planning Policy Framework: Section 12. Achieving well-designed and beautiful places, Section 15. Conserving and enhancing the natural environment; Strategic Policies and Land Allocations DPD: Policy SP8: Protecting the Natural Environment, Policy EN7: Environmentally Important Areas; Review of the Development Management DPD: Policy DM29: Key Design Principles, Policy DM44: The Protection and Enhancement of Biodiversity.
- 5.5.1 The application is accompanied by a bat survey which concluded that no bats were found to be roosting within the buildings. No further survey or mitigation work is required for the development to proceed, with regards to bats and the buildings. All of the scattered trees on site were subjected to a ground level assessment with regard to their potential to support roosting bats. Of the trees onsite nine were identified as having PRFs for bats. Trees T124 & T126 had negligible potential for roosting bats and no further survey is required. Trees T113, T114, T116, T117, T118 & T120 have low potential for roosting bats, and mitigation in the form of soft-felling techniques are to be implemented during arboricultural works. Tree T127 has moderate potential to support roosting bats, however, this tree is located to the south of the development site and will not be impacted by the proposed works. A condition is recommended to ensure that the development is undertaken in accordance with the precautionary mitigation measures detailed within the bat surveys.
- 5.5.2 With respect to birds, vegetation removal could result in the direct loss of nests, any individuals within the nests and of available nesting territories if conducted during the breeding season. Mitigation is required in the form of undertaking site clearance/vegetation removal works out outside of the breeding bird season or, if this is not possible, undertaking a targeted breeding bird nest survey to be conducted prior to the start on site or the appointment of an ecological clerk of works. Invasive species (giant hogweed) has been identified on site, therefore, an invasive species method statement will be required to detail control measures and ongoing spread prevention measures, which should be adhered to throughout the duration of the development. With respect to otters, there is a lack of suitable habitats present within the proposed development boundary and otters have not been identified, it is considered highly unlikely that otters will use the site or the adjacent habitat for holting / sheltering purposes, but they may use the offsite River Lune for commuting and foraging purposes. Precautionary mitigation measures are suggested. In light of the proximity of development to the River Lune, site clearance and construction works in general may result in disturbance and / or pollution of the river. Specific pollution prevention procedures or control measures will need to be implemented to ensure that the river is not affected by the proposed development and this could be secured by way of a Construction Environmental Management Plan condition.
- 5.5.3 In addition to the above mitigation measures, ecological compensation measures should also be provided to mitigate the loss of on-site habitat features. It is suggested that replacement nesting and roosting habitat for birds and bats be provided in addition to landscaping enhancements. The provision of both roosting habitat for birds and bats and landscaping within the site to mitigate tree losses can be secured by condition.
- 5.6 **Trees** National Planning Policy Framework: Section 12. Achieving well-designed and beautiful places, Section 15. Conserving and enhancing the natural environment; Strategic Policies and Land Allocations DPD: Policy SP8: Protecting the Natural Environment; Development Management DPD: Policy DM29: Key Design Principles, Policy DM45: Protection of Trees, Hedgerows and Woodland.
- 5.6.1 Three trees will be felled T113 - Whitebeam, T119 – Bird Cherry and T120 – Whitebeam. Trees T115 – Ash and T121 – Ash will require pruning works to enable development but can be retained. In addition to these tree works, an area of cherry laurel around the United Utilities pumping station will be felled with the area used as the site compound during the construction phase. In order to

mitigate the arboricultural works, the indicative landscaping scheme details nine new trees within the site in addition to low hedges and ground cover to be planted. The size and species of trees and other planning will require confirmation as part of a detailing landscaping plan along with their associated long-term management. This can be secured by way of a planning condition.

5.7 **Highways** National Planning Policy Framework: Section 8. Promoting healthy and safe communities, Section 9. Promoting sustainable transport; Strategic Policies and Land Allocations DPD: Policy T2: Cycling and Walking Network; Review of the Development Management DPD: Policy DM29: Key Design Principles, Policy DM61: Walking and Cycling.

5.7.1 The development site is encompassed by Owen Road (A6), Lune Street and Derby Road, however, the site itself does not benefit from vehicular access or private parking facilities. The residential use of the site is long established and there would be no impact upon the surrounding road network arising from this proposal. The surrounding road network is also constrained by highway restrictions including double yellow lines and short-stay and resident permit parking bays around the site.

5.7.2 The footpath which passes through the centre of the site is an adopted footway and is also cycle route which connects with that which passes below Skerton Bridge and continues along the northern banks of the river. This application seeks to establish a private resident’s courtyard within the centre of the site and to achieve this, it is proposed that this adopted footway would be stopped up. This would require the developer to undertake a separate stopping up order to the Secretary of State. The Highways Authority have previously advised that they would support the stopping up of the footway to create a private courtyard space, as there are alternative suitable routes for the general public around the site.

5.7.3 The Environmental Health Officer has requested the installation of electric vehicle charging infrastructure, however, as already described, the development site does not benefit from vehicular access or private parking facilities to provide this.

6.0 Conclusion and Planning Balance

6.1 The development seeks permission for external and internal refurbishment of two large residential blocks situated in prominent and sensitive location. The external alterations are considered to represent the visual enhancement of these buildings, resulting in a development which will more sensitively reflect characteristics of the surrounding townscape and create a higher standard design and environment immediately adjacent to the Grade II* listed/Scheduled Ancient Monument Skerton Bridge. The proposal will also secure enhancements in the standard of accommodation and residential amenity for occupants of this site. The proposed changes would not result in detrimental impacts with respect to flood risk, ecology and highway safety subject to the conditions detailed. The development is therefore considered acceptable and complies with local and national planning policy.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale	Control
2	Approved plans	Control
3	Submission of Invasive Non-native Species methodology	Prior to commencement
4	Submission of Construction Environmental Management Plan	Prior to commencement
5	Submission of material details and samples	Prior to commencement
6	Submission of landscaping and maintenance scheme	Prior to commencement
7	Submission of bat and bird nesting scheme	Prior to commencement
8	Submission of cycle store details and provision prior to occupation	Prior to commencement/occupation

9	Submission of bin store details and provision prior to occupation	Prior to commencement/occupation
10	Development in accordance with Arboricultural Impact Assessment	Control
11	Development in accordance with Flood Risk Assessment	Control
12	Development in accordance with bat, bird and otter mitigation measures	Control

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

None

Agenda Item	A10
Application Number	23/01435/FUL
Proposal	Demolition of existing office building, canteen building, welfare building and greenhouse and erection of a new office building, canteen and welfare building
Application site	Lancaster City Council White Lund Depot White Lund Road Morecambe
Applicant	Mr Dan Wood
Agent	Mr Lee Donner
Case Officer	Mr Sam Robinson
Departure	No
Summary of Recommendation	Approval

(i) **Procedural Matters**

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

1.0 Application Site and Setting

- 1.1 The White Lund Depot is situated to the northeast of White Lund Road, near to the junction of White Lund Road and Westgate. The site comprises of numerous buildings that include office buildings, storerooms and the White Lund Plant Centre. The remainder of the site consists of parking for council vehicles and staff parking.
- 1.2 To the northwest of the site are six residential properties, with further residential properties to the west of White Lund Road. To the north, east and south of the application site are various commercial properties that include Home Bargains and Whitehouse Motors.
- 1.3 The site is situated within the White Lund Industrial Estate which is an identified employment area in the Strategic Policies and Land Allocations DPD. The northern and western edges of the site are partially within Flood Zone 2 whilst the northern and central areas of the site have the potential for groundwater flooding to occur at the surface (high risk).

2.0 Proposal

- 2.1 This application is seeking consent for the demolition of existing office building, canteen building, welfare building and greenhouse and erection of a new office building, canteen and welfare building

2.2 The canteen building and welfare building will occupy a similar position as their replacements whilst the office block will be located to adjacent to the existing greenhouses towards the southeast of the site. The buildings will have a modular design and limited to single storey height and will be finished in coated steel walls and roof with anthracite windows and doors.

2.3 Access to and from the site will remain as existing.

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
24/00437/VCN	Retrospective application for the temporary siting of 2 portable buildings to provide office space (pursuant to the variation of condition 1 on 23/01134/VCN to extend the time frame for removal)	Pending
23/01134/VCN	Retrospective application for the temporary siting of 2 portable buildings to provide office space (pursuant to the variation of condition 1 on 23/00649/FUL to extend the time frame for removal)	Permitted
23/00649/FUL	Retrospective application for the temporary siting of 2 portable buildings to provide office space	Permitted

4.0 Consultation Responses

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

Consultee	Response
Morecambe Town Council	No response (At the time of compiling report)
Environment Agency	No response (At the time of compiling report)
Fire Safety Officer	No response (At the time of compiling report)
Lancashire County Council Highways	No objection (Subject to condition for a CMP and restriction on construction deliveries)
Lancaster City Council Environmental Health	No response (At the time of compiling report)
Lancaster City Council Property Services	No response (At the time of compiling report)

4.2 No responses from members of the public at the time of compiling the report.

5.0 Analysis

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

- Principle of development
- Design and visual impact
- Residential amenity
- Flood risk and drainage
- Highways and parking
- Biodiversity and landscaping

5.2 **Principle of development (NPPF Section 2 and 6; Strategic Policies and Land Allocations DPD policy EC1; and Development Management DPD policy DM14)**

- 5.2.1 As mentioned above, White Lund Depot is located within the White Lund Industrial Estate Policy which is an allocated employment site as identified in policy EC1 of the SPLA DPD. This policy seeks to support and encourage growth and new development within these allocated employment sites. Development proposals for office, general industrial and storage and distribution uses will be supported in principle.
- 5.2.2 White Lund Depot is operated by Lancaster City Council and the site currently accommodates the public realm and community teams which offers various services across the District. The existing buildings across the site have reached their end-of-life use and require replacing. The new buildings will effectively provide like for like replacements for and will provide improved facilities for the teams across the site helping to provide a continued service across the District.
- 5.2.3 Therefore, the provision of improved office facilities on an allocated employment site is supported in principle.
- 5.3 **Design and visual impact** (NPPF Section 12 and; Development Management DPD policy DM29)
- 5.3.1 Policy DM29 of the DM DPD requires a good standard of design and that proposals should demonstrate an understanding of the wider context so that they make a positive contribution to the local area.
- 5.3.2 The existing buildings are portable in nature and functional in their appearance which offer no architectural merit that is worthy of retention. As mentioned above, the buildings are largely in a poor state of repair and require replacing. Therefore, the principle of their removal raises no objection.
- 5.3.3 The proposed replacement buildings have a similar functional appearance with a modular design with two of the buildings sited in a similar position to their replacements. Whilst these buildings have a utilitarian appearance which may be difficult to blend into a standard residential area, the site is contained within the wider industrial estate where most buildings have a functional appearance. Therefore, the design of the buildings will largely be in keeping with those within both the site as well as the appearance of the wider industrial site. In addition, the buildings remain well contained within White Lund Depot and sited adjacent to the existing buildings. Views from the wider area will be distant and the buildings will remain partially screened by the existing buildings within the site as well as the established vegetation along the northern boundary.
- 5.3.4 Consequently, it is considered that the proposal would be in keeping with that of the immediate area and as such would not result in any adverse impacts on the visual amenity of the area.
- 5.4 **Residential amenity** (NPPF Section 12 and; Development Management DPD policy DM29)
- 5.4.1 Policy DM29 requires all new development to 'ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.'
- 5.4.2 The proposal will not see any significant changes in terms of use or noise across the site given the proposal is largely seeking replacement buildings of a similar size and scale. The buildings will continue to provide support for the teams across the site and as such, the use should not result in any adverse effects impacting on the neighbouring properties.
- 5.4.3 All buildings are located away from neighbouring residential properties and as the buildings are limited to single storey in height there will not be any significant adverse effects in terms of appearing overbearing or resulting in a loss of light.
- 5.5 **Flood risk and drainage** (NPPF Sections 12 and 14 and; Development Management DPD policies DM33 and DM34)
- 5.5.1 Policy DM33 states that proposals will be required to minimise the risk of flooding to people and property by taking a sequential approach which directs development to the areas at the lowest risk of flooding. Consideration should be given to all sources of flood risk. New development will need to satisfy the requirements of the sequential test and exception test where necessary in accordance with the requirements of national planning policy and any other relevant guidance.

- 5.5.2 Both national and local policy aims to direct development to the areas at the lowest risk of flooding from any source. The wider White Lund Depot site is partially covered by Flood Zone 2 and a medium and high risk of surface water flooding as well as having the potential for groundwater flooding to occur at the surface. Whilst the proposed buildings would be located outside of Flood Zone 2 and the areas at medium and high risk of surface water flooding, they would be located within areas that have potential for groundwater flooding to occur at the surface. In any case the wider site is impacted by three different sources of flood risk and as such, triggers the need for a sequential test.
- 5.5.3 In terms of applying the scope of the sequential test, it is considered acceptable to limit this to the White Lund Depot site. As mentioned in the earlier paragraphs, White Lund Depot is the hub for the public realm and community teams for Lancaster City Council. This use is already established and is an important strategic site for providing essential services across the District. The proposed buildings will provide ancillary support to the use and delivery of these services across the site and further afield. Given the functional link between the proposed buildings and the existing operations across the site, there is no reasonable prospect of relocating the buildings off the site.
- 5.5.4 Considering the sequential approach across the site, the buildings would be located outside of Flood Zone 2 and the areas at a medium and high risk of surface water flooding. This is an improvement over the existing arrangement in which some of the existing buildings are located within Flood Zone 2. Most of the site has potential for groundwater flooding to occur at the surface with only a small area to the western edge of the site which is affected by this risk although some of this area is within Flood Zone 2. This only leaves a small parcel of land which is not at risk from flooding and the office building is located within this space. The rest of the land is occupied by car parking and existing buildings/structures and therefore would not be possible to relocate within these areas. Therefore, it is considered that the buildings are located in the most sequentially preferable areas and is considered to pass the test.
- 5.5.5 In terms of the vulnerability classification, the use of the buildings is considered to fall with the 'less vulnerable' use given it will be used for office/general industry. As the site is within Flood Zone 2 an Exception Test is not required.
- 5.5.6 As mentioned above, the buildings are located outside of Flood Zone 2 and should not be at risk from this source of flooding. Although the access to and from the site is through Flood Zone 2, this is already established, and the proposal does not seek to alter this nor should there be any significant changes in terms of volumes of people visiting the site that would see a significant change in risk. The two buildings (welfare building and canteen building) which are at risk of ground water flooding are replacing existing buildings which already are at the same risk. The proposed buildings will not increase this risk. In addition, the buildings are located on existing hardstanding and the site is not close to any identified watercourses and therefore would not have an adverse impact on a watercourse.
- 5.5.7 Due to the sources of flooding across the site, the provision of a soakaway is not a feasible option to deal with surface water whilst the lack of any watercourses in close proximity to the site rules this option out. The site is currently served by the mains sewer and surface water is currently directed towards this. This application will continue this arrangement and considering the similar scale of the replacement buildings, there should not be any significant changes to surface water run-off rates.
- 5.6 **Highways and parking** (NPPF Sections 9 and 12 and; Development Management DPD policies DM29 and DM62)
- 5.6.1 Policy DM29 states that the Council will expect development to incorporate suitable and safe access to the existing highway network whilst paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
- 5.6.2 The proposal involves no changes to the access or parking provision within the site and as the scale and size of the buildings is similar to existing, there should not be any significant changes in terms of traffic volume visiting the site.

- 5.6.3 No objection has been raised by Lancashire County Council Highways but have suggested that two conditions relating to the submission of a construction management plan and the restriction of construction deliveries are included on any positive decision notice. Whilst this is acknowledged, these conditions are considered unnecessary when considering the scale and scope of the works. There is extensive hardstanding within the site which allows for ample manoeuvrability for any vehicles and due to the nature of the works, the proposal should not result in excessive amounts of dust and debris that would cause nuisance or disturbance on the surrounding highway network.
- 5.7 **Biodiversity and landscaping** (NPPF Sections 12 and 15 and; Development Management DPD policies DM29 and DM44)
- 5.7.1 Policy DM44 states that the Council will support proposals where the primary objective is to conserve or enhance biodiversity and/or geodiversity or where development proposals provide better opportunities to secure management for the long-term biodiversity and geodiversity enhancement.
- 5.7.2 Biodiversity Net Gain (BNG) became mandatory for planning applications from 2 April 2024 as a way of creating and improving natural habitats by making sure development has a measurably positive impact ('net gain') on biodiversity. However, this is applicable for planning applications made after 2 April 2024 and as the application was submitted 7 December 2023, this is not applicable.
- 5.7.3 Given the nature and current use of the site, White Lund Depot does not currently offer any real habitats for biodiversity, but the application proposes two areas of landscaping adjacent to two of the proposed buildings in the form of planters. These will be in the form of raised planters providing small trees, shrubs, grasses and wildflowers which will help to provide small areas of biodiversity and soften the overall appearance of the site. Whilst the scale of the landscaping is relatively minor, it is still considered to weigh in favour of the scheme.

6.0 Conclusion and Planning Balance

- 6.1 The development will provide for improved facilities and office space for the community-based teams within this allocated employment site. The scale and size of the buildings are similar to existing and will not result in any adverse impacts on the visual amenity of the area, neighbouring residential amenity, flood risk or highways. The development will also incorporate a small biodiversity benefit through the placement of planters within the site. Consequently, the application is seen to comply with the development plan when read as a whole and is therefore recommended for approval.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescales	Standard
2	Development to accord with plans	Standard
3	Implementation of landscaping	Control

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 recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None

Agenda Item	A11
Application Number	24/00437/VCN
Proposal	Retrospective application for the temporary siting of 2 portable buildings to provide office space (pursuant to the variation of condition 1 on 23/01134/VCN to extend the time frame for removal)
Application site	Lancaster City Council White Lund Depot White Lund Road Morecambe
Applicant	Mr Daniel Wood
Agent	N/A
Case Officer	Mr Sam Robinson
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

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

1.0 Application Site and Setting

- 1.1 The White Lund Depot is situated to the northeast of White Lund Road, near to the junction of White Lund Road and Westgate. The site comprises of numerous buildings that include office buildings, storerooms and the White Lund Plant Centre. The remainder of the site consists of parking for council vehicles and staff parking.
- 1.2 To the northwest of the site are six residential properties, with further residential properties to the west of White Lund Road. To the north, east and south of the application site are various commercial properties that include Home Bargains and Whitehouse Motors.
- 1.3 The site is situated within the White Lund Industrial Estate which is an identified employment area in the Strategic Policies and Land Allocations DPD. The northern and western edges of the site are partially within Flood Zone 2 whilst the northern and central areas of the site have the potential for groundwater flooding to occur at the surface (high risk).

2.0 Proposal

- 2.1 There are two portable buildings sited to the north of the existing office building. These portable buildings have previously been granted temporary planning consent for six months, however a longer period of time is required and therefore condition 1 is being applied for to be varied and

extended for a further six month period until 10th January 2025. This is similar to the proposal as applied for in the previous application ref: 23/01134/VCN.

2.2 These buildings currently provide office accommodation for the onsite workers as the existing office building is in a state of deterioration and is not safe for staff to work within. The buildings which are the subject of this application are seen as a temporary solution whilst an alternative permanent solution is explored.

2.3 Since the previous planning application 23/01134/VCN was determined by the Planning Regulatory Committee, a formal tender exercise for the demolition of the existing buildings/structures within the site has been completed and the Council has received instruction from elected members to proceed with the proposal. Since then, a planning application for the redevelopment of the site has been received by the Council’s Planning and Climate Change Service. It is anticipated that the required additional time frame will allow for a decision to be made on this application, carried out and then the temporary office accommodation can be removed from the site.

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
23/01435/FUL	Demolition of existing office building, canteen building, store building and greenhouse and erection of a new office building, canteen and welfare building	Pending
23/01134/VCN	Retrospective application for the temporary siting of 2 portable buildings to provide office space (pursuant to the variation of condition 1 on 23/00649/FUL to extend the time frame for removal)	Permitted
23/00649/FUL	Retrospective application for the temporary siting of 2 portable buildings to provide office space	Permitted

4.0 Consultation Responses

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

Consultee	Response
Morecambe Town Council	No response (At the time of compiling the report)
Environment Agency	No response (At the time of compiling the report)
Lancashire County Council Highways	No objection
Lancaster City Council Environmental Health	No response (At the time of compiling the report)
Lancaster City Council Property Services	No response (At the time of compiling the report)

4.2 At the time of compiling this report, no neighbour representatives have been received.

5.0 Analysis

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

- Principle of development

- Design

- 5.2 Principle of development (NPPF Section 8; Strategic Policies and Land Allocations DPD policy EC1; and Development Management DPD policy DM14)
- 5.2.1 The application is made under Section 73 of the Town and Country Planning Act to vary conditions imposed on the previous permission. One of the purposes of a Section 73 application is to seek minor material amendments to the permission where there are relevant conditions capable of being amended. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. Whilst a Section 73 application results in a new planning permission, it is not, however, an opportunity to re-examine the principle of the development and the merits of the original proposal unless such are affected by the amendments sought under the Section 73 application.
- 5.2.2 This application is seeking to vary condition 1 which is the timeframe condition to extend the period of time before the buildings have to be removed from the site. This temporary period of consent for the buildings was included as it was considered that the buildings were only acceptable for a limited period of time due to the temporary nature and appearance of the buildings and granting permission for an indefinite period of time may result in impacting upon the visual amenity of the area. As such, the only material consideration affected by extending the period of time for the siting of these buildings is the associated visual impact. The other material considerations listed and considered in the previous application (highways/parking, residential amenity and flood risk and drainage) are thought to remain unaffected by this application and therefore, do not need to be considered.
- 5.2.3 Paragraph 14 of the Planning Practice Guidance which relates to the use of planning conditions, states that *'it will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.'*
- 5.2.4 As outlined in paragraph 2.3 of this report, the Housing and Property Team within the Council are in the process of redeveloping the site for the continued use of White Lund Depot for the Facilities Team that are currently deployed there. Due to logistics and timeframes, the redevelopment of the site will not be completed by 10th July and as such there is a clear need and requirement for extending this timeframe for the retention of these buildings to provide office facilities for the staff that are based there.
- 5.2.5 It is encouraging to see the short timeframes suggested for the previous application as this suggests there is a clear drive to develop the site however, this timeframe was potentially overly optimistic and a further period of time is required to ensure that the Council is not in breach of the condition. Despite this being the third iteration of this application, the original consent was permitted less than one year ago (July 2023) which is still relatively new.
- 5.2.6 Therefore, as there is evidence of a scheme to redevelop the site and there is clear justification to extend the temporary consent for the buildings, the principle of extending the timeframe is supported. It is also worth noting that this new timeframe would now end in January 2025 which is approximately 18 months from the date of the original consent which is still considered a relatively short temporary period.
- 5.3 Design (NPPF Section 12; and Development Management DPD policy DM29)
- 5.3.1 Policy DM29 of the DM DPD requires a good standard of design and that proposals should demonstrate an understanding of the wider context so that they make a positive contribution to the local area. Although the design of the portable buildings are simple and functional, they continue to be of a temporary nature whilst the redevelopment of the site is completed. The buildings will continue to be sited within the centre of the site which limits the visual impact on the wider area. As mentioned above, the principle of the development is considered acceptable and the provision of a further six months for the buildings will not have a detrimental impact on the visual amenity of the area.

6.0 Conclusion and Planning Balance

- 6.1 The development is sought to provide a temporary solution as the existing office buildings are currently not fit to work within and the portable buildings will allow the continued support to the operation of the community-based teams within the site. The scale and design of the buildings are thought to be simple but functional as a temporary measure and as they are sited centrally within the site, they will have a negligible impact on the visual amenity of the area.

Recommendation

That Outline Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Temporary 6 months timeframe until 10 th Jan 2025	Control

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

None

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

(i) Procedural Matters

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

1.0 Application Site and Setting

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

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

2.0 Proposal

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

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

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

3.0 Site History

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

4.0 Consultation Responses

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

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

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

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

5.0 Analysis

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.0 Conclusion and Planning Balance

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

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

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

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

In accordance with Article 35 of the above Order, your decision notice contains reasons for the imposition of planning conditions (where planning conditions are imposed), and in the case of each pre-commencement condition, a justification for the pre-commencement nature of the condition(s).

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

Background Papers

None

Agenda Item	A13
Application Number	24/00113/FUL
Proposal	Retrospective application for a pole mounted light/camera and associated cabinet
Application site	The Shore Car Park Shore Road Silverdale Lancashire
Applicant	Mr Yaseen Laher
Agent	
Case Officer	Ms Sophie Taylor
Departure	
Summary of Recommendation	Approval, subject to conditions

(i) **Procedural Matters**

The application has been called in to Planning Committee by Councillor Alan Greenwell, therefore the application must be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 The site to which this application relates is a gravel area serving a car park, accessed from Shore Road in Silverdale. The site is located within the Arnside and Silverdale National Landscape and partly within the National Landscapes Priority Habitats of coastal saltmarsh and maritime cliff and slope. It is also partly within the Morecambe Bay SSSI, the Morecambe Bay Special Areas of Conservation, the Morecambe Bay and Duddon Estuary Special Protection Area, the Morecambe Bay RAMSAR site, the Jack Scout/Silverdale Shore Regionally Important Geological Site and the Silverdale Coastal Cliffs and 'The Lots' Biological Heritage Site (2012). The site is located within Flood Zone 2 and 3 as well as open countryside and a public right of way also runs through the application site.

2.0 Proposal

2.1 The application seeks retrospective planning permission for a pole mounted light/camera and associated cabinet. The height of the pole will be approximately 5 metres.

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
24/00114/ADV	Advertisement application for the display of 1 x sign on camera column, 1 wall mounted sign, 2 x pole mounted signs on new poles and 2 x pole mounted signs on existing pole	Concurrent application.

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Objection. Damaging to environmental quality of the landscape, height of the camera is obtrusive and impacts the skyline and sensitive landscape. Inaccuracies on application form.
County Highways	No objections. Subject to submissions showing how the camera will discriminate between vehicles passing along the adopted highway and those using the car park.
Natural England	No objections.
Ramblers	Objection. Proposed ground works and parked vehicles may affect public bridleway, works unsightly and affect the views and experiences of walkers.
Arnside and Silverdale National Landscape Partnership	Concerns with landscape impacts, potential impact on designated site, inappropriate modifications to the surfacing and insufficient incorporation of enhancement measures. Scale of the car park and additional signage and poles are excessive.

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

Five objections have been received from members of the public, raising the following concerns:

- Visual impact on landscape
- Flooding
- Public right of way
- Inaccuracies within application form
- Parking Eye app unreliable
- Vehicles parking elsewhere
- Raising land without planning permission
- Electricity supply to camera
- Ownership of land

Six comments in support of the application and **one neutral** comment have been received from members of the public, raising the following points:

- Reduction in anti-social behaviour
- Pole no more intrusive than other signs and street infrastructure

5.0 Analysis

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

- Principle of Development
- Design, Siting and Landscape Impacts
- Highways and Public Right of Way
- Biodiversity and Ecology

5.2 **Principle of Development** (National Planning Policy Framework Section 12 Achieving well-designed and beautiful places, Section 15 Conserving and enhancing the natural environment; Town and Country Planning Act, Section 55; Development Management DPD Policies DM29 Key Design Principles, DM46 Development and Landscape Impact; Strategic Policies and Land Allocations DPD

5.2.1 Comments have been received regarding the lawful use of the land as a car park and the laying of hardcore. The site has been subjected to an enforcement case in relation to the use of the land, the laying of hardcore and the erection of a pole mounted camera and associated advertisements. It has been evidenced through arial photography and comments made by local residents that the land has been continuously used as a car park as far back as 2000 and therefore, the current use as a car park is lawful through the passage of time. It was also evidenced through arial photography that the land has had a substantial amount of hardcore in place for at least six years and as the development was completed prior to the regulation changes it is therefore lawful through the passage of time. Whilst complaints suggest that new hardcore has been spread more recently, the works may be considered to be a repair of the existing hardcore, however, if it was determined that the works constituted development, it would not be expedient to pursue the maintenance of existing hardcore.

5.2.2 The siting of the pole and camera constitutes development under Section 55 of the Town and Country Planning Act 1990 as whilst there is limited legislation with regards to CCTV equipment, it was deemed to be best to regularise the development as a whole for the avoidance of doubt.

Therefore, this application seeks solely to obtain planning permission for a pole mounted light/camera and associated cabinet and the use of the site as a car park and the laying of hardcore are not considered to be material considerations to this application. The associated signage is currently under consideration through a separate application.

5.2.3 The pole is sited within the ownership of the applicant which is corroborated by the title deeds obtained from HM Land Registry. Additionally, County Highways have raised no objections in relation to the ownership of the land.

5.3 **Design, Siting and Landscape Impacts** (National Planning Policy Framework Section 12 Achieving well-designed and beautiful places, Section 15 Conserving and enhancing the natural environment; Development Management DPD Policies DM29 Key Design Principles, DM46 Development and Landscape Impact; Strategic Policies and Land Allocations DPD Policies EN2 Areas of Outstanding Natural Beauty, EN3 The Open Countryside; Arnside and Silverdale AONB DPD AS08 Design.)

5.3.1 Policy DM29 of the DM DPD requires development to 'contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palette of materials, separation distances, orientation and scale.' The NPPF states (paragraph 182) that 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.' Policy DM46 of the DM DPD states 'development proposals should, through their siting, scale, massing, materials, landscaping, vernacular style and design seek to contribute positively to the conservation and enhancement of the protected landscape and its setting.' Policy AS08 of the Arnside and Silverdale AONB DPD echoes the requirements of policy DM46 with greater emphasis on reinforcing what is special and locally distinctive in respect of a good design. Policy AS02 of the Arnside and Silverdale AONB DPD states that proposals must 'respect the coastline, taking into account sensitivities and character of coastal landscape and seascape' and 'respect visual amenity, views (including into and out from the AONB), tranquillity, dark skies, and the sense of space and place, avoiding the introduction of intrusive elements, or compromise to the skyline or settlement separation'.

5.3.2 Objections were raised regarding the impact of the proposal upon the landscape, with public representations stating that the proposal 'looks out of place'. Silverdale Parish Council have also raised objections stating that the proposal is 'damaging to the environmental quality of the landscape, the height of the camera is obtrusive, and it impacts the skyline and sensitive landscape'. Additional concerns from the Arnside and Silverdale National Landscape Partnership have been raised regarding landscape impacts, potential impact on the designated site, inappropriate modifications to the surfacing and insufficient incorporation of enhancement measures. It was also stated that the scale of the proposed car park is inappropriate for this location. In terms of the impact upon the National Landscape, Natural England have stated that the 'impacts on the nationally

designated landscape and the delivery of its statutory purpose to conserve and enhance the area's natural beauty can be determined locally by the local planning authority, with advice from its landscape or planning officers, and from the relevant National Landscape Partnership or Conservation Board'.

The proposal is located within a national landscape and therefore great weight should be given to conserving and enhancing the landscape and scenic beauty in this area. The proposed pole mounted light/camera and associated cabinet is considered to have minimal scale and massing, and with a height of approximately 5 metres, the camera is not the tallest element within its immediate surroundings. It is coloured light grey which does not appear as an intrusive colour and it enables the proposal to blend in with the surroundings and skyline. The proposal is sited in a suitable location where it will have minimal impact on the view of the landscape when looking over the bay/beach and is situated close to other street infrastructure, such as lamp posts. Therefore, it is considered that the proposal will not have a significant impact on the character and appearance of the immediate surroundings and national landscape.

With regards to the scale of the car park, it has been confirmed by the applicant that there was an error on the application form and the existing number of spaces should be 50 as should the total proposed spaces. As mentioned above, the use of the land as a car park is not considered to be a material consideration to this application as it is considered lawful through the passage of time.

5.4 **Highways and Public Right of Way (National Planning Policy Framework Section 9 Promoting sustainable transport; Development Management DPD Policies DM60 Enhancing Accessibility and Transport Linkages, DM61 Walking and Cycling.)**

5.4.1 Policy DM60 of the DM DPD states that proposals should 'include measures that address matters of highway safety to the satisfaction of the local highway authority'.

The County Highways Officer has reviewed the proposal and raised no objection to the development subject to submissions showing how the camera will discriminate between vehicles passing along the adopted highway and those using the car park. Images were received showing the capture zone, which ensures the camera will only pick up vehicles in that specific area. Additionally, it was confirmed that a vehicle would have to spend more than 5 minutes in that area and then would a PCN be issued. Therefore, it is considered that the proposal will not have a significant impact on highway safety.

5.4.2 Policy DM61 of the DM DPD states that where proposals affect a Public Right of Way, the LPA will 'expect routes to be retained along existing alignments'. This policy also states that proposals should 'ensure that no adverse impacts are created for the pedestrian environment, particularly in relation to pedestrian safety, and provide appropriate pedestrian access for all sections of the community'.

A public right of way runs through the site and Ramblers have objected to the application due to the impact the proposed ground works and parked vehicles may have on the public bridleway. The camera is sited away from the PROW and site has been used as a car park for a number of years previously. Therefore, it is not considered that the development will have a significant impact on the PROW nor create any adverse impacts upon the pedestrian environment.

5.5 **Biodiversity and Ecology (National Planning Policy Framework Section 15 Conserving and enhancing the natural environment; Development Management DPD Policies DM44 The Protection and Enhancement of Biodiversity; Strategic Policies and Land Allocations DPD Policy EN7 Environmentally Important Areas; Arnside and Silverdale AONB DPD Policy AS04 Natural Environment.)**

5.5.1 The site is located within a range of nationally designated and other environmentally sensitive sites. Policy AS04 of the Arnside and Silverdale AONB DPD states that 'development proposals must protect and contribute to the appropriate enhancement of the extent, value and/or integrity of: (I) any site or habitat protected for its biodiversity or geodiversity value, including limestone features, at an international, national or local level; (II) any priority habitat or species; (III) ecosystem services; (IV) ecological networks and their connectivity, including 'stepping stones', buffer zones, functionally linked land, corridors and other linkages, including those that connect across the AONB boundary; (V) the mosaic pattern of habitats and species and the mosaic approach to their management and

protection; (VI) any other natural features or assets of significance and value in the AONB or characteristic of the AONB, including those that do not enjoy formal protected status'. This is further reiterated by Policy DM44 of the DM DPD and Section 15 of the NPPF.

5.5.2 Given the small scale and nature of the proposal, there is not considered to be a significant loss of habitat nor a significant impact on local ecology. Whilst the site is partially located in a number of environmentally important areas, the area where the camera is sited does not fall within these areas except for the SSSI impact risk zone. Natural England have raised no objections to the proposal and when considering the impact upon the SSSI stated that 'the proposed development will not have likely significant effects on statutorily protected sites'. It is therefore considered that the proposal will not have a significant effect on the biodiversity and ecology of the area.

5.6 **Other Matters (National Planning Policy Framework Section 14 Meeting the challenge of climate change, flooding and coastal change; Development Management DPD Policy DM33 Development and Flood Risk.)**

5.6.1 The site is located within Flood Zones 2 and 3 but given the small scale of the proposal, a sequential test is not required. The proposed camera pole is located outside of the flood zone and given the small scale, the proposal is not considered to have an adverse effect on flooding in the immediate or wider area.

5.6.2 Multiple public representations have been received objecting to the application and state that the ParkingEye app is unreliable, that vehicles will be displaced elsewhere as a result and there are concerns regarding the electricity supply to the camera. The electricity supply to the camera is considered to be a civil matter between the land owners involved and is covered by separate legislation to the Town and Country Planning Act and as such, these issues are not given material weight in the planning assessment. Additionally, the LPA does not control how the car park is managed and as the use of the site as a car park is lawful through passage of time, and so comments regarding the ParkingEye app and displacement of vehicles elsewhere are not given material weight within the planning assessment.

6.0 Conclusion and Planning Balance

6.1 The proposed retrospective pole mounted light/camera and associated cabinet is not considered to have a significant adverse impact on the character and appearance of the area nor upon the wider national landscape. It is deemed to be acceptable with respect to its impact upon biodiversity and ecology and with respect to the matters of highways, the public right of way running through the site and flood risk.

Recommendation

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

Condition no.	Description	Type
1	Standard 3 year timescale	Control
2	Development in accordance with the amended approved plans	Control

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

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

Background Papers

None

Agenda Item	A14
Application Number	24/00114/ADV
Proposal	Advertisement application for the display of 1 x sign on camera column, 1 wall mounted sign, 2 x pole mounted signs on new poles and 2 x pole mounted signs on existing pole
Application site	The Shore Car Park Shore Road Silverdale Lancashire
Applicant	Mr Yaseen Laher
Agent	
Case Officer	Ms Sophie Taylor
Departure	
Summary of Recommendation	Approval, subject to conditions

(i) Procedural Matters

The application 24/00113/FUL has been called in to Planning Committee by Councillor Alan Greenwell, therefore as this application relates to the above application it will also be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 The site to which this application relates is a gravel area serving a car park, accessed from Shore Road in Silverdale. The site is located within the Arnside and Silverdale National Landscape and partly within the National Landscapes Priority Habitats of coastal saltmarsh and maritime cliff and slope. It is also partly within the Morecambe Bay SSSI, the Morecambe Bay Special Areas of Conservation, the Morecambe Bay and Duddon Estuary Special Protection Area, the Morecambe Bay RAMSAR site, the Jack Scout/Silverdale Shore Regionally Important Geological Site and the Silverdale Coastal Cliffs and 'The Lots' Biological Heritage Site (2012). The site is located within Flood Zone 2 and 3 as well as open countryside and a public right of way also runs through the application site.

2.0 Proposal

2.1 The application seeks advertisement consent for the display of 1 x sign on camera column, 1 wall mounted sign, 2 x pole mounted signs on new poles and 2 x pole mounted signs on existing pole.
 Sign 1 Camera Mounted – This sign will measure approx. 800mm by 600mm and will be installed approximately 2.25m up the 5m camera pole.
 Sign 1 and 1a – Sign 1 will measure approx. 800mm by 600mm and Sign 1a will measure approx 450mm by 450mm. These signs will be installed on an existing pole approx. 2.1m high.

Sign 2 – These will measure approx. 800mm by 600mm, one shall be installed on a 2.3m high pole and the other on a 1.6m high pole.

An additional sign measuring 900mm by 800mm will be installed on an existing wall and all signs shall be coloured blue, black and white.

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
24/00113/FUL	Retrospective application for a pole mounted light/camera and associated cabinet	Concurrent application.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No response.
Parish Council	Objection. Excessive amount of signage and poles, damaging environmental quality of landscape, camera needing full planning permission.
Arnside and Silverdale National Landscape Partnership	Concerns with landscape impacts, potential impact on designated site, inappropriate modifications to the surfacing and insufficient incorporation of enhancement measures. Scale of the car park and additional signage and poles are excessive.

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

Eight comments objecting to the application have been received and are summarised below:

- Alien addition
- Harming national landscape
- Flooding
- Public right of way
- Inaccuracies within application form
- Vehicles parking elsewhere
- Raising land without planning permission
- Electricity supply to camera

Five comments in support of the application have been received and are summarised below:

- Reduced anti-social behaviour, including camping.

5.0 Analysis

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

- Amenity and Landscape
- Highway Safety

5.2 Principle of Development (National Planning Policy Framework Section 12 Achieving well-designed and beautiful places, Section 15 Conserving and enhancing the natural environment; Town and Country Planning Act, Section 55; Development Management DPD Policies DM29 Key Design Principles, DM46 Development and Landscape Impact; Strategic Policies and Land Allocations DPD Policies EN2 Areas of Outstanding Natural Beauty, EN3 The Open Countryside; Arnside and Silverdale AONB DPD AS08 Design)

5.2.1 Comments have been received regarding the lawful use of the land as a car park and the laying of hardcore. The site has been subjected to an enforcement case in relation to the use of the land, the laying of hardcore and the erection of a pole mounted camera and associated advertisements. It has been evidenced through arial photography and comments made by local residents that the land has been continuously used as a car park as far back as 2000 and therefore, the current use as a car park is lawful through the passage of time. It was also evidenced through arial photography that the land has had a substantial amount of hardcore in place for at least six years and as the development was completed prior to the regulation changes it is therefore lawful through the passage of time. Whilst complaints suggest that new hardcore has been spread more recently, the works may be considered to be a repair of the existing hardcore, however, if it was determined that the works constituted development, it would not be expedient to pursue the maintenance of existing hardcore.

5.2.2 The signs are sited within the ownership of the applicant which is corroborated by the title deeds obtained from HM Land Registry. Additionally, County Highways have raised no objections in relation to the ownership of the land.

5.2.3 This application therefore seeks solely to obtain advertisement consent and as such, comments regarding the use of the site as a car park are not considered to be a material consideration to this application. The ANPR camera and associated development is currently under consideration through a separate application.

5.3 **Amenity and Landscape (National Planning Policy Framework Section 12 Achieving well-designed and beautiful places, Section 15 Conserving and enhancing the natural environment; Development Management DPD Policies DM21 Advertisements and Shopfronts, DM29 Key Design Principles, DM46 Development and Landscape Impact; Strategic Policies and Land Allocations DPD EN2 Areas of Outstanding Natural Beauty, EN3 The Open Countryside; Arnside and Silverdale AONB DPD AS08 Design AS14 Advertising and Signage.)**

5.3.1 Policy DM21 of the DM DPD states that ‘advertisements should be well designed and appropriately sited in order to contribute positively to a safe and attractive environment’. The policy goes on to state that advertisements should ‘be of a high quality design and sensitive to the visual appearance of the building which it is to be sited and the surrounding streetscene’, should be ‘appropriate to its setting and location and have due regard for local distinctiveness’ and should not contribute to an ‘unsightly proliferation of clutter or signage in the vicinity’. Policy AS14 of the Arnside and Silverdale AONB DPD further builds on these points, stating that adverts and signs should ‘conserve and enhance the landscape character and visual amenity of the AONB’ and they should be ‘of high quality design and of appropriate scale and colour to be in keeping with the surroundings’.

The signs are relatively small in size and height and have been placed to minimise their impact on the National Landscape. The signs siting makes use of existing infrastructure, as one sign is sited on an existing wall and two more on an existing pole, thus minimising the amount of new poles needed. Where new poles have been installed, they are located towards to edges of the car park and have a maximum height of 2.3 metres, so as to minimise their impact on the landscape. The signage has a subdued design, using appropriate colours and so they will appear relatively discreet within the wider landscape. Whilst there is minimal other signage in the immediate vicinity, given the size, colour and placement of the signs, they are not considered to have an adverse impact on the visual amenity of the area or the wider National Landscape.

5.3.2 Silverdale Parish Council have objected to the application stating that there is an excessive number of poles and signage and that the proposal is damaging to the environmental quality of the landscape. The Arnside and Silverdale National Landscape Partnership have also raised concerns regarding landscape impacts, the potential impact on the designated site, inappropriate modifications to the surfacing, insufficient incorporation of enhancement measures and an excessive amount of signage and poles.

However, given the careful siting and design of the poles, they are not considered to have an adverse impact on the visual amenity of the area. Public representations also brought up material inaccuracies within the application form such as the number of car parking spaces, impact on trees, flood risk assessment and biodiversity and geological conservation. For an advert consent, only

amenity and public safety is considered, therefore the above comments are not seen to be materially relevant to this application.

5.4 **Highway Safety** (National Planning Policy Framework Section 9 Promoting sustainable transport; Development Management DPD Policies DM21 Advertisements and Shopfronts, DM29 Key Design Principles, DM60 Enhancing Accessibility and Transport Linkages)

5.4.1 Policy DM21 of the DM DPD states that ‘all forms of advertisements that require consent must not cause a public safety hazard’ and should ‘not cause a hazard to pedestrians or road users’.

The signs will have no form of illumination, will be located within the site and will be obscured from view of the wider highway network. The proposed signage will not impede pedestrian movements, thus no adverse impact upon public safety.

6.0 Conclusion and Planning Balance

6.1 The siting and design of the proposed signage and associated poles ensures the proposal will have no significant impact upon the amenity or safety of the area, nor will they have a significant impact on the setting and landscape of the area.

Recommendation

That Advertisement Consent **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Standard 5 Year Timescale for Advertisements	Control
2	Development in accordance with approved plans	Control
3	No advertisement is to be displayed without the permission of the owner of the site	Standard Advertisement Condition
4	No advertisement shall be sited or displayed so as to obscure or hinder various transportation signs or signals	Standard Advertisement Condition
5	Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site	Standard Advertisement Condition
6	Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public	Standard Advertisement Condition
7	Where an advertisement is required under the Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity	Standard Advertisement Condition

Background Papers

None

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
22/00067/FUL	108 St Leonards Gate, Lancaster, Lancashire Change of use from offices (E(g)) to 9-bedroom visitor accommodation (C1) and installation of an external soil vent pipe for Mr Zubeir Mister (Bulk Ward)	Application Permitted
22/00068/LB	108 St Leonards Gate, Lancaster, Lancashire Listed building consent for installation of an external soil vent pipe and internal alterations including the installation and removal of partition walls, installation of new bathrooms with subfloors and relocation of hot water cylinder for Mr Zubeir Mister (Bulk Ward)	Application Permitted
23/00697/VCN	Escowbeck Farm, Quernmore Road, Caton Demolition of existing steel/block agricultural buildings and re development of site to provide 5 residential dwellings, including conversion and extension of existing barn and outbuilding (to form 3 dwellings) and erection of 2 new dwellings with associated access (pursuant to the variation of condition 2 on planning permission 20/00047/FUL to remove the connection to the driveway to the north) for Mr Grant Parker (Lower Lune Valley Ward)	Application Permitted
23/00800/FUL	Throstle Croft, Main Road, Thurnham Part retrospective application for the change of use of agricultural store/workshop to agricultural engineering (B2) for Slyne Consulting Ltd (Ellel Ward)	Application Refused
23/00870/FUL	Swainshead Hall Farm, Waste Lane, Over Wyresdale Retrospective application for the change of use of two agricultural buildings to a classroom and bunk barn, installation of septic tank with soakaway and erection of a composting toilet for Mr & Mrs K Leece (Ellel Ward)	Application Permitted
23/01162/FUL	Ash House Barn, Ball Lane, Caton Conversion of an existing barn to create a dwelling (C3) and associated landscaping works for Mr Nick Spargo (Lower Lune Valley Ward)	Application Permitted
23/01286/FUL	8 New Street, Lancaster, Lancashire Creation of door to the rear for Ms Qing Jiao Cai (Castle Ward)	Application Permitted
23/01287/LB	8 New Street, Lancaster, Lancashire Listed building application for creation of door to the rear for Ms Qing Jiao Cai (Castle Ward)	Application Permitted
23/01308/ELDC	Station Hotel, Hornby Road, Caton Existing lawful development application for use of land as ancillary outdoor space to public house for Mr Andrew Barker (Lower Lune Valley Ward)	Lawful Development Certificate Refused

LIST OF DELEGATED PLANNING DECISIONS

23/01411/FUL	Havelock House, Borwick Road, Capernwray Replacement agricultural building following demolition of existing and creation of new pond for Mr H Wild (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/01420/FUL	Bambers Farm, Moss Lane, Thurnham Erection of an agricultural workers dwelling (C3) with associated parking, bin store, landscaping, cattle grid, amenity area and installation of package treatment plant for Mr T Ayrton (Ellel Ward)	Application Permitted
23/01429/FUL	Lower Barn, Aughton Brow, Aughton Retrospective application for the erection of a general purpose agricultural building for Mr Andrew Talbot (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/01430/FUL	Lower Barn, Aughton Brow, Aughton Retrospective application for the erection of an extension to existing agricultural building for Mr Andrew Talbot (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/01483/FUL	Greycourt Mews, St Marys Gate, Lancaster Conversion of ground floor store rooms to residential accommodation in association with flat one Mews Cottage, installation of new doors behind all existing ground floor doors and construction of steps for Ms June Wilkinson (Castle Ward)	Application Permitted
23/01484/LB	Greycourt Mews, St Marys Gate, Lancaster Listed building application for the installation of new doors behind all existing ground floor doors, addition of insulation, associated interior ceiling, wall and floor finishes, removal of three sections of interior wall, creation of new door opening, installation of WC, bathroom, kitchen, associated plumbing, ventilation ducting/piping and construction of steps in association with flat one Mews Cottage for Ms June Wilkinson (Castle Ward)	Application Permitted
24/00004/ADV	25 Euston Road, Morecambe, Lancashire Advertising application for the display of an internally illuminated fascia sign, an internally illuminated projecting sign and ATM surround for Nationwide Building Society (Poulton Ward)	Application Refused
24/00008/DIS	13 - 15 Sun Street, Lancaster, Lancashire Partial discharge of conditions 3 and 4 on approved application 22/01476/LB for Mr R Braithwaite (Castle Ward)	Split Decision
24/00041/FUL	105 Halton Road, Lancaster, Lancashire Erection of a replacement detached garage for Mr G McGonnell (Skerton Ward)	Application Permitted
24/00078/DIS	5 Cable Street, Lancaster, Lancashire Discharge of condition 14 on approved application 15/01368/FUL for Mr N Priestley (Castle Ward)	Application Permitted
24/00084/DIS	Mellishaw Park, Lancaster Road, Heaton With Oxcliffe Discharge of conditions 5,6,7,8,9 and 10 on approved application 22/00519/FUL for Mr Tom Greenwood (Overton Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00085/DIS	Yew Tree House, Kirkby Lonsdale Road, Over Kellet Discharge of condition 3 on approved application 23/01414/LB for Mr M Nockels (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00086/DIS	Pastordale Farm, Kellet Lane, Over Kellet Discharge of conditions 3, 4, 5, 6 on approved application 23/00053/FUL for Mr And Mrs Bellomy (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00087/DIS	Scott Wilkinson, Bulk Street, Lancaster Discharge of condition 3 on approved application 23/01352/LB for Scott & Wilkinson (Castle Ward)	Application Permitted
24/00090/DIS	Borwick Lakes Holiday Park, Borwick Lane, Warton Discharge of conditions 2 and 5 on approved application 19/00020/FUL for Mr David Owen (Warton Ward)	Application Permitted
24/00093/DIS	Forgewood Cottage, Low Road, Halton Discharge of condition 3 on allowed appeal APP/A2335/C/23/3331473 for Mr A Shaw (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00094/DIS	Scott Wilkinson, Bulk Street, Lancaster Discharge of condition 3 on approved application 23/01351/FUL for Scott & Wilkinson (Castle Ward)	Application Permitted
24/00097/DIS	78 Main Street, Warton, Carnforth Part discharge of condition 3 on approved application 23/00838/LB for Mr Christopher Atherton (Warton Ward)	Application Permitted
24/00104/FUL	Chapel Farm, Docker Lane, Newton Concreting of existing yards for Mr Malcom Fell (Upper Lune Valley Ward)	Application Permitted
24/00113/DIS	31- 35 Sun Street, Lancaster, Lancashire Discharge of condition 3 and 4 on approved application 23/00993/FUL for Mr Joe Crookall (Castle Ward)	Application Permitted
24/00115/DIS	51 Regent Street, Lancaster, Lancashire Discharge of condition 3 on approved application 22/00267/FUL for Mr & Mrs Maden-Weinberger (Castle Ward)	Application Permitted
24/00119/ELDC	18 Newsham Road, Lancaster, Lancashire Existing Lawful Development Certificate for use of property as House in Multiple Occupation (C4) for Wakmoor (Assets) Limited (Bowerham Ward)	Lawful Development Certificate Granted
24/00121/ELDC	16 Kelsey Street, Lancaster, Lancashire Existing Lawful Development Certificate for use of property as House in Multiple Occupation (C4) for Wakmoor (Assets) Limited (Marsh Ward)	Lawful Development Certificate Granted
24/00143/FUL	Flat 1, 114 St Leonards Gate, Lancaster, Lancashire Partially retrospective internal alterations to 4-bed student accommodation maisonette and bike/bin storage facilities for Afar Properties Limited (Castle Ward)	Application Withdrawn
24/00170/FUL	Land At Grid Reference E354217 N473014, Keer Holme Lane, Borwick Erection of agricultural building and construction of access track for Mr Anthony Owen (Warton Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

24/00197/FUL	53 Parkfield Drive, Lancaster, Lancashire Erection of single storey side and rear extension, two storey front extension and construction of dormer extension to side elevation for Mr And Mrs Starr (Bowerham Ward)	Application Permitted
24/00238/FUL	Yealand Hall Farm, Silverdale Road, Yealand Redmayne Erection of agricultural store building for Mr Michael Holgate (Silverdale Ward)	Application Permitted
24/00239/FUL	Yealand Hall Farm, Silverdale Road, Yealand Redmayne Construction of roof over existing yard area for Mr Michael Holgate (Silverdale Ward)	Application Permitted
24/00264/FUL	19 Wilton Close, Lancaster, Lancashire Erection of fence on top of an existing wall for Mr Dan Martin (Skerton Ward)	Application Permitted
24/00265/VCN	Cantsfield Grange, Cantsfield Road, Cantsfield Erection of a single storey link extension, including alterations to land levels (pursuant to the variation of condition 2 on planning permission 21/00866/FUL to amend approved elevations to suit requirement for guarding to the parapet wall) for Mr Adrian Cresswell (Upper Lune Valley Ward)	Application Permitted
24/00274/FUL	1 Melling Brow, Melling, Carnforth Installation of replacement windows and doors for Mr Mark Walton (Upper Lune Valley Ward)	Application Permitted
24/00277/LB	Harrison Drury L L P, Office 5, 76 Church Street Listed building application for the installation of a non-illuminated hanging sign for Harrison Drury & Co (Castle Ward)	Application Refused
24/00287/FUL	1E Queen Street, Lancaster, Lancashire Installation of solar panels to east facing roof slope for Mr Adrian Eglington (Castle Ward)	Application Permitted
24/00288/LB	1E Queen Street, Lancaster, Lancashire Listed building application for the installation of solar panels to east facing roof slope for Mr Adrian Eglington (Castle Ward)	Application Permitted
24/00296/FUL	Lancaster Methodist Church , Scotforth Road, Lancaster Installation of solar panels to the south facing roof slope for Mr Brian Smith (Scotforth West Ward)	Application Permitted
24/00307/CU	19 Slaidburn Drive, Lancaster, Lancashire Change of use of dwelling (C3) into house in multiple occupation (C4) for Mr Ian Lorimer (Scotforth East Ward)	Application Permitted
24/00312/RCN	Parklands, Bailrigg Lane, Lancaster Removal of condition 4 on planning permission 1/84/740 relating to occupancy by an agricultural worker for Mrs Jenna Humpage (Ellel Ward)	Application Permitted
24/00317/LB	Bay Dental Partnership, 6 New Street, Lancaster Listed building application for the installation of a new extraction to the rear wall for Luke Freeman (Castle Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00320/LB	129 North Road, Carnforth, Lancashire Listed building application for replacement of uPVC windows with timber windows, removal of existing cementitious render, replacement lime-based render for Ms Danielle Frazer (Carnforth And Millhead Ward)	Application Permitted
24/00321/VCN	Land At Mill Lane, Low Mill, Mill Lane Erection of 9 dwellinghouses with associated access, engineering works to provide sustainable drainage, construction of internal roads and provision of a package treatment plant (pursuant to the variation of condition 2 on planning permission 23/00511/VCN to alter the design of plots 8 and 9 and inclusion of garages) for Mr Michael Stainton (Lower Lune Valley Ward)	Application Permitted
24/00322/FUL	31 Mill Lane, Halton, Lancaster Erection of a rear extension for Mr James Bellarby (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00333/FUL	Highfield, Wagon Road, Dolphinholme Erection of single storey rear extension, erection of a two storey side extension, installation of solar panels to the side roof slope and juliet balcony to the front for Mr John Adamson (Ellel Ward)	Application Permitted
24/00340/LB	Lancaster Railway Station , Westbourne Road, Lancaster Listed building application for the replacement of 2 doors for Network Rail Infrastructure ltd (Castle Ward)	Application Permitted
24/00341/FUL	A1 Cold Stores, Whams Lane, Bay Horse Erection of single storey extension to existing cold store for Mr. Stephen Smith (Ellel Ward)	Application Permitted
24/00347/FUL	5 - 7 Skipton Street, Morecambe, Lancashire Change of use of an office (Class E) to 7 serviced apartments for short term visitor accommodation (Sui Generis), removal of existing chimney, construction of dormer extensions to the northern, eastern and southern elevations, reinstatement of window and door openings and replacement windows for Mr S. DAS (Poulton Ward)	Application Permitted
24/00349/FUL	9 Redshank Drive, Heysham, Morecambe Conversion of the garage to ancillary living accommodation and construction of extension to existing driveway for Miss Elizabeth Downham (Heysham South Ward)	Application Permitted
24/00350/FUL	20 The Meadows, Yealand Redmayne, Carnforth Demolition of existing outbuilding and erection of a single storey rear extension for Mr James Grey (Silverdale Ward)	Application Permitted
24/00351/FUL	3 First Terrace, Sunderland Point, Morecambe Demolition of existing 2 storey side extension and rear porch and extension of raised terrace, erection of a single storey side extension, installation of new first floor window to northern elevation, replacement windows and doors, installation of a flue and erection of a detached outbuilding with associated access track and parking area for Mr and Mrs Thompson (Overton Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00361/FUL	3 Hatlex Hill, Hest Bank, Lancaster Demolition of existing porch and erection of new porch to front elevation, Installation of flue to the side elevation, removal of chimney stack and installation of new and replacement windows/doors for Mr & Mrs Pearse (Bolton And Slyne Ward)	Application Permitted
24/00365/FUL	Barclays, 38 - 42 Market Street, Lancaster Removal of automated teller machines (ATM) and installation of stonework infill for Barclays Bank plc Barclays Bank plc (Castle Ward)	Application Permitted
24/00366/LB	Barclays, 38 - 42 Market Street, Lancaster Listed Building application for the removal of counters and glazed doors and glazed partitions on ground floor and first floor, removal of external branding, signage, lighting, CCTV and alarm, and removal of automated teller machines (ATM) and installation of stone infill for Barclays Bank PLC (Castle Ward)	Application Permitted
24/00367/RCN	Parklands , Bailrigg Lane, Lancaster Removal of condition 4 on planning permission 1/84/740 relating to occupancy by an agricultural worker for Mr John Parker (Ellel Ward)	Application Withdrawn
24/00379/ELDC	The Stables, Woodman Lane, Cowan Bridge Existing lawful development certificate for the continued use of land as part of residential curtilage on land adjacent to The Stables, Woodman Lane, Cowan Bridge, Carnforth for Mr and Mrs S Cleaver (Upper Lune Valley Ward)	Lawful Development Certificate Granted
24/00380/FUL	78 Coulston Road, Lancaster, Lancashire Erection of a dormer extension to the rear elevation, installation of rooflights to the front roof slope and conversion of a loft to create additional bedroom and shower room for Ms Jane Timshle (Bowerham Ward)	Application Permitted
24/00381/FUL	Land Adjacent 82 Wingate Saul Road, Lancaster, Lancashire Installation of a bike hanger for Mr Andrew Brennand (Marsh Ward)	Application Permitted
24/00382/FUL	Dacrelands Clinic , Aldrens Lane, Lancaster Change of use of the existing residential part of property to offices for Mr C Tisdall (Skerton Ward)	Application Permitted
24/00383/LB	Dacrelands Clinic , Aldrens Lane, Lancaster Listed building application for the installation of partition walls for Mr C Tisdall (Skerton Ward)	Application Permitted
24/00385/FUL	94 Scotforth Road, Lancaster, Lancashire Erection of a single storey rear extension for Mr David Hunter (Scotforth West Ward)	Application Permitted
24/00391/FUL	11 Main Street, Overton, Morecambe Demolition of existing conservatory and erection of single storey rear extension for Mr B Hargreaves (Overton Ward)	Application Permitted
24/00392/PLDC	Halton Newsagents, 163 High Road, Halton Proposed lawful development certificate for a change of use from a newsagent to a restaurant for Mrs Vijetha Arun (Halton-with-Aughton And Kellet Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

24/00395/FUL	42 Main Road, Nether Kellet, Carnforth Erection of two storey side extension, demolition of existing extension to the rear and erection of single storey rear extension for Mr & Mrs Harrison (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00397/FUL	2 Osborne Road, Morecambe, Lancashire Erection of two storey rear extension and installation of first floor window to the side elevation for Mr G O Hagan (West End Ward)	Application Permitted
24/00399/FUL	14 Sea View Drive, Hest Bank, Lancaster Alterations to roof to increase ridge height and create pitched roof above existing attached garage incorporating a dormer extension to the side for Mrs Cathy Lynch (Bolton And Slyne Ward)	Application Permitted
24/00401/FUL	36 Cotton Square, Lancaster, Lancashire Conversion of existing roof space, installation of rooflights and solar panels to the rear elevation and installation of replacement front door for Ms A Spinkute (Marsh Ward)	Application Permitted
24/00404/FUL	38 Longlands Lane, Heysham, Morecambe Conversion of existing garage to ancillary living accommodation for Mr Ian Williamson (Heysham Central Ward)	Application Permitted
24/00406/FUL	11 Wilton Close, Lancaster, Lancashire Construction of dormer extension to the front elevation for Mr Wheatman (Skerton Ward)	Application Permitted
24/00407/RCN	Clear Water Fisheries, Kellet Lane, Over Kellet Retrospective application for the retention of a stable and associated riding paddock and fencing (pursuant to the removal of condition 3 on planning application 18/01257/FUL which restricted the use of stabling to personal use) for Mr Mollart (Warton Ward)	Application Permitted
24/00408/ELDC	5 Bridge Road, Lancaster, Lancashire Existing lawful development certificate for the use of property as HMO (C4) for Mrs Cathy Pickles (Scotforth West Ward)	Lawful Development Certificate Granted
24/00413/FUL	Barn Owl, Garstang Road, Cockerham Installation of replacement windows and doors and roof mounted solar panels for Mr Paul Astle (Ellel Ward)	Application Permitted
24/00414/LB	Barn Owl, Garstang Road, Cockerham Listed building consent for the installation of replacement windows and doors and roof mounted solar panels for Mr Paul Astle (Ellel Ward)	Application Permitted
24/00418/FUL	Sellerley Farm, Conder Green Road, Galgate Erection of a roof with solar panels over existing concrete yard for Mr Edward Newsham (Ellel Ward)	Application Permitted
24/00419/FUL	Sellerley Farm, Conder Green Road, Galgate Erection of a roof with solar panels over existing concrete yard for Mr Edward Newsham (Ellel Ward)	Application Permitted
24/00420/FUL	Lorien, Back Lane, Priest Hutton Installation of Air Source Heat Pump to the rear for Mr Kenneth Dunn (Warton Ward)	Application Permitted
24/00423/FUL	1 Wakefield Avenue, Morecambe, Lancashire Erection of a single storey rear extension for Mr & Mrs Thwaites (Bare Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00426/FUL	43 Windermere Road, Lancaster, Lancashire Erection of a single storey rear extension and construction of a bay window to front elevation for Mr T Little And Ms G Dickinson (Bulk Ward)	Application Permitted
24/00427/FUL	306 Lancaster Road, Morecambe, Lancashire Retrospective application for the rendering of part of front elevation and installation of replacement windows for Mr M Moon (Torrisholme Ward)	Application Permitted
24/00428/FUL	1 Silverdale Road, Yealand Redmayne, Carnforth Erection of a porch to the rear (South) elevation for Mr & Mrs R Oldfield (Silverdale Ward)	Application Permitted
24/00429/LB	1 Silverdale Road, Yealand Redmayne, Carnforth Listed building application for erection of a porch to the rear (South) elevation for Mr & Mrs R Oldfield (Silverdale Ward)	Application Permitted
24/00432/ELDC	22 Albion Street, Lancaster, Lancashire Existing lawful development certificate for the use of the property as HMO (C4) for Mr Simon Pickles (Bulk Ward)	Lawful Development Certificate Granted
24/00438/EIO	East Lancaster Strategic Site, Caton Road, Lancaster Scoping opinion for the development of the site to include circa 930 dwellings, associated infrastructure to include highways and a school, relocation of Lansil Sports and Social Club and the golf course, provision of a country park, public open space and play facilities, footpath and cycle links, landscape buffers and sustainable urban drainage features for Persimmon Homes (Bulk Ward)	Closed
24/00444/FUL	10 Greenwood Crescent, Bolton Le Sands, Carnforth Erection of a single storey rear extension and construction of external steps to the rear for Mrs Jean Lawrence (Bolton And Slyne Ward)	Application Permitted
24/00445/FUL	3 Kingsway, Heysham, Morecambe Erection of an outbuilding for Mr Hector Guevara (Heysham Central Ward)	Application Permitted
24/00447/FUL	25 Pinewood Avenue, Brookhouse, Lancaster Construction of a dormer extension to the rear elevation and loft conversion for Mr Stewart Cross (Lower Lune Valley Ward)	Application Permitted
24/00451/ADV	Land To The South Of Lawsons Bridge Site, Scotforth Road, Lancaster Advertisement application for the display of 2 external non-illuminated fascia signs for Mrs Hannah Jackson (Scotforth West Ward)	Application Permitted
24/00469/AD	Cragg Farm, Littledale Road, Littledale Agricultural determination for the upgrading of existing access track for Mr Gorst (Lower Lune Valley Ward)	Prior Approval Not Required
24/00474/PLDC	2 Portland Place , Aldcliffe Road, Lancaster Proposed lawful development certificate for part demolition of the existing outbuilding and the construction of a single storey rear extension for Mr and Mrs Edwards (Castle Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

24/00483/AD	Newland Home Farm, Starbank, Bay Horse Agricultural determination for the erection of a storage building for Mr Chris Halhead (Ellel Ward)	Prior Approval Not Required
24/00497/VCN	Porsche Centre South Lakes, 1 Electric Drive, Carnforth Erection of workshop, relocation of carpark including level alterations and associated drainage (pursuant to variation of conditions 2 and 6 on planning permission 23/00059/FUL to amend plans to provide additional car parking and amended drainage strategy) for Mr S Parker (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00539/EIR	Stanley Farm, Quernmore Road, Quernmore Screening opinion for the change of use of part of existing agricultural building to residential dwelling, including parking, landscaping and boundary treatment, refuse storage and sewage treatment plant for Claughton Hall Estate Ltd (Lower Lune Valley Ward)	ES Not Required