LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

Committee: **PLANNING REGULATORY COMMITTEE**

Date: **MONDAY, 28 OCTOBER 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 30th September 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.

5	**A5 21/00899/HYB**	**Land Between Brewers Barn and The A601(M) North Road Carnforth Lancashire** Hybrid Application comprising a full application for the erection of 71 dwellings with associated vehicular access, incorporating a signalised junction, together with pedestrian and cycle access points, associated earthworks, roads, parking and drainage infrastructure and an outline application for the erection of up to 87 dwellings, including public open space provision and associated infrastructure.	**Carnforth & Millhead Ward**	**(Pages 4 - 46)**
6	**A6 23/01140/FUL**	**Field 3225 Arna Wood Lane Aldcliffe Lancashire** Partially retrospective change of use of land to 3 no Gypsy/Traveller pitches comprising 3 touring caravans and 3 mobile homes, siting of a day room, erection of a barn, installation of a septic tank and creation of an area of hardstanding.	**Scotforth West Ward**	**(Pages 47 - 58)**

7	**A7 24/00834/FUL**	**Scalestones Point Marine Road Bare Ward East Morecambe Lancashire** Installation of a temporary coast sense column.	**(Pages 59 - 61)**

8 Delegated List (Pages 62 - 71)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

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

(ii) Substitute Membership

Councillors Mandy Bannon (Substitute), Martin Bottoms (Substitute), Paul Hart (Substitute), Colin Hartley (Substitute), Paul Newton (Substitute) and Margaret Pattison (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 16th October 2024.

Agenda Item	A5
Application Number	21/00899/HYB
Proposal	Hybrid Application comprising a full application for the erection of 71 dwellings with associated vehicular access, incorporating a signalised junction, together with pedestrian and cycle access points, associated earthworks, roads, parking and drainage infrastructure and an outline application for the erection of up to 87 dwellings, including public open space provision and associated infrastructure.
Application site	Land Between Brewers Barn and The A601(M) North Road Carnforth Lancashire
Applicant	Mr Robert Hughes
Agent	Mr Jake Salisbury
Case Officer	Mrs Jennifer Rehman
Departure	No
Summary of Recommendation	Approval of both the full and outline applications, subject to conditions and a Section 106 legal agreement. Delegate back to Chief Planning Officer to finalise legal agreement.

(i) Procedural Matters

A committee site visit has been arranged ahead of the Planning Committee for the 21 October 2024.

1.0 Application Site and Setting

1.1 The proposed site is a 7.4 hectare greenfield site located on the periphery of the built-up area of Carnforth, located between existing residential development to the east (Whernside Grove and Browfoot Close) and the A6070, formerly the A601(M), to the west. The site includes Brewers Barn (dwelling) and its associated residential curtilage. To the north, the site borders North Road/Carnforth Brow and agricultural land extending up to Carnforth Brow and the Carnforth to Leeds railway line. Lancaster Canal borders the site to the south. Junction 35 of the M6 Motorway is situated southeast of the site beyond the canal. The site is located approximately 1km east of the town centre.

1.2 Except of the existing dwellinghouse and garden, the site comprises agricultural fields divided by mature hedgerows and individual trees. The site includes an area of hardstanding used for storing agricultural equipment. The remaining site boundaries are lined with mature hedgerows, individual trees and woodland. Back Lane/Kellet Road Watercourse (a Main River and tributary to the River Keer) traverses in a north-easterly direction through the site with another unnamed watercourse crossing the site from its south-eastern corner.

1.3 The site has an undulating topography with the site sloping towards the watercourses that cross the site. In the northern part of the site (phase 1), the levels range from 11.26m AOD in the northern section of the site to approximately 20.7m AOD along the western boundary. In the southern parcel of the site (phase 2) the levels range between 16.3m AOD in the northwestern areas to around 20.1m AOD along the eastern boundary. Lancaster Canal which runs along the southern boundary occupies an elevated position above the site, with the site levels sitting close to 19m Above Ordnance Datum (AOD). The levels broadly fall to around 16.5m AOD in the central part of the southern section of the site. The land then rises again towards Carnforth Brow and the rear gardens of Browfoot Close (between 16 – 18m AOD).

1.4 The site lies outside the defined urban boundary of the settlement within the designated 'Countryside Area'. A large portion of the site is allocated as Mineral Safeguarded Land. Within the site, a group of individual trees in the northern parcel are protected by a Tree Preservation Order (ref: 170(1989)). Lancaster Canal that borders the site is designated as a Biological Heritage Site and is also allocated as formal open space comprising part of an important recreational corridor through the district. The site is approximately 1.4km (at its closest point) east of Morecambe Bay and its conservation designations (Special Protection Area (SPA), Special Area of Conservation (SAC), RAMSAR and Site of Special Scientific Interest (SSSI)) and is also within a designated Nature Improvement Area. There are no public rights of way through the site or affected by the proposals.

1.5 The site straddles floodzones 1, 2 and 3 with most of the southern part of the site within floodzones 2 and 3. Parts of the site are also identified to be at risk of surface water flooding with some limited areas also at medium risk of groundwater flooding. A high-pressure gas pipeline runs along the eastern boundary of the site with high-transmission overhead powerline and pylon traversing the site in a southwest – northeast direction. Whilst not within the town's Air Quality Management Area (AQMA), the site falls within its zone of influence. The Leeds to Carnforth railway line is also situated approximately 36m north (at its closest point) of the site.

2.0 Proposal

2.1 The current proposal is a hybrid planning application where full planning permission is sought for the erection of 71 dwellings and associated access and infrastructure and outline planning permission is south for up to 87 dwellings. The outline element comprises means of access to be considered. The application has been amended several times during the determination period with the total number of dwellings proposed (outline and full elements combined) reduced from up to 195 dwellings (initially proposed) to up to 158 dwellings. The application has been delayed due to numerous deficiencies in the application largely relating to design and layout considerations, the assessment of flood risk and more recently the application of the flood risk sequential test.

2.2 <u>Full Planning Application</u>

2.3 The proposal relates to the construction of 71 dwellings (reduced from the initial 81 dwellings proposed) with an associated new vehicular access taken off the A6070, including pedestrian and cycle access points to Carnforth Brow/North Road, associated earthworks, roads, parking and drainage infrastructure and an equipped play area and amenity greenspace. The development proposed under the full planning application is considered the first phase of the wider development (full and outline combined). This equates to around 3.5 hectares of the whole site.

2.4 The proposed mix of housetypes includes apartments, semi-detached and detached dwellings and bungalows. Most of the residential units are two-storey buildings with some dormer features providing accommodate in the roof space. The proposed dwellings shall be constructed from a palette of materials including white render, natural stone elevations, slate-effect roofs and grey uPVC windows and doors.

2.5 The breakdown of the housing mix for the full application comprises:

House Size	Number of Units
1 BED DWELLINGS (APARTEMENTS)	8
2 BED DWELLINGS	20

3 BED DWELLINGS	30
4 BED DWELLINGS	13
Total:	**71**

As part of the full planning application, 30% (21 dwellings) of the units are proposed as affordable homes. The applicant has indicated agreements have already been reached South Lakes Housing Association to acquire the affordable housing units, which has informed the housing mix proposed. The proposed affordable housing tenure mix is set out in the table below:

Affordable Housing Type	Number of Units
1 BED APARTMENT	8
2 BED HOUSE	5
3 BED HOUSE	8
Total:	**21**

2.6 Like the previous planning permission (see site history), the main vehicular access shall be taken from the A6070. The proposed access strategy includes a new signalised junction into the site opposed to the previously approved roundabout. The changes to the access strategy have evolved between the applicant and the local highway authority following the grant of the previous planning permission. The signalised junction is intended to provide safer and more efficient junction once the A601(M) (now A6070) had been decentralised and is then open to non-motorised users. However, the proposed access does not propose provision for pedestrians and/or cyclists and is only intended to provide a vehicular access/egress to the site. The access includes a new central reserve within the A6070 with right and left turning lanes into the site. At the mouth of the junction, the carriageway measures 17.2 metres before tapering to 7.5 metres (over c75m) and then 5.5 metres into the development.

2.7 For the full element of the scheme, an emergency vehicular access with a pedestrian and cycle route is proposed between the site and Carnforth Brow and Whernside Road via the existing driveway to Brewers Barn.

2.8 Due to the undulating nature of the site, earthworks are proposed across the site to create development platforms. To connect parts of the site from the main access, the internal estate road requires some culverting of the existing watercourse. The development proposed under the full application includes a series of retaining walls and features mainly in the rear gardens of the proposed plots. The banks to the main river, which crosses the site, requires some engineering works to retain the highways either side.

2.9 Five trees are proposed for removal due to the poor condition. The full element of the development will result in the loss of significant lengths of hedgerow (H1, H2, parts of H3 and H5).

` <u>Outline Planning Application</u>

2.10 The outline element initially sought planning permission for ‘up to 114 dwellings’ but has been amended downwards to ‘up to 87 dwellings’, including the access, open space provision and associated infrastructure. Except for the access, the layout, scale, appearance and landscaping of the development within the outline element of the scheme are reserved for subsequent approval (the ‘reserved matters’). The submitted masterplan supporting the outline element of the scheme proposes pedestrian/cycle links direct to the canal towpath. The access to the outline element of the development shall be taken off the internal road pursuant to the full planning application. The applicant has not provided a separate access plan for the outline element of the development. The extent of land covered by the outline element equates to around 3.7 hectares.

3.0 Site History

3.1 The application site has been subject to several planning applications over the past decade, including initial proposals for a marina complex and hotel, which were subsequently withdrawn by the applicant. The applicant later secured planning permission (16/00335/OUT) for residential development for up to 158 dwellings after complex negotiation and overcoming several objections to the scheme. Following the grant of planning permission, the local planning authority understand the highway authority approached the applicant to revisit the access design, which involved

removing the roundabout. As the roundabout was specifically referenced in the operative part of the planning permission (the description), it was not possible for the applicant to utilise Section 73 of the Town and County Planning Act to amend the approved access drawings. Consequently, the applicant chose to submit a hybrid application for the proposed development. During the determination period of this application, the applicant's previous planning permission has expired.

Application Number	Proposal	Decision
21/00935/EIR	Screening Opinion for a hybrid Application comprising a full application for the erection of 81 dwellings with associated vehicular access, incorporating a signalised junction, together with pedestrian and cycle access points, associated earthworks, roads, parking and drainage infrastructure and an outline application for the erection of up to 114 dwellings, including public open space provision and associated infrastructure associated infrastructure	Not EIA development
16/00335/OUT	Outline application for the erection of up to 158 dwellings with associated new vehicular access, incorporating a roundabout and access road, and pedestrian/cycle access points	Permitted
16/00123/EIR	Screening request for residential development	Not EIA development
13/00211/OUT	Outline application for a new inland marina (up to 50 berths), associated facilities building, hotel, associated parking and new access arrangements	Withdrawn
12/00269/OUT	Outline Application for the construction of a 50 berth Marina, hotel, facilities building, wind turbine, car parking and landscaping with full details of access arrangements	Withdrawn

4.0 Consultation Responses

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

Consultee	Response
Carnforth Town Council (CTC)	**Objection** - CTC maintain their initial objections following further consultation. A summary of the main reasons for opposition include: • County Council proposes to connect the A601(M) to North Road as part of a separate project associated with the declassification of the A601(M). This will result in A601(M) traffic (as well the development traffic) using North Road. • The potential increase in traffic along North Road will coincide with increased used by pedestrians as well, including pedestrian movements arising from the Scotland Road development. • Recommends a new study be undertaken to model pedestrian movements in the area. • Proposed pedestrian improvements along North Road will impact physically on the already constrained route. Existing on-street parking is also likely to be affected by such works, making the existing situation more problematic. • CTC support the CART request for a contribution to upgrade the canal towpath. • CTC question the need for an emergency access point to North Road, quoting examples of other larger development (Scotland Road) where they are served by single access points. • CTC request the emergency access points are reviewed given safety concerns along North Road. • CTC are in discussions with the highway authority about increasing number of road safety issues between the junction with Browfoot Close and the railway bridge to Netherbeck.

	• CTC concerned over out-dated reports used to support the application and lack of consideration of cumulative impacts from other developments. • Objects to the increase in housing density (compared to the approved scheme) and the ability to provide the proposed level of housing given the infrastructure on site, noting concerns that National Grid would go to the extent of moving the pipeline. • Requests a viability appraisal be undertaken to evidence deliverability. • Concerns over the derivability of the scheme in full and the proposed phasing (hybrid approach to the application). • CTC highlight the housing needs survey undertaken for the Neighbourhood Plan. • CTC maintains the site is disconnected from Carnforth and will add little benefit to the town. Further comments (November 2022) received expressing concerns over the viability of the development and the likelihood of the delivery of an appropriate housing mix for the community. The Town Council questions the delivery of the outline element of the scheme given the presence of infrastructure.
County Highways Local Highway Authority (LHA)	**Objection withdrawn**. Following the submission of amended information (March 2023), the LHA now have no objection to the development, noting the previous layout concerns have been satisfactorily addressed by the amended Site Layout Plan (Rev Y). The LHA confirm the development would not have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would not be severe in accordance with the NPPF. However, this is subject to the following contributions and conditions to support sustainable travel and mitigate the impacts of the development: • £12,000 Travel Plan Contribution • £15,000 Prow Right of Way Improvements to Footpaths 22,23 and 24. • Full construction access details including emergency access points and pedestrian access points • Scheme for off-site highway improvement works (North Road) • Phasing of access and off-site highway works • Internal roads to be construction to adoptable standards • Garage use restrictions • Travel Plan condition • Protection of visibility splays • Construction Method Statement • Arrangements and future management of proposed streets until roads are adopted.
National Highways	**No objection** subject to the statutory procedures relating to the de-specialisation of the A601(M) declassification of the status of the A601(M). NH do recommend that LCC consider the effect of the proposed junction with the 4-arm roundabout with Netherbeck proposed as part of the declassification works to ensure both junctions can operate with each other without undue impacts on the network. No comments to latest amendments.
Network Rail	**No objection** to the proposals. Earlier comments from Network Rail indicate works adjacent to the railway line must be undertaken with the supervision of Network Rail to ensure works to do impact the safe operation, stability and integrity of the railway and its boundary. Network Rail advise the development to enter into a Build Asset Protection Agreement (BAPA). Network Rail indicate a need to understand how the traffic will be managed with respect to the nearby limited clearance bridge including construction traffic and operational traffic. The applicant should also ensure suitable noise and vibration measures are included as the railway line operations all year round, 24/7, that all surface water is directed away from the railway line and there is agreement concerning any vibro-impact works on site.
Environment Agency (EA)	**Objection withdrawn** - After formal objections from the EA to the initial FRA, in August 2023 the EA accepted the findings and conclusions of the amended FRA (dated 19.7.2023) and raised no objections on flood risk grounds. The EA did,

	however, continue to object to the layout and engineering proposals noting unacceptable impacts to the Back Lane/Kellet Road Watercourse. Following the submission of further amendments in February 2024, the EA has removed their objection but note the proposals are not ideal in terms of layout and relationship to the watercourse. The EA maintain that the proposed development including the culverting of the watercourse and landscaping will require a separate Flood Risk Activity Permit and that further details will be required to satisfy this process. The EA also note that the landscaping in the riparian corridor of the watercourse could inhibit future maintenance of the watercourse despite being much reduced. The continuous hedgerows will prevent access to the watercourse for maintenance purposes and pose a potential flood risk. The EA reminds the applicant that they are encouraged to provide BNG as part of their development proposals.
United Utilities (UU)	**Objection withdrawn** - Following the submission of amended information, UU has now withdrawn their objection. UU has confirmed that following review of the Phase 2 Drainage Network and reviewed drainage drawings for phase 1, UU are satisfied the proposals are acceptable in principle subject to further information to inform the final drainage design. Consequently, a final foul and surface water drainage scheme and maintenance plan is recommended by condition.
Lead Local Flood Authority	**Objection withdrawn** - Following the submission of a further revised FRA and Drainage Strategy (February 2024), the LLFA has now withdrawn their objection. Their initial objection was based on an inadequate FRA and surface water drainage strategy, noting several deficiencies and contradictions across the applicant's submission. The LLFA note the drainage strategy has been significantly amended following the applicant's engagement via their own Planning Advice Service. The LLFA recommend the following conditions: • Final Surface Water Drainage Strategy based on FRA Rev 4 and indicative drainage strategy. • Construction Surface Water Management Plan • Sustainable Drainage System Operation and Maintenance • Verification report of Constructed Sustainable Drainage System
Cadent Gas	**Objection** on the following grounds: • The development has the potential to impact Cadent Gas's high-pressure gas apparatus. • Amended plans must be provided factoring in the required build proximity distance (8m) to the pipeline. HSE Planning Advice to be undertaken.
Health and Safety Executive	Following the submission of amendments (2024)**,** HSE comment as follows: - Does not advise, on safety grounds, against the granting of planning permission for the application for full planning permission. Does advise, on safety grounds, against the granting of planning permission for the outline planning application **unless** the following conditions are imposed: - • No more than 2 dwelling units shall be located within the combined inner/middle zone of the Slyne/Whasset pipeline. • No facilities which involve outdoor use by the public such as play areas, shall be located within the combined inner/middle zone of the Slyne/Whasset pipeline.
HSE Planning Gateway One	Commented the application does not meet the criteria for consultation.

Electricity Northwest	**Objection** on the following grounds: • The layout of the development makes no attempt to mitigate the impacts of the 132kV overhead powerline across the site and in fact incudes a greater number of properties below the line than the previous consent. • The Utilities statement is misleading. ENWL maintain the line should remain in situ and this position will be rigorously defended if settlements cannot be reached between ENWL and the applicant (as part of a separate, private and legal matter). • The number of dwellings proposed on the site is based on the applicant's incorrect assumption that the line will be diverted or undergrounded. Additional comments have been received concerning the following matters: • Flood risk - ENWL would need to be satisfied any flood risk mitigation measures for the site, which may be located under the 132kV line, would not compromise their infrastructure. • Highways and access – ENWL support the County's objection as they need to be satisfied the access does not compromise their infrastructure. Request re-consultation on any amendments or before any determination given the strategic importance of the apparatus to electricity distribution across the wider region. **ENWL have not commented to subsequent amended plans/supporting information following consultations.**
Natural England	**No objection** - NE has considered the applicant's shadow Habitat Regulations Assessment (HRA) and the Council's HRA and Appropriate Assessment and raise no objection subject to appropriate mitigation being secured by condition. The mitigation includes: • the provision of homeowner packs, • surface water management construction method statement, • surface water and foul water management schemes.
Arnside and Silverdale AONB Partnership	**Comments** - Following the submission of amendments, the AONB Partnership (June 2023) recommend the Council to ensure that there are enough trees incorporated into the development and that trees are of sufficient size and height to mitigate impacts on visual amenity. Initial comments included the following points: • The development is within the setting of the AONB and is visible from Warton Crag, a key viewpoint within the AONB. • An expansive urban development will have a negative impact on the rural landscape which forms part of the character and setting of the AONB. • Recommend a Landscape Visual Impact Assessment and viewpoint from Warton Crag. • Strongly recommend more tree planting, copses within the housing area and on the boundaries to reduce the visual impacts on the AONB and to break up the urban block when viewed from Warton Crag. • Clarify materials to include grey roof slates and limestone as the natural stone. • External lighting to be controlled to minimise light pollution to protect intrinsically dark landscapes and nature conservation. • If planning permission is granted, recommend areas of tree planting included as a condition.
GMEU	**No objection** – comments and recommendations as follows: • No further ecology surveys need to be carried out before deciding the application. • The Council could rely on the conclusions of the sHRA to undertake its own assessment. • Recommend a minimum of 8-10 metre buffer strip to the canal to avoid harm to the canal's designation as a Biological Heritage Site.

	• Site is dominated by species-poor agricultural land but includes notable local habitats including hedgerows and watercourses. • Open watercourses to be retained. • The hedgerows are particularly prominent landscape features and older than indicated in the ecology report. • The proposals indicate significant lengths of hedgerow to be removed with replacement planting limited and fragmented. • Recommends retained hedgerow are properly protected, new hedgerows are properly landscaping through the requirement of a Landscape Management Plan (by condition). • The development is considered unlikely to cause significant harm to any protected or notable species, except for small numbers of foraging bats and nesting birds. • Conditions recommended to avoid vegetation clearance during bird nesting season, Reasonable Avoidance Measures (RAMS) Method Statement in relation to Otters and a sensitive lighting scheme given habitat corridor associated with Lancaster Canal. • Accepts the results of the BNG assessment subject to final landscape plans and long-term management plans to be conditioned.
Arboricultural Officer	**Objection** on the following grounds: • The AIA should justify the tree and hedgerow losses. • The proposals should be designed around existing landscaping rather than the other way around in order to create a place for people and wildlife rather than for buildings. • There needs to be increased buffers between the existing woodland and canal rather than green infrastructure squeezed into small pockets of the site. • Lack of high-quality landscaping plan which show how the current character of the site will be retained/enhanced. • Following amendments (2022), concerns over hedgerow removal, hedgerow planting hemming in the watercourse and concerns over the tree species.
Lancashire County Council - School Planning Team	**No objection** - No education contribution required (March 2024). An updated assessment has been requested. If the position has changed, a verbal update will be provided.
Environmental Health Service	**No objection** subject to the following conditions: • EV charging to be provided to each dwelling (check air quality assessment) • Standard contaminated land condition • Noise mitigation including barrier fencing, ventilation and acoustic glazing to be agreed before occupation.
Lancashire Constabulary	Recommends the development should be designed to meet Secure by Design security standards. The response does not confirm whether the development would meet standards and provides a number of recommendations.
Lancashire Fire and Rescue Service	Standing advice received in relation to building regulations compliance concerning access and facilities for the fire service.
Waste and Recycling Team	Internal layout to be revisited to ensure waste collections are sustainable for both residents and waste crews.
Public Realm Team	**No objection** subject to the following requirements (for the full application): • Amenity Space on site. • Equipped Play area on site. • Young person's provision on site or a contribution off-site to support the Friends of Cragg Bank who are looking at installing outdoor gym equipment. • Contribution towards outdoor sports provision (3G pitch at Carnforth High School or alternative site in the town).
Canal & Rivers Trust	**No objection**. The Trust recommend the following conditions/s106 requirements: • Surface water drainage scheme including catchment modelling through culvert 64 and management and maintenance arrangements. • No development within 10m of the tow of the canal embankment until a Risk Assessment and Method Statement (RAMS) outlining all works to be carried

	out adjacent to the canal to be submitted and agreed by the LPA (to ensure the development does not affect the stability of the canal embankment). See Trust comments for full details of RAMS. • Financial Contribution to fund the upgrading and re-surfacing of 300m of towpath adjacent to the site and a further 750m between the western boundary and Bridge 128 (market Street). CART has estimated this to be £337,173.90. • Notes no tree planting should be provided within 5m of the canal embankment and recommends a detailed landscaping scheme. • Construction Environment Management Plan (CEMP) required to prevent pollution of the canal during construction. • Lack of detail of the canal access points - recommends a condition requiring full details of the access points to the towpath. Additional advice has been provided in relation to the following matters: • BNG - the CART raises several queries with the applicant's amended BNG assessment and the implications of this dependent upon whether the Council apply mandatory BNG requirements or not. CART indicate a pre-commencement condition setting out how BNG units will be provided should be secured. • Internal layout – the indicative proposals for phase two have frontage to the Canalside which in principle is welcomed. The design of development and parking areas, away from the edge of the canal, will require further details are reserved matters stage. • Surface water drainage – the attenuation seems robust and of a size proportionate to the site. CART is keen to see a table of the current discharge flow rates into the stream course vs post development. This is so CART can be certain any culvert under the canal can take future flows. • Landscaping – tree and planting species along the canal corridor are appropriate. BNG assessment states canal hedgerow to be retained but landscaping plans do not show this. CART wish to see canal hedgerow retained.
Lancaster Canal Trust	**Comments** received as follows: Lancaster Canal Trust supports the comments made by the Canal and River Trust in relation to the following matters: • protecting the structural integrity of the canal, • surfacing and upgrading of the towpath by the developer, • high standards of design and landscaping, • the preparation of a CEMP, • the management to surface water drainage, • limiting the number of access points to the towpath, • landscaping, and BNG.
Planning Policy	**Comments** as follows: • Recognises the site benefits from outline planning permission for 158 dwellings, therefore the principle is accepted. • The setting of the AONB needs to be considered. • Access Plans are confusing and unclear whether the new signalised junction is proposed for phase 1. • Given the sites poor connectivity, ped/cycling links to the town and towpath should be maximised to enhance the sustainability of the site. • The provision of affordable housing is welcomed. • The housing mix does not align with the SHMA • Inadequate energy / utility statement
Morecambe Bay Clinical Commissioning Group	Following the submission of amendments**, no objection** subject to securing a contribution (broken down as follows) to the extension and reconfiguration at Ash Trees Surgery, Carnforth for additional clinical capacity.

	Full application (71 dwellings – 181 persons) equates to **£45,494** Outline application (87 dwellings – 209 persons) equates to **£52,532** Failure to secure the contribution requested effectively means that the NHS are objecting to the application.

4.2 Owing to the passage of time and various amendments to the application, the local planning authority has consulted with neighbouring residents on five separate occasions. The most recent consultation was carried out in February 2024. We have received a total of 37 representations all of which are objections to the proposals. A breakdown is provided below when representations have been received:

Early 2024
10 objections

Summer 2023
6 objections

Summer 2022
6 objections

Late 2021/early 2022
15 Objections

A summary of the main reasons for opposition and concern are set out below:
Principle and procedural issues -

- Increasing scheme from 158 to 195 seems unnecessary given number of other developments that have come forward since the last planning permission was issued.
- There are other large housing sites being developed in Carnforth.
- Due to existing infrastructure on site, phase 2 appears challenging, heavily constrained and most probably undeliverable.
- Procedural concerns in relation to the proposal and the approved development 16/00335/OUT – an expectation that reserved matters should have been approved before further applications.
- Hybrid applications are a common ploy that result in incomplete projects.
- Concerns over viability and deliverability of the development given the infrastructure to be retained and areas at risk of flooding.
- Brownfield sites should be developed ahead of greenfield sites (Lunsdfield Quarry for example).
- Lack of clarity between full and outline elements of the proposal.
- Original objections to 16/00335/OUT should still stand and be considered as part of the pending application.
- Amended plans do not address original concerns.
- The delayed consideration of the application (3 years) is a waste of time and money for a site that is constrained by infrastructure and flooding with poor access
- Plans are confusing to follow and consider.

Infrastructure and access issues –

- Two signalised junctions so close together would lead to traffic backing up on the M6.
- Replacing the bridge with a signalised junction will exacerbate traffic on North Road which is highly constrained (narrow widths, parked vehicles and poor pedestrian footways). NB – this is a county project and not part of the planning application).
- A Road Safety Audit should be undertaken.
- LCC should not fund the proposed access.
- North Road is unsuitable to support further vehicle movements – it is unsafe.
- Unsafe pedestrian/cycle provision along North Road to support additional movements.
- Excessive emergency access points and concerns over misuse of the North Road emergency access.
- Proposed access to be provided before construction of the development as North Road is unsafe to support construction vehicles/movements.

- Claims a one-way system will be implemented along North Road, making emergency access on North Road impractical.
- Cadent Gas have not confirmed agreement to the access (over the gas pipeline). Concerns that the protection measures to the pipeline to provide the access and the necessary risk assessments and supervision by Cadent Gas would conclude that it is an impossible operation.
- The Transport Statement lacks written explanation of the outcome of the modelling exercise.
- Inadequate healthcare (GP and dentists) services to support the additional population from this development.
- Use of the de-specialised A601(M) for pedestrians and cyclists would be a failure of sustainable transport provision. Use of the canal for pedestrians/cyclists (for commuters) would need upgrading.
- Doubts there is provision for more school places.
- Lacks any public benefits.

Environmental concerns -

- Increase risk of flooding on and off site – the site already floods.
- Cumulative increase in flood risk from this development and others approved and under construction.
- Concerns over the adequacy of the proposed drainage strategy and the potential for increased flood risk.
- Concerns over the loss of trees (T1 and T3) which continue to flourish and provide amenity to the area and offer suitable habitat for wildlife.
- Inadequate thought given to wildlife and green spaces.
- Tree planting along the boundary with properties on Whernside as a 'barrier' causes loss of light.
- Adverse impacts to air quality

Design and amenity concerns -

- Loss of privacy and overlooking between existing and proposed dwellings (Browfoot Close)
- Properties backing onto Browfoot need to be reorientated or pulled further away.
- The site is disconnected and poorly integrates with the town and future growth.
- Increased disturbance to existing residents by noise, pollution, construction, traffic, anti-social behaviour.

5.0 Analysis

The key considerations in the assessment of this application are:

- Principle of development
- Transport
- Flood risk and drainage
- Landscape, Design and Open Space
- Residential Amenity
- Infrastructure
- Housing
- Biodiversity
- Sustainable Design

5.1 **Principle of Development** NPPF Chapter 2 (Achieving Sustainable Development), Chapter 5 (Delivering a Sufficient Supply of Homes), Chapter 11 (Making Effective Use of Land); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District) and EN3 (Countryside Area); Development Management DPD Policies DM4 (Residential Development Outside Main Urban Areas), DM44 (The Protection and Enhancement of Biodiversity); Policy CNDP H1 of the Carnforth Neighbourhood Plan and Joint Lancashire Minerals and Waste Local Plan Policy: M2 (Safeguarding Minerals) and Guidance Note (December 2014).

5.1.1 **Principle of housing growth**

The Strategic Policies and Land Allocations DPD (SPLA DPD) sets out the district's strategic development strategy, advocating an urban-focussed approach to future growth (policy SP3). This is reflected in Policy SP2 which sets out the district's settlement hierarchy. Lancaster is identified as a regional centre where the majority of future growth will be directed. Morecambe, Heysham and Carnforth play a supporting role to Lancaster. These are import urban settlements that will also accommodate new residential and economic development. This approach aims to deliver sustainable growth across the district. Accordingly, the principle of new housing growth in Carnforth is acceptable, subject to addressing other material considerations. It is also a material consideration that outline planning permission has previously been grated for up to 158 dwellings across the application site. However, the planning permission has expired and therefore there is not a fall-back position at the point of making this recommendation.

5.1.2 The application site is not allocated for housing (or any other land use). It lies within designated Countryside Area defined by the Lancaster District Local Plan. Policy EN3 of the SPLA states that the Council has designated areas of open countryside that define the rural context of the district. It goes on to state that any development proposals located within open countryside should have due regard to all relevant policies contained within the Local Plan, in particular policies within the Development Management (DM) DPD relating to development in the rural areas. Policy DM4 of the DM DPD sets out that the Council will support proposals for residential development outside main urban areas where they reflect sustainable patterns of development and accord with the Council's settlement hierarchy, as described in Policy SP2 of the SPLA DPD. Policy SP3 goes on to set out the development strategy for the district, and promotes an urban-focussed approach to development, concentrated towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. Whilst the development site is located within the open countryside, it is clearly adjacent to one of the main urban areas of the district and the wider facilities and services that it provides.

5.1.3 Development in the open countryside is not restricted completely, provided that the essentially open and rural character is protected. This will vary depending on the scale and nature of proposals and consideration of other local plan policies. In this case, the site is within the countryside and located outside the urban boundary of Carnforth. The effect of the development on the open countryside shall be addressed in more detail as part of the design and landscape considerations, but fundamentally, residential development at the scale proposed will inevitably alter the open and rural character of the site and result in the loss of open countryside.

5.1.4 **Neighbourhood Plan**

The site also lies within the designated Neighbourhood Plan area for Carnforth. The Neighbourhood Plan has ten principal objectives forming their policy framework. The Neighbourhood Plan does not include specific land-use allocations, nor does it set specific housing targets for the Neighbourhood Plan area. The Neighbourhood Plan clearly defines the urban boundary, identities the town centre boundary, the town's conservation area and identifies a Regeneration Priority Area. In respect of hosing, policy CNDP H1 states that proposals for new housing located within the Urban Boundary of Carnforth which meet housing neds will be supported (subject to other policies in the Neighbourhood Plan and Development Plan). The application site is outside the Urban Boundary of the town in a location not anticipated for housing growth in the Local Plan or Neighbourhood Plan.

5.1.5 **Loss of Agricultural Land**

The loss of the agricultural land is a material planning consideration and a matter of principle. Policy DM44 states development proposals '*should avoid the use of the best and most versatile agricultural land and should, as far as possible, use the lowest grade of land suitable*'. The NPPF equally reinforces the need to protect the highest quality agricultural land. Paragraphs 180, 181 and within footnote 62 states '*planning policy and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils*'. The best and most versatile (BMV) land is defined as Grades 1, 2 and 3a.

5.1.6 The proposed development would result in the loss of agricultural land which has been used for cultivating crops in the past, as well as being sued for grazing cattle and sheep.

5.1.7 The applicant has not provided an agricultural land quality assessment with this application. However, the applicant had submitted documentation to evidence the agricultural quality of the land

under application 16/00335/OUT. This determined the site was classified as Grade 3b agricultural land which is considered 'moderate quality' but does not meet the threshold for BMV land. Given the use of the site has not changed significantly since the previous application was determined, the previous assessment remains valid and relevant in this assessment. Consequently, there are no planning grounds to resist the principle of the development due to the loss of this 'moderate quality' agricultural land.

5.1.8 **Mineral Safeguarding Land**

The site is also protected for its potential mineral resource. Policy M2 of the Minerals and Waste Plan seeks to prevent the sterilisation of mineral resources by non-minerals development. The Mineral Safeguarding designation extensively extends across this part of the district, particularly to the north and east of the site. The applicant during the determination of the earlier marina and hotel application provided sufficient information to satisfy the County Council as the Minerals and Waste Authority that the proposal would not prejudice mineral resources. The same information has been provided as part of this application concluding there is insufficient mineral of adequate quality to justify extraction on a commercial level. It is also contended that the proximity of sensitive land uses including existing residential dwellings and the Canal (Biological Heritage Site) which attracts protected species, will further limit the feasibility of prior extraction. In light of the above, together with the long-term requirements to secure housing to meet the needs of the district over the plan period, it is contended that the principle of residential development on the site should not be prevented on the grounds that the site is safeguarded for its mineral resource.

5.1.9 There are several key issues discussed above to help establish whether the principle of residential development is acceptable across both the full and outline elements of the proposal. In summary, whilst located in the open countryside, the site is located on the edge of an existing urban area where housing growth in principle could be supported, subject to consideration of all other relevant planning policies; the land is not considered best and most versatile land, and the prospect of mineral extraction is limited. The Neighbourhood Plan does not allocate land for housing (or other land uses) and does not explicitly preclude development outside the defined Urban Boundary. Therefore, housing development on the site may be considered acceptable as a matter of principle, subject to the other key material considerations.

5.1.10 Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The Council's most recent Housing Land Supply Statement (April 2023) identifies a housing land supply of 2.4 years, which is a significant shortfall against the required 5-year supply requirement. Paragraph 11 of the NPPF (the presumption in favour of sustainable development) also requires that, where a local planning authority cannot demonstrate a 5-year supply of deliverable housing sites (unless the provisions of paragraph 76 are applicable), permission should be granted unless the application of policies in the NPPF that protect areas or assets of importance (such as heritage assets and areas at risk of flooding) provide a clear reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. Under the transitional arrangements (see paragraph 76, footnotes 40 and 79), this means applying a tilted balance towards the delivery of residential development. This is applicable to the determination of this application.

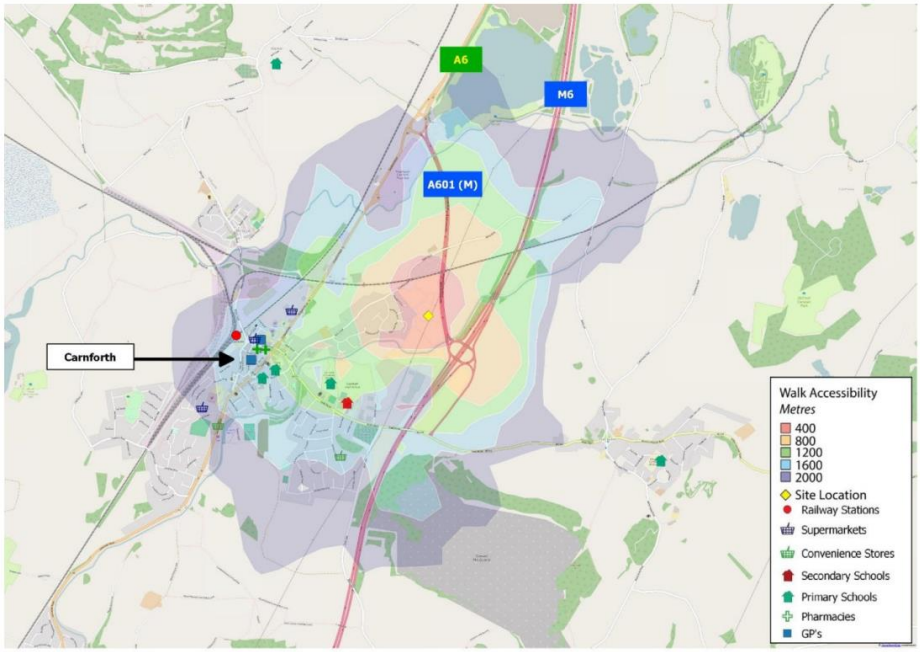
5.2 **Traffic impacts, access, parking and sustainable travel** NPPF Chapter 9 (Promoting Sustainable Transport) and Chapter 12 (Achieving Well-designed and Beautiful Places); Strategic Policies and Land Allocations (SPLA) DPD policies: SP10 (Improving Transport Connectivity), T2 Cycling and Walking Network); Development Management (DM) DPD policies DM29 (Key Design Principles), DM57 (Health and Well-being), DM58 (Infrastructure Delivery and Funding), DM60 (Enhancing Accessibility and Transport Linkages), DM61 (Walking and Cycling), DM62 (Vehicle Parking Provision) and DM63 (Transport Efficiency and Travel Plans); Policy CNDP AM1 (Active Travel Carnforth Neighbourhood Plan).

5.2.1 The site is located between the A6070 and Carnforth Brow, to the north-east of Carnforth beyond the built-up environment. The A6070 connects to the A6 Scotland Road and to the B6254 Kellet Road via junction 35 of the M6 motorway. The A6070, previously the A601(M), was subject to motorway regulations and therefore limited only to Class I and Class II vehicles. The A601(M) was transferred from the Secretary of State for Transport to Lancashire County Council in the mid 1980's under 'The Lancashire County Council (Carnforth Link) Special Road Scheme 1985' and 'The

Lancashire County Council (Carnforth Link) Transport of Highways and Alteration of Side Roads Orders 1985'. The A601(M) had 'Special Motorway Status' and was previously maintained and managed by the local highway authority (Lancashire County Council) rather than National Highways. The local planning authority has been informed the Special Status has now been revoked.

5.2.2 Access to the site is currently taken off Carnforth Brow or via the adjacent residential estate to Brewer's Barn via North Road. As residents have pointed out in their representations, North Road is a narrow highway impinged by unrestricted parking on either side of the carriageway for some of its length. For these reasons, it is accepted that North Road would not be capable of taking the traffic associated with the proposed residential scheme and so the applicant seeks to provide its main vehicular access off the A6070. It was accepted under the earlier marina and hotel proposal and the last residential development, that to accommodate an access off the former A601(M), its Special Status would need to be revoked. This was a requirement of Highways England (now National Highways) and the Lancashire County Council at the time. This was also accepted by the applicant. The revocation of the Special Status needed to be applied to both sides of the M6 including the motorway roundabout. This was also a requirement of the employment development between junction 35 roundabout and Kellet Road. The Special Status of the road has been revoked and is no longer subject to motorway regulations.

5.2.3 The actual walking distances from the centre of the site to key services and facilities was set out in the applicant's 2016 Transport Assessment utilising GIS software. This is copied out overleaf and highlights most facilities and local services are between 1200-2000 metres from the application site. The IHT guidelines 'providing for journeys on foot' (best practice guidance) set out the desirable, acceptable and preferred maximum walking distances to facilities. The acceptable walk distance for commuting is 2,000m. Within 2,000m the whole of Carnforth Town Centre can be reached. The recommended walking distance to a bus stop is 400m. The closest bus stops are on Market Street over 800m from the site. Due to the character of the town and in particular the nature and highway characteristics of North Road, access to bus services is relatively poor for most of the adjacent Whelmar estate as well.



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Source: S C P Transport Assessment 2016 Planning Application 16/00335/OUT.

5.2.4 **Access Strategy**

The application is supported by an Addendum Transport Note by Lancashire County Council. It is intended to supplement the original Transport Assessment (2016) submitted as part of planning permission 16/00335/OUT. A further transport addendum has also been submitted. The reports set out an explanation to support the change form a roundabout junction to a traffic signal junction at the proposed access. The reason to change to access design was to allow linking between traffic signals associated with the proposed junction and a new at-grade signalised junction from the A6070 and Netherbeck. This would have enabled maximum efficiency for traffic throughput along the A6070 and effective management of que lengths.

5.2.5 The Local Highway Authority's proposed works at Netherbeck formed part of the wider decentralisation programme of the former A601(M), as well as dealing with the overbridge that is life expired. Since the application was submitted, the Local Highway Authority's intended works have changed. Netherbeck Bridge is no longer to be removed and replaced with an at-grade junction and there are no plans to facilitate non-motorised users on the downgraded A601(M). Despite these wider changes, the proposed signalised junction will still be installed with MOVA intelligent signal controls to allow the proposed junction to cope effectively at busy times when the A6070 experiences excessive traffic. It will also be a mor effective and safer junction for agricultural vehicles requiring access and egress into the site. The speed limit for the A6070 shall be reduced to 50mph (part of the wider decentralisation programme). Despite there no longer being an intention to allow non-motorised users onto the A6070, the signalised controlled junction will be significantly safer than a roundabout junction if this changes in the future.

5.2.6 The main vehicular access off the A6070 forms part of the application for full planning permission. This junction is intended to be the only access and egress into the site by vehicles. Additional emergency access points are proposed off Carnforth Brow and via the driveway to Brewers Barn onto Whernside. The emergency access points are for emergency vehicles only and will be controlled to prevent permanent use by other motorised vehicles. These access points will also provide permanent pedestrian and cycle access to connect with the existing built-up part of suburban Carnforth.

5.2.7 There has been significant concern expressed from the local community in respect of the emergency access points being misused or that is the event the main access is unable to be delivered, these emergency access points default to provide the vehicular access to the development. This would not be an acceptable situation given the highway constraints associated with North Road. For this reason, in the event of any approval, conditions would be imposed to ensure the main access is provided before commencement of the remaining elements of the development, and that this access would be provided for the construction phases of the development. To ensure the emergency routes remained restricted to provide only pedestrian/cycle access (except in the case of emergencies), a scheme for the provision of bollards (or similar) to prohibit general vehicular access, together with maintenance and management, would be required by condition.

5.2.8 The outline planning application includes access with all other matters reserved for subsequent approval. However, there are no formal vehicular access drawings forming part of the outline application. It can be assumed an access will be taken off the internal estate road forming part of the full application. The Local Highway Authority have not raised any objections to the access for the outline element of the development. Officers are satisfied a planning condition for full details of access can be controlled by planning condition for the outline application.

5.2.9 The overall access strategy and re-design of the proposed junction serving the development applied for in full is fully supported by the Local Highway Authority. The revised access design is deemed a more appropriate junction to serve the proposed development in comparison to the earlier roundabout junction, with the full details of such to be controlled by planning condition. National Highways are equally satisfied the junction will not impact the strategic road network and raise no objection to the development.

5.2.10 Whilst the access strategy is consisted to acceptable to serve the development and is safe from a highway perspective, it is inevitable there will be a reliance on the private car due to the access position off the A6070 (away from the main urban areas of the town). This is a weakness of the scheme but such that does not strictly conflict with policies DM60-DM63.

5.2.11 **Traffic Impacts**

The application is supported by an Addendum to the 2016 Transport Assessment. The addendum considers the changes to the junction design, traffic generation (based on 195 dwellings as originally applied for) and an assessment of junction capacity. In terms of trip generation, applying the 85th percentile trip rates from the TRSICS database (for more robust assessment), the development (195 dwellings) is anticipated to result in 141 two-way movements in the AM peak and 147 two-way movements in the PM peak. Now the scheme has been reduced back to 158 dwellings (maximum),

the traffic movements revert to that stipulated in the 2016 Transport Assessment. This equates to 113 two-way movements in the AM peak and 119 two-way movements in the PM peak.

5.2.12 Given the proximity of the proposed access to Junction 36 of the M6 motorway, National Highways are a statutory consultee to the application. Their primary concern would be risks in traffic queuing back to the strategic road network (the motorway). National Highways has assessed the application and are content the reported trip rates remain valid and note that applying the 85TH percentile trip rate, provides a more robust assessment of the development impacts. National Highways has confirmed the trip rates, trip generation, trip distribution and assignment applied in the submitted transport Assessment are appropriate and acceptable. This is a position also shared by the local highway authority.

5.2.13 In addition to considering traffic generation, the applicant has undertaken a LinSIG model of the proposed Brewer's Barn traffic signalised junction to assess capacity and the potential for queuing between the proposed signalised junction and the M6 Junction 35. The model inputs are considered robust and accurate and have been agreed with both National Highways and the Local Highway Authority. The model indicates a maximum queue length between the junction and the M6 junction 35 of 25 metres (on the nearside ahead lane) accounting for growth factors plus the development. This would not impact the strategic road network as the predicted queuing from the proposed junction would not extend back to the M6 junction 25 which has a stacking capacity of around 590 metres, with the proposed junction operating with significant capacity. Both National Highways and the Local Highway Authority are, therefore, satisfied the proposed development would not result in severe traffic impacts on the strategic and local highway network. Furthermore, National Highways confirm the development would not cause a material reduction in the safety of the strategic road network either. The Local Highway Authority equally do not raise any concerns over in relation to highway safety in relation to the location and design of the proposed vehicular access. Acceptability of the access strategy and traffic impacts from the statutory consultees is based are based on the special status of the former A601(M) being revoked, which has now occurred.

5.2.14 **Connectivity and accessibility**

The site is located on the edge of the urban area and is some distance from local services within the town centre and the local schools. Due to the constraints on North Road limiting vehicular access and the access strategy to serve the development, the site does not result in a well-connected scheme. In an attempt to mitigated against this, the proposal incorporates cycle and pedestrian access to Whernside Road and Carnforth Brow as part of the full application and access to the canal towpath as part of the outline element. There is also a commitment to provide a financial contribution towards the upgrades to the surfacing between the site and Bridge 128 (Market Street). These measures will provide meaningful benefits to better integrate the development with the exiting urban area. The connections will also support good connection to existing pedestrian and cycle networks to maximise sustainable modes of travel. The Canal and Rivers Trust (CART) have no objections to the principle of the development provided these links are provided and a contribution is sought to secure the upgrades proposed.

5.2.15 The proposed emergency access and pedestrian/cycle link to Whernside Grove will be taken via the existing drive of Brewers Barn. The precise details of this will be conditioned, however, officers are satisfied that this route can be achieved. The link onto Carnforth Brow involves alterations to the highway and the incorporation of footway to connect to the existing footway to the west side of Browfoot Close. There will also be connections in this location to the development being undertaken by Rowland Homes on Scotland Road. This neighbouring development, once complete, will provide further opportunities for pedestrians and cyclists to access other parts of the town and other recreational facilities.

5.2.16 The proposal then includes an outline scheme for various off-site highway works to secure improvements to the existing footways and the provision of new footways where none are at present along North Road. The delivery of this scheme provides improved pedestrian provision and traffic calming along North Road to encourage and support pedestrian movements between the site and the town centre. The applicant is also committed to making contributions to improve existing public rights of way between Carnforth Brow and the town centre as well as developing a residential Travel Plan. The contributions are set out in the summary of the highway authority response. These initiatives collectively enable the proposal to comply with the principle of policies DM29, DM60 and DM61 of the Local Plan and policy CNDP AM1 of the Neighbourhood Plan.

5.2.17 There is some strong local opposition to these proposals, both in terms of safety and the inconvenience these proposals may present in terms of reducing the ability to park on-street in certain locations. By in large, however, where the proposal limit on-street parking most properties adjacent benefit from private drives. The proposed scheme demonstrates that in most places the carriageway will remain 5m wide and will be capable of two-way traffic (subject on on-street parking). The proposals do result in a pinch point adjacent to 114 north Road where give-way to oncoming traffic measures are proposed. Concerns have been raised regarding forward visibility and the safety of the proposed pedestrian improvements. LCC, as the statutory consultee responsible for the highway network, have raised no objections to the proposed pedestrian improvements, having previously accepted them as part of planning permission 16/00335/OUT. The precise detail would be subject to detailed design and safety audits. LCC also recognise that the changes will inevitably have some influence on the public highway parking but overall reducing the historic weakness of the corridor by providing pedestrian provision is of value. The level of disruption to the existing parking habits has been carefully considered and minimised in the design of the proposals and will further be considered at the detailed design stage.

5.2.18 **Internal Layout**
The application has been amended to overcome initial concerns from the local highway authority relating to the internal layout of phase 1 (full element). This is primarily to ensure the estate roads are designed to adoptable standards and in the interests of highway safety. The local highway authority has confirmed the revised layout plan is acceptable. The layout satisfactorily provides for pedestrians with continuous footpaths along the lengths of carriageway connecting to the pedestrian and cycle access points to Whernside Grove and Carnforth Brow. The layout has also been revised to demonstrate there is sufficient parking provision across the phase 1 development (full element) to comply with policy DM62 of the Local Plan, though a condition is recommended to secure a final parking plan. The provision of EV charging facilities is set out in the application, though this is now a matter controlled by Building Regulations. The internal layout and parking provision associated with the outline element of the application shall be dealt with at the reserved matters stage.

5.2.19 In conclusion, whilst there are some concerns regarding the distance between the site and local services/amenities and the fact that the vehicular access is divorced from the existing built environment, the proposed access strategy, including the pedestrian and cycle connections, together with the proposed level of mitigation to enhance pedestrian/cycle opportunities from the site towards the town centre and school (via the existing built environment), enables officers to come to a recommendation that, on balance, the proposal is acceptable. LCC maintain concerns over the locational sustainability of the site but accept this is only one aspect of the broader context of sustainability. Following lengthy negotiations, it is contended that the amended proposals for the access strategy and the proposed mitigation provide safe and suitable access to the site and that the cumulative impacts of the proposal would not be severe (paragraph 115, NPPF). There are no highway safety objections from the statutory consultees and on this basis, there would be no technical highway grounds to resist the proposal.

5.3 **Flood Risk and Drainage** NPPF Chapter 14 (Meeting the challenge of climate change, flooding and coastal change); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water) and DM36 (Protecting Water Resources and Infrastructure).

5.3.1 Strategic policy seeks to ensure new growth within the district is located in the areas at least risk of flooding, following a sequential approach, and does not create new or exacerbate existing flooding and aims to reduce flood risk overall. The NPPF and the above referenced DM DPD policies require development to be in areas at least risk of flooding (following the sequential and exception tests) and for major proposals to ensure surface water is managed in a sustainable way accounting for climate change.

5.3.2 The application has been accompanied by a Flood Risk Assessment (FRA), which has been revised on several times to address objections by statutory consultees. The latest FRA (Revision 4, February 2024) identifies the following sources of flood risk on the site:

- Flood Zones 2 and 3 (medium and high risk of fluvial or tidal flooding)
- Low risk of surface (pluvial) water flooding (1 in 1000 year).

The FRA discusses risks from other sources of flooding, including sewers, the canal, groundwater and the effects of climate change. The FRA concludes the risk from these sources is low. In relation to ground water this is accounting for the applicant's site-specific investigations.

5.3.3 Officers have reviewed the Local Plan Strategic Flood Risk Assessment (SFRA) which confirms the site is at risk of flooding from the following sources:

- Flood Zones 2 and 3 (medium and high risk of fluvial or tidal flooding)
- Medium and high risk of pluvial flooding (a depression in the centre of the southern parcel of land)
- Medium risk of ground water flooding (this covers a very small part of the southern boundary and a small pocket in the northern eastern corner of the site)
- Future Fluvial Flood Risk (Back Lane 2020 modelled outcomes). This area largely aligns with the up-to-date EA flood maps.

5.3.4 The applicant's FRA originally concluded a sequential test was not required on the grounds of the mitigation being proposed. Whilst this may have been the position in relation to the previous planning permission (16/00335/OUT), the applicant accepts the position that all sources of flood risk must be considered before mitigation is considered, and that where there are any risks (medium to high), a sequential test would be required. It is also accepted that the SFRA shall form the basis for the sequential test. This approach accords with the NPPF (§168-171) and the Planning Practice Guidance and policy DM33 of the DM DPD.

5.3.5 Paragraph 168 of the NPPF states: '*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 strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding'*.

5.3.6 The PPG (023) makes it clear that the sequential approach must account for current and future flood risks from any source and that the sequential test applied at the local plan and decision-making stages is the most effective way of addressing flood risk, noting this places the least reliance on measures like flood defences, flood warnings and property level resilience features. The PPG makes is very clear that "*even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied*". The PPG (024) equally reinforces the point that the presence of flood risk management infrastructure, such as sea defences/flood walls, should be ignored for the purposes of applying the sequential test. Whilst there are no such features directly affecting the application site, it is relevant when comparing the flood risks on alternative sites.

5.3.7 When considering the individual sources of flood risk, the PPG (023) states '*other forms of flooding need to be treated consistently with river and tidal flooding in terms of mapping probability and assessing vulnerability, so that the sequential approach can be applied across all areas of flood risk'*. Again, this is relevant when assessing and comparing the flood risks on alternative sites.

5.3.8 The applicant has submitted and amended their flood risk sequential test and exception test in an attempt to address concerns raised by officers. In accordance with the PPG, the broad scope of the assessment was discussed and agreed with the local planning authority before submission. Given the collective scale of the development (full and outline) and the nature of the proposal (housing to meet a district need), it was agreed that the area of search to review alternative sites could be limited to the main urban areas and sites on the edge of the urban areas within Lancaster district (Lancaster, Morecambe, Heysham and Carnforth).

5.3.9 The purpose of the sequential test is to consider whether there are any reasonably available sites suitable to accommodate the proposed development that are at a lower risk of flooding than the application site. PPG (028) states '*reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development [our emphasis]. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.*

5.3.10 A flood risk sequential test should identify alternative sites within the agreed catchment and suitable to accommodate the development applied for, applying a reasonable degree of flexibility relating to the scale and size of sites. If should then assess and compare the relative flood risks, and for those sites sequentially preferably, determine whether they are a 'reasonably available site' (i.e. suitable for the development and available within the time the proposed development is envisaged).

5.3.11 The applicant's sequential test is complex and lengthy, and it is clear significant effort has been put into the assessment to address the requirements of the sequential test. However, there remain several concerns with the sequential test which are summarised below:

- Quantifying the extent of flood risk from each source with a percentage is not considered to be a robust approach in isolation.
- A percentage of the site covered by a particular source of flooding tells us nothing about where the risk is relative to the development. For example, you may have a greater percentage of high flood risk on an alternative site, but that risk is limited to the periphery of the development, opposed to a slightly lower percentage of high flood risk located in the centre of the site.
- The applicant relies upon the Environment Agency flood maps for planning when the SFRA should form the basis for applying the sequential test.
- Discrepancies relating to the sources of flood risk considered affecting the site and alternative sites.

5.3.12 The sites assessed within the applicant's sequential test range from those considered in the Strategic Housing and Economic Land Available Assessment (SHLEAA) (May 2018), to local plan allocations, considered and pending planning applications and any sites identified from other sources. Notwithstanding the deficiencies and concerns raised about the applicant's sequential test, the applicant has gone on to demonstrate that there are no sequentially preferable sites at a lower risk of flooding that would be reasonably available to accommodate the development in a timescale envisaged by the current proposal.

5.3.13 Many of the sites assessed are considered to be unavailable on the grounds the sites are allocated for alternative uses, such as employment allocations or development has already started. These conclusions are reasonable and accepted for those sites. For the larger sites in the district which could accommodate the development and could be sequentially preferable in flood risk terms, the applicant contends these too are not reasonably available. This is either a consequence of the sites not being available within the timescale envisaged for the development, such as the South Lancaster Broad Location for Growth (except the Gladman's site) or sites are not available to the applicant as they are not being marketed.

5.3.14 The PPG is silent on how to consider and assess what constitutes a reasonable available site. It is therefore a matter of professional judgement based on evidence before us, other decisions and reasonableness. The Highland Brow appeal case (APP/A2335/W/23/3326187) set some benchmark expectations which has guided our approach to addressing the flood risk sequential test. One expectation was for applicants to contact landowners/stakeholders of sites that could be sequentially preferable to be certain whether such sites could be reasonably available.

5.3.15 The applicant has contacted relevant stakeholders to enquire whether their sites could be available. This includes sites within the Lancaster North and East Strategic allocations as well as the Broad Location for Growth, including the Gladman's site (19/01135/OUT / SHLEAA reference 327) that is the subject of a current public inquiry planning appeal (and others). For these strategic sites, the applicant has confirmed they have received no response from landowners/stakeholders (after 42 days) save for one response which relates to a parcel of land not capable of supporting the proposed development as access would be required through land within the wider allocation, which is not available. In the absence of any evidence to indicate the land (sites) forming part of the strategic north and east sites and the Gladman's site would be available to the applicant for development, it is accepted at this time, that these sites can be discounted as not reasonably available sites.

5.3.16 Lundsfield Quarry is considered a sequentially preferable site to the application site in flood risk terms. The applicant recognises this but has concluded the site is not reasonably available. Lundsfield Quarry is owned by Homes England who have a pending planning application

(19/00541/OUT) for up to 250 dwellings. Up until very recently, there had been long standing objections to the proposals from Sports England. It was this objection which the applicant relied upon in discounting the site in their first flood risk sequential test. However, like the other sites, the applicant has sought to enquire from Homes England whether their site would be available to them to provide a more robust assessment. Homes England has directed the applicant to their Dynamic Purchasing System (DPS) process. To apply to join the DPS and to bid to develop homes on land owned by Homes England you must be a housebuilder, developer or organisation who does residential development. You need to be able to demonstrate a track record of all stages of the residential development process including obtaining planning permission, supply chain management, design and construction and sales and marketing. There are two routes small sites (15-70 dwellings) and large sites (over 70 dwellings). The Lundsfield Quarry site would be a large site. As part of the DPS joining process, Homes England are looking to identify capable and active house buildings and developers with proven track records of delivering housing and an active interest in working with Home England. If eligible to join, a DPS member is then inviting to tender for specific development sites through a call for competition process. Applicants for large sites would need to provide 3 examples of residential led development that has been delivered which provides 70 or more homes each. The DPS and tendering process with Homes England appears rigorous and highly competitive.

5.3.17 The applicant in this case is a landowner and would not appear eligible to qualify as a DPS Member. However, landowners like the applicant, would ordinarily partner with a developer or sell the site to a developer who may already with DPS members. The applicant appears to be in partnership with a developer (JER), whom is also a shareholder of the applicant. The submitted sequential test states that JER would equally not be eligible to quality for the large sites category and that furthermore, neither the applicant nor shareholder/developer have an active interest in wishing to work with and alongside Homes England. The submitted sequential test concludes, for these reasons set out above, the Lundsfield Quarry site is not reasonably available to them. The local planning authority has no evidence to counter the applicants claims and agrees at this time, it would seem highly unlikely the Lundsfield Quarry site, would be reasonably available to the applicant.

5.3.18 In respect of other sites, site 712 (SHELAA) has been assessed and scoped in as a sequentially preferable site. This site relates mainly relates to a previously refused planning application (22/01494/OUT – Fulwood Drive, Morecambe) and pending application (23/01384/OUT – land off Powderhouse Lane). The submitted sequential test appears to suggest both these sites are sequentially preferable. However, the applicant does not appear to have considered future flood risk which affects the latter site quite considerable. Nevertheless, the applicant concludes that these sites are not reasonable available on the basis that they are not in a suitable location for the development. Their argument relies on the decision by the Planning Inspectorate (APP/A2335/W/23/3326187), which reinforces the importance of the existing landscape designation which sweeps across both sites. The appeal decision (relating only to the Fulwood Drive application) also places significant weight on the fact the open landscape contribute significantly to the setting of the Schedule Ancient Monument on Torrisholme Barrow. It is the applicant's position that the reasons the adjacent site was dismissed at appeal would equally apply to the pending planning application, as they share the same landscape designation and relationship with the Scheduled Ancient Monument. In broad terms officers would agree despite there being likely differences in the assessments of the different sites against these designations. But at this time, whilst the application remains pending and given the position from the Inspector on the adjacent site and the risk from future tidal flooding, it is agreed the site off Powerhouse Lane is not likely to be sequentially preferable or reasonably available.

5.3.19 The submitted sequential test concludes there are only three sequentially preferable sites, and these three sites collectively could not accommodate the development. This conclusion is not entirely correct (as there are other more sequentially preferable sites which could accommodate the development) it is accepted that there are no sites at a lower risk of flooding reasonably available. On this basis, the sequential test has been satisfied.

5.3.20 **Exception Test**

Paragraph 170 of the NPPF states: '*The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:*

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

5.3.21 The applicant contends that there are wider satiability benefits to the community that outweigh the flood risk. A summary of these benefits include:

- The provision of 71 high-quality market housing
- The provision of 21 affordable home
- Provision of open space
- Delivering Biodiversity Net Gain
- Minimal planned intervention to the existing watercourses
- Drainage scheme design accounting for climate change and incorporate SUDS features
- Energy efficient homes (to meet building regulations)
- Upgrades to the surfacing of the canal towpath between the site and Bridge 128 (Market Street)
- Improvements in pedestrian and cycle links to Whernside Grove allowing access to the proposed park/amenity areas on site
- Improvements in pedestrian provision and traffic calming along North Road

5.3.22 Overall, the cumulative benefits arising from the development would satisfy the first part of the exception test.

5.3.23 **FRA and Drainage Strategy**
The FRA states all dwellings within phase 1 shall be sited outside floodzones 2 and 3 and all dwelling shall have a FFL 150mm above external levels of each dwelling. Slightly contradictory, the assessment indicates finished flood levels within floodzone 2 must be a minimum of 300mm above existing ground levels or 600mm above the design flood level but late indicates all development platforms shall be sited in flood zone 1. It is clear from the Environment Agency's position, that all development should avoid floodzone 2 and 3 in accordance with the NPPF. A planning condition can be imposed to set out the required flood risk mitigation. Based on the latest FRA, the Environment Agency raise no objection and are satisfied the site would be safe from flood risk and would not increase flood risk elsewhere.

5.3.24 For phase one (full planning application), the applicant proposes to drainage the site through a combination of infiltration, attenuation and controlled discharges to the adjacent watercourses. This approach has been informed by infiltration testing and therefore accords with the drainage hierarchy. The amount of attenuation has been considered for each of the four networks. The proposed attenuation for phase 1 is in the form of oversized pipes, cellular tanks and infiltration crates. In area four, a swale is proposed after the hydro brake for treatment and ecological enhancements. The proposed drainage strategy in its amended form is now acceptable to the Lead Local Flood Authority subject to their recommended conditions (see consultation table). Whilst much of the drainage information has been provide for phase 1, there remain some deficiencies and further evidence to fully satisfy the Lead Local Flood Authority that the drainage scheme is robust. This includes (list not exhaustive) evidence of flood permitting consents from the Environment Agency (for works within the easement of the watercourse) exceedance route plans, full extent of impermeable and permeable areas and full details of all SuDS components.

5.3.25 For phase 2, a fully infiltration-based solution is indicatively proposed. This will require further ground investigations including ground water monitoring to ensure it is a feasible option. Nevertheless, for phase 2 there are clearly opportunities to drain the site either via infiltration or with a connection to the watercourse, which accords with the drainage hierarchy. The precise details of the phase 2 development would need to be controlled by condition.

5.3.26 In the case of both phases 1 and 2, conditions and planning obligations would be imposed to secure the long-term management and maintenance of the installed sustainable drainage system.

5.3.27 Foul water will connect to the public sewer at an uncontrolled rate. For Phase 1 the closest foul or combined sewer is located south-west of the site and will require a pumping station. The pumping

station will be sized to allow for flows from both Phase 1 and 2. Phase 2's foul water, will connect to head of Phase 1's foul water network. United Utilities has no objections to the development.

5.3.28 Across both the full and outline elements of the site, there are watercourses which should be protected and maintained in their natural condition. Within phase 1, Back Lane watercourse is a mains river which flows south-north through the centre of the site. There are works proposed to the banks of this watercourse to accommodate the internal road layout within the easements of the watercourse, as well as short sections of culverting to accommodate the road and development platforms. This has been an area of great concern both in terms of design but also from a flood permitting perspective. Following revisions to the scheme and further details (sectional engineering drawings), the Environment Agency has withdrawn their objection whilst still commenting it is not an ideal scenario. They advocate further details will be required as part of the Flood Risk Activity Permit. Phase 2 affects an ordinary watercourse, however, given the extent of flood risk on this site and the need to avoid these areas, there should be scope to ensure the watercourse remains as existing with minimal intervention. Full details would be born out through the reserved matters application for layout.

5.3.29 Considering the above, and with the imposition of suitable flood risk and drainage planning conditions, it has been demonstrated that the development can be safe from flood risk and that the development would not result in a flood risk elsewhere over the lifetime of the development. Accordingly, the second part of the exception test is also passed. It is contended that there are no flood risk or drainage grounds to resist the proposal and that the development accords with the NPFF and Local Planning policies in this regard.

5.4 **Landscape Impact, Layout, Design and Open Space** NPPF Chapter 8 (Promoting Healthy and Safe Communities including Open Space and Recreation), Chapter 12 (Achieving Well-Designed Places), Chapter 15 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD: SP8 (Protecting the Natural Environment), EN3 (The Open Countryside); Development Management (DM) DPD policies: DM27 (Open Space, Sports and Recreational Facilities), DM29 (Key Design Principles), DM43 (Green Infrastructure), DM46 (Development and Landscape Impact) and DM57 (Health and Well-Being) and Policies CNDP HD3:Design and EC1: local Biodiversity, Landscape and Character of the Carnforth Neighbourhood Plan.

5.4.1 The NPPF makes it clear that good design is a key aspect of sustainable development and that it is indivisible from good planning. It is about place making and ensuring new development suitably integrates with the existing natural, built and historic environment. It is also about ensuring proposals respond to local character and reflect local surroundings; that they are safe and accessible; visually attractive; take account of the different roles and character of different areas whilst recognises the intrinsic character of the countryside and seeking a good standard of amenity for all. The provision of open space of various typologies contributes significantly to place making and to the health and well-being of communities. The spirit of national planning policy is enshrined in the Local Plan policies and the Neighbourhood Plan set out above.

5.4.2 **Landscape**

The application has not been supported by a Landscape and Visual Appraisal; however, regard has been given to the LVA submitted with the previous application (16/00335/OUT).

5.4.3 The site is situated between the existing built-up area of Carnforth to the east, the A6070 to the west, the canal to the south with industrial units and the M6 motorway beyond, and to the north some residential development and the railway line. North or the railway line is the Rowland Homes development site for 213 dwellings. The A6070 and the motorway provide clear barriers and form strong boundaries between land that would be described as urban and sub-urban in character and the open countryside.

5.4.4 The site is not a nationally protected landscape or locally designated for its landscape value. It enjoys a sweeping Open Countryside designation. The site is located less than 1 km from the Arnside and Silverdale National Landscape therefore consideration of the impact of the development on its setting is a material consideration.

5.4.5 The site is located within Landscape Character Type (LCT) 12 Low Coastal Drumlines and Landscape Character Area (LCA) 12a Carnforth-Galgate-Cockerham. Undulating topography with strong patterns of pastureland with trees and hedgerows traversing drumlins are typical characteristics of the LCT. This LCT is recognised for supporting an extremely high proportion of built development including the larger settlements of Lancaster and Morecambe and includes significant transport corridors.

5.4.6 The landscape character of the site itself is characterised by five undulating and irregular shaped agricultural fields defined by mature hedgerows (some unmanaged), open watercourses and drainage ditches, trees and stone walls. 132kV overhead powerlines cross the site supported by a large pylon close to the eastern boundary. A gas pipeline crosses the site underground.

5.4.7 The wider landscape surrounding the site accommodates significant built development and transport infrastructure. Lancaster canal and the towpath to the south of the site is a distinct landscape feature and therefore the development has the potential to affect the setting of this recreational corridor.

5.4.8 The site itself is rural in character with the landscape immediately surrounding the site subject to significant change through transport infrastructure or built development (housing and employment). The surrounding landscape is urban in character and forms the setting to the application site. The character of the canal corridor transitions from an open and rural character east of the A6070 before approaching the southern edge of urban Carnforth to the west. Here the canal corridor has a sense of enclosure due to the wooded vegetation either side of the canal. Immediately adjacent to the site, the canal corridor opens up to pastureland (the site) to the north and fields and employment land to the south. The employment development is highly visible in this location.

5.4.9 The proposed development will markedly change the landscape character of the site from pastureland to a residential estate. Landscape features, such as hedgerows will be lost to support the infrastructure and development platforms to provide the housing. This clearly results in adverse effects to the landscape character. Given the prevailing character of the surrounding landscape the site is not considered to represent a valued landscape in the context of the NPPF (§180). The NPPF does not define a valued landscape but TGN21 does. It states 'valued landscapes' are '*areas identified as having sufficient landscape qualities to elevate it above other more everyday landscapes'*. Despite the presence of the canal to the south of the site and its associated recreational, ecological and heritage interests, the application site is not considered to represent a landscape that is out of the ordinary and more than everyday countryside.

5.4.10 This is relevant as the overall level of effect the development has to the character of the landscape is influenced by the landscapes sensitivity to change and the magnitude of effects. The preiouvsly LVA concluded the sensitivity of this landscaping was medium/low. Since the last LVA, despite some shortcomings in the assessment, the local area has seen more development to the south and north and as such the conclude the site would have a medium to low sensitivity to change remains relevant and reasonable. The magnitude of effect arising from the development was previously considered medium adverse. The scale, geographical extent and duration of the effect remains largely the same as the previous planning permission, albeit there are larger parts of the site now that are not capable of being developed for housing. The knock-on effect may mean higher density development in the developable areas but more land available to provide open space, landscaping and habitat enhancements. Overall, it remains relevant and reasonable to conclude there would be a medium adverse magnitude of effect. The overall effect of the development on the landscape character of the site itself and its setting would be considered to be moderate adverse. The level of effect on the landscape character of the surrounding areas and the LCA reduces as the development would be seen in the context of existing built development.

5.4.11 Turning to the visual effects, the most important visual receptors to the site will be neighbouring residents and walkers and cyclists using the canal towpath and walking/cycling along Carnforth Brow. Transient receptors (motorists) using the A6070, and Carnforth Brow are relevant, but the level of effect will not be significant. This is because views will be filtered by existing landscape features or other buildings and when the site is visible, the views will be fleeting and transient.

5.4.12 Views from neighbouring properties to the west will substantially change by the development. In the case of the full planning application, residents' views over the site will change from a rural

character to an urban character. However, there is no right to a personal view in planning considerations. Embedded design measures aim to secure acceptable amenity standards (a matter discussed below) and reduce the visual effects of the development overall. In the case of the full planning application, the development will be built up along the western boundary comprises a mix of two storey and single storey properties. The visual effects will inevitably be adverse, but in the context of the surrounding character and visual appearance of the locality, not significant. The effect on private residential property relates more to amenity considerations than landscape visual effects.

5.4.13 Views from the canal and the towpath towards the site can vary dependant on the management of the hedgerow that separates the site from the canal. However, there are sections of the canal whereby the site as a whole can be viewed, despite the southern parcel of land being at a lower elevation. The previous LVA concluded the overall significance of impacts on receptors using the canal as negligible. This conclusion is not supported. The loss of the open and rural fields, which provide a setting to the National Landscape in the background, with housing development would lead to at least low / moderate adverse effects initially. With substantial landscaping and good design to the outline element of the development there is clear scope to reduce the level of effect to low adverse.

5.4.14 The setting of the National Landscape is a consideration, however whether viewing the site with the National Landscape in the background or viewing the site from the National Landscape, the development would be clearly seen in the context of the existing urban area of Carnforth therefore, it is agreed the effects would be negligible. Securing an appropriate design and use of high-quality materials will provide embedded mitigation to ensure the development suitably integrates with the surrounding landscape including the setting to the Arnside and Silverdale National Landscape.

5.4.15 Policy DM46 states that the outside protected landscapes the council will support development which is in scale and keeping with the landscape character and appropriate to its surroundings in terms of siting, design, materials, external materials and landscaping (most reserved matters). Policy CNDP EC1 requires new development to demonstrate they have responded to landscape character and green infrastructure and have designed development to incorporating areas of open space, trees and landscaping. Policy DM29 echoes the same.

5.4.16 The proposal will inevitably have a localised landscape and visual impact as a consequence of the loss of the pastureland, which currently provides a pleasant green lung between with existing development to the west and the A601(M). However, in a wider context, the landscape surrounding the site has already accommodated significant change and urbanisation. Despite being a large field in itself it does not form part of a wider open and rural landscape – it is bound by strong linear features which provide a natural edge to the urban fabric of the town, namely the A601(M) and the canal. For this reason, the proposed expansion of the urban area up to these linear features would not lead to significant adverse impacts and would not significantly harm the views from or across the nearby National Landscape on the basis the site would naturally form part of the existing built environment and would be viewed in this context. Subject to the reserved matters application in relation to the outline application, securing appropriate landscaping and open space to ensure the development integrates with its surrounding, in particular the canal, there are no landscape grounds to resist either the full or outline applications.

5.4.17 **Design**

In terms of design, despite some weaknesses in respect of the vehicular access being disconnected to the existing built environment, the proposed site sits alongside existing residential development and is bound to the east and south and to a lesser extent to the north by strong linear features (A601(M), Carnforth Brow and the Canal), which form natural boundaries to the urban fabric of the town. In this regard the site offers a natural extension of the settlement. The proposal provides several pedestrian/cycle connections to the existing built environment to ensure it is suitably integrated with it. The following design section will address the full and outline elements separately.

5.4.18 <u>Full Application – Design Matters</u>

<u>Housetypes</u>

The application proposes 15 different houses across the site consisting of a mix of bungalows, two storey dwellings (some with dormer windows and roof accommodation) and cottage style apartments (blocks of four each with their own entrance). Three is a good mix of detached, semi-detached and short terraces to create variation to the ridgelines and adds interest to the design of

the streets within the development. The proposed palette of materials is high-quality and sympathetic to the locality. The inclusion of natural stone walls to some elevation is more reflective of the historic parts of the town, inducing the older stone terraces and dwellings along North Road. In this regard, the development has been well thought out. The house type designs have been amended to provide a more modest vernacular, reflective of the local area. Some housetypes include rear dormer windows which appear as an "add-on" rather than integral to the design. Whilst this is not good design, in isolation, this would not warrant a refusal of planning permission on design grounds. Overall, the proposed housetypes are considered acceptable in design terms and will suitably integrate with the surrounding built environment.

5.4.19 Layout

The layout of phase 1 has also been amended during the determination period, largely to address residential amenity concerns, ensuring the development respond to on-site infrastructure, provides open space and drainage infrastructure, as well as providing an internal road layout which is acceptable to the local highway authority. This also led to a reduction in dwellings number for phase 1 to address initial concerns to the application.

5.4.20 Notwithstanding the disappointment that the layout has not responded to existing landscape features and involves extensive hedgerow loss, the layout submitted has a mixed inward and outward facing design. On approach into the development from the new access, the development is orientated to face outwards overlooking the internal spine road, fields (Phase 2) and the canal to the south. The road alignment has been amended so it is off set to the line of overhead electricity cables above, in order to avoid emphasising the visual presence of this infrastructure. This part of the development also provides good natural surveillance over the proposed amenity green space to the south and east, including the equipped play area. The turning head and access road runs along the southern row of dwellings and provides a spur road which will provide access into phase 2 (the outline application). This aspect of the layout is positive and accords with the key design principle of DM29, as well of the design objectives set out int eh Neighbuorhood Plan.

5.4.21 As the layout progresses north, the development appropriately has an inward aspect which forms an inviting and active street scene. The main weakness in the design of the layout relates to the relationship the development has with the watercourse, which runs through the centre of the site. The layout has been amended to provide frontage across the watercourse, which has been a welcomed change. However, to accommodate this, two cul-de-sacs need to be formed on either side of the watercourse. Due to the land level differences and the need to appropriate retain the highway infrastructure, works to the banks of the watercourse are now proposed. The detail and arrangements of the retaining works have been a concern to the Environment Agency. However, they have now removed their objection based on the sectional details provided. The current landscaping plans show the watercourse hemmed in by new hedgerow and tree planting along he tops of the riverbank. Whilst this supports "greening" to the built development, the locations of hedgerow planting need to be revised to enable suitable access to the river for maintenance. It must also ensure the types of species will not lead to potential blockages in the river channel below. This can be controlled by a revised landscaping scheme and landscape management and maintenance plan. Overcoming this concern would have required increased space between the riverbank and the cul-de-sac roads. However, due to the easements associated with the overhead lines this would not have been feasible without significant further reductions to the number of dwellings on the site. Given the constraints on phase 2, it is important that the land is used efficiently.

5.4.22 Planning policy seeks to avoid streets being dominated by vehicles due to the impact it has on positive place making. It is contended that some streets within the development will be dominated by parked cars due to the layout and housetypes proposed in these locations. This is most notable on the two rows of dwellings overlooking the watercourse in the centre of the site. There have been modest improvements made to the layout, such as the introduction of semi-detached units and side driveway parking, which has helped break up the streets and provide more space for front gardens and landscaping. However, this is not significant and overall parking will remain a prominent feature within the design of this development, which is a weakness of the scheme.

5.4.23 The layout incorporates a large area of amenity greenspace to the east of the development. This provides a suitable buffer to the A6070 and will create visual relief between the housing and highway infrastructure. Whilst n acoustic barrier will be required along this boundary, the layout provides ample open space to provide this with landscaping to soften the visual appearance of any such

structure. A small area of open space is provided at the emergency access to Carnforth Brow along with a small area in the norther eastern corner which accommodate new drainage infrastructure. The layout indicates provision for street trees as requirement by the NPPF, however, these will all be provided within front gardens. This is not an ideal solution and boils down to effective landscape management and maintenance regimes, which can be controlled by planning condition.

5.4.24 There are some positive design aspects to the layout which are noted above. The design weaknesses of the scheme include the proximity of development of the watercourse and the required interventions to support the development, streets being car dominant and concerns over the lack of communal green space within the development to support the provision of street trees and planting. Whilst these matters do not strictly conform with the key design principles of the local plan and neighbourhood plan, it is contended that a refusal of planning permission of the grounds of poor design could not be substantiated.

5.4.25 Outline Application – Desing Matters

Within this phase of the development, the layout, scale, landscaping and appearance of the development is reserved for subsequent approval (the reserved matters). Therefore, issuing pertaining to such matters can technically be addressed at a later stage. However, the phase two part of the site is heavily constrained by existing infrastructure, the proximity to the A6070 (in terms of a noise source), the canal to the south requiring suitable ecological buffers and extensive areas of flood risk. The applicant has attempted to provide parameter plans to illustrate where within phase 2 the site is capable of being developed accounting for these constraints. More recently, the applicant has provided an indicative plan to demonstrate this part of the wider site is capable of being developed as an extension to phase 1 (full application).

5.4.26 DM29 of the DM DPD requires new development to contribute positively to the indemnity and character of the area through good design having regard to local distinctives, appropriate siting, layout, scale and materials. This policy also sets out key design principles relating to providing sufficient landscaping, open space, measures to ensure development is not adversely affected by environmental noise sources or contamination. These requirements are echoed in the Neighbourhood Plan design policy, which also regard to be given to their design codes relating to more detailed matters such as scale, density, building lines etc.

5.4.27 Ther are considerable design concerns presented on the applicant's indictive site layout plan for phase 2. A summary of the concerns are as follows:

- It doesn't appear safe access and egress to all parts of the development can be provided avoiding floodzone 3.
- The "island" of apartments to the south appears disjointed to the rest of the development.
- Inadequate landscape buffer to the woodland to the southwestern boundary and the canal to the south.
- Possible concerns over the provision of three-storey apartment blocks - acceptability on this will depend on the spatial relationship to existing development, including the full application and wider landscape.
- Plots 1 – 4 - inadequate garden sizes to some plots.
- Assuming the flood risk areas are intended to provide multi-functional open space, habitat creation areas and landscaping, the indicative layout as a poor interface with this space.
- The success of the fragmented housing layout will depend strongly on the quality and accessibility of safe open space in the centre of the site and the animation with the canal.
- No provision included in the layout for SuDS, which cannot be provided in the floodzones.
- The provision of housing between the A6070 and the pipeline results in development completely out of character with the phase one development, which provides a pleasant area of open space and visual relief to the adjacent carriageway.
- The layout fails to account for necessary acoustic barriers. Furthermore, the provision of a solid acoustic barriers without any landscaping buffer would be visually unacceptable when viewed form the A6070.
- Street layouts are heavily car dominant.

5.4.28 These concerns are significant, and should any reserved matters be forthcoming along the lines of the indicative layout plan, it would conflict with the deign-related and landscaping planning policies of the NPPF, Development Plan and Neighbourhood Plan. Consequently, the local planning

authority are not convinced 87 dwellings can be provided on the phase 2 parcel of land and represent high quality design and sustainable development.

5.4.29 The applicant has applied for "up to 87" dwellings. It is the applicant's position that the number of dwellings that may come forward as part of the reserved matters could be less than 87 and indeed considerably less if that is required. The housing mix will also influence the final amount, scale and layout of the development. Whilst this is the case, it would not be appropriate for the applicant to come forward with a high number of apartment blocks simply to achieve the dwellings numbers proposed, as this would not conform with the housing mix planning policies requirements of the Local Plan and Neighbourhood Plan and is likely to have some design implications.

5.4.30 This is a challenging site and one that has become more challenging since the last approval as the extent of flood risk on the site has increased. The number of dwellings out capable of being accommodated on phase 2 is expected to be considerably less than what has been applied for, but as the applicant has applied for an "up to" figure, the final number of dwellings can be addressed as part of the reserved matters applications.

5.4.31 **Open Space**

Policy DM27 sets out the planning policy position in relation to 'Open Space, Sports and Recreation Facilities' stating that 'development proposals located in areas of recognised open space, sports and recreational facility deficiency will be required to provide appropriate contributions toward open space, sports and recreational facility provision, either through provision on-site or a financial contribution toward the creation of new or the enhancement of existing open spaces, sports and recreational facilities off-site'. It also states that development proposals that are adjacent to designated open spaces, sports and recreational facilities will be required to incorporate design measures that ensure that there are no negative impacts on amenity, landscape value, ecological value or functionality of the space. Policy DM43 shares the same objectives but extends this to ensure the integrity of designated green corridors are not compromised by development and that they are not lost.

5.4.32 The proposed site is not designated or protected as open space in the Local Plan, but the adjacent canal is protected as open space and an important green corridor through the district. The full planning application relates to the northern and central parts of the site and does not directly affect the canal. Access to the canal is currently provided by a public footpath off Whernside Grove. The full element will provide a pedestrian and cycle access onto Whernside Grove via the existing driveway to Brewers Barn. This supports active travel and promotes the use of the canal for recreational purposes in the interest of health and wellbeing. This is fully supported. The outline element of the development abuts the canal to the south. Indicative connections are proposed to the canal towpath along this boundary, though full details are not provided at this stage. A direct connection is welcomed with the precise number of connections and the construction and design details to be controlled by planning condition on the outline permission. In addition, the applicant is fully committed to making a financial contribution to upgrade the canal towpath between the site and the canal Bridge at Market Street. This is to be secured by planning obligation.

5.4.33 Due to the scale of the development, there will be requirements for both on and off-site contributions to open space. Given the hybrid nature of the proposal, it is necessary to consider the requirements for bother the full and outline elements of the development.

5.4.34 In accordance with the methodology set out in the DM DPD, the development of 71 dwellings (phase 1) will require the following on-site provision:

- On-site equipped play area for young children
- Amenity space no less than 1185.1square metres

This has been captured in the phase 1 layout with amenity space exceeding the minimum requirements. The locations of the amenity space are positioned mainly to the east and south of the proposed dwellings. This forms a strong area of open space between the housing and the A6070, incorporating the land beneath the overhead lines. There is also a sizable area of open space located to the west of plot 53-54 which includes the access links into Whernside Grove. There are no objections to the amount and layout of the amenity space in the phase 1 development. In relation to off-site provision associated with phase 1, the following is required:

- £71, 867.85 towards outdoor sports facilities (provision of 3G pitch at Carnforth High School or alternative location in the town)
- £31,780.00 towards young persons provision (provision towards outdoor gym equipment and/or young persons facilities/equipment at Crag Bank recreation areas.

These requests by the Public Realm Team are fully supported by officers based on the recognised deficiencies in young persons provision and outdoor sports facilities locally and district wide.

5.4.35 As part of the outline application, at reserved matter stage an outdoor sports contribution will need to be calculated and provided. This is based on the final number of dwellings / bedroom numbers. The indicative figure at this stage based on 87 units (all three-bedroom) would be £96, 021.90. The threshold for young persons provision on site is 150 dwellings. Whether this is required on site is dependent on the final number of dwellings coming forward as part of the outline development. However, subject to design there are no objections if the developer wishes to provide young persons facilities on site as part of phase 2 even if the aggregate number of dwellings falls below 150 dwellings. These are matters to be controlled through the planning objection and subsequent reserved matters. The applicant is committed to these requirements and is willing to enter into the legal agreement to secure these open space contributions. In this regard, the development accords with the requirements of the NPPF, policies DM 27 and DM43 of the DM DPD and the Neighbourhood Plan.

5.5 **Residential Amenity and Pollution** (NPPF: Chapter 8 (Promoting Healthy and Safe Communities), Chapter 11 (Making effective use of land), Chapter 12 (Achieving Well-Designed Places) and Chapter 15 (Ground Conditions and Pollution); Strategic Policies and Land Allocations (SPLA) DPD policy EN7 (Air Quality Management Areas); Development Management DM) DPD DM29 (Key Design Principles), DM31 (Air Quality Management and Pollution), DM32 (Contaminated Land) and DM57 (Health and Well-Being); Policies CNDP AM2 (Charging points for electric vehicles) and CNDP HD3 (Design) of the Carnforth Neighbourhood Plan.

5.5.1 Paragraph 191 of the NPPF requires planning policy and decisions to ensure new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. To achieve this, it is necessary to avoid noise impacts giving rise to significant adverse effects and to mitigate and reduce potential adverse effects resulting from noise from new development. Policy DM29 of the DM DPD and paragraph 135 of the NPPF is also relevant in the context of assessing the effects of development on residential amenity. Both strongly advocate the need for new development to be if high standard of design ensuring high standards of amenity are maintained and secured for existing and future users. Policy DM29 specifically state that new development must ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.

5.5.2 There are two main factors to consider in the assessment of amenity in this case. The first is the effect of the development on the amenity of existing residents. The second relates to the standard of amenity for future occupants of the development. In the case of the latter, noise considerations are important given the position of the site adjacent to the A6070 and the railway line to the north.

5.5.3 **Existing Residents**

Policy DM29 sets out that development should ensure that there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution. The supporting text to this sets out that there should normally be at least 21 metres between dwellings where windows of habitable rooms face each other and for every half-metre change in levels between properties, a further 1 metre separation should be provided. It also sets out that rear gardens should look to achieve at least 10 metres in depth, unless there are overriding design reasons to justify a reduced depth, providing that neighbouring private amenity open space will not be overlooked. The policy recognises there may be some instances where minimum distances need to be increased or reduced depending on circumstances, such as density and site topography.

5.5.4 In relation to the full element, the neighbouring residents most affected are those on Browfoot Close either backing or siding onto the proposed site. The phase 1 development proposed dwellings backing the rear (or side) gardens to these exiting properties. The neighbouring dwellings on Browfoot Close comprise two-storey dwellings finished in a mix of brick and render under tile roofs. They occupy a slightly elevated position over the proposed site, most orientated with their rear elevations overlooking the application site. Two properties have their side gable ends facing the

site. The table below summarises the interface distances between the relevant plot and existing dwelling on Browfoot Close, Brewers Barn, Netherbeck Barn and Whernside Grove.

Address (existing dwellings)	Proposed Plot	Interface distance (approx. metres)	Interface distance required by DM29 (metres)	Proposed housetype/comments
1 Browfoot Close	3	22 – 24.5 (variation due to extension to existing house)	21	CEDARS -2 storey dwelling. The proposed plot is slightly off-set and does not occupy full rear elevation of No. 1 due to the retention of tree to the north.
3 Browfoot Close	3 and 4	21-25 (plot 4 located closer to rear boundary than plot 3)	21	CEDARS - 2 storey dwelling CEDARS – L - 2 storey dwelling
5 Browfoot Close	5	19 - 20.5 (variation due to gable projection on proposed dwelling)	21	OAKS – Bungalow
7 Browfoot Close	6	18.5 – 21 (variation due to gable projection on proposed dwelling)	21	MEADOWS - Bungalow
11 Browfoot Close	8	13-15 (variation to single storey rear projection on proposed dwellings)	12	ASH – (2.5 storey dwelling (with dormer) 11 Browfoot Close sides onto the proposed site with what appear secondary windows.
12 Browfoot Close	28	11	Not applicable.	ASH – (2.5 storey dwelling (with dormer). Due to the orientation of this plot relative to No.12 Browfoot Close, the interface distance requirements are not strictly applicable, as there are no proposed habitable windows directly facing existing habitable windows or existing habitable windows facing directly onto a proposed blank wall.
2 Netherbeck Barn	1, 16-17	40-42	12	2 Netherbeck Barn is situated at a lower elevation with its side gable end facing southwest towards the site. The separation distance exceeds the minimum requirements.
Brewers Barn	57	16	12	ASH – (2.5 storey dwelling (with dormer).
17 Whernside Grove	53-54	48	Not applicable	YEW – 2 storey apartments. Due to the orientation of this plot relative to 17 Whernside Grove, the interface distance requirements are not strictly applicable. It is located a considerable distance from the

				existing bungalow and poses no adverse impact on amenity.

5.5.5 The proposed development has been designed close to the boundary with these existing dwellings, with the interface distances, in some cases, falling marginally below the recommended requirements. To mitigate against this and to prevent undue overlooking and loss of privacy the applicant has introduced bungalows along this boundary and reduced the number of dwellings in this location. Overlooking will also be prevented by the installation of suitable boundary treatments between existing and proposed dwellings. This in most cases will be in the form of 1.8n close boarded timber fencing. It is accepted that the layout is not ideal and whilst there have been improvements in some areas (including bungalows and a loss of dwelling numbers to create a more spacious street scene), some areas remain challenging. This has been a consequence of competing design requirements, including parking, road adoption standards, footway provision and amenity standards. Overall, it is contended the development would not result in significant adverse impacts to the amenity of existing residents to substantiate a refusal of planning permission. It would be necessary to protect the amenity of both existing and future residents to remove permitted development rights from these dwellings to ensure the standard of amenity provided by the proposed layout remains acceptable in the future.

5.5.6 **Amenity of proposed residents**

Most of the proposed development achieves satisfactory standards of amenity including separation distances between plots and garden sizes. There are some plots located along the northeastern boundary where the garden sizes meet the required area standards, but the depths are shallow, and the gardens stepped in elevation due to the site topography. These gardens will still offer a suitable level of amenity and whilst the gardens are likely to be less practical than others, they will not be unusable. The two rows of development to the southern part of the phase 1 development have around 3 – 3.5 metres level difference. This is managed by stepping the gardens giving them two levels and the introduction of a series of retaining walls through the rear gardens. The details of such shall be controlled by planning condition. This approach maintains an acceptable outlook between properties and creates usable garden at two levels for each of the plots. Greater separation distance here would have preference but due to other constraints, such as the access layout and easements to the overhead lines, the proposed design response is considered reasonable and would still maintain and satisfactory standards of amenity for future residents in accordance with the requirements of the NPPF and policy DM29.

5.5.7 Noise

The site is located close to the A6070, the M6 motorway and the railway line to the north. The application is supported by a noise assessment that concludes mitigation is required to ensure acceptable noise levels can be achieved for the proposed dwellings. The Councils' Environmental Protection Team has raised no objection to the proposals subject to the final details of the mitigation controlled by condition. The mitigation includes a 2-metre acoustic fence erected on a 1m earth bund along the length of the A6070 (excluding the access), with acoustic glazing and ventilation to the proposed dwellings. The acoustic report does not account for the hybrid nature of the proposal and therefore, whilst a solution has been provided which would adequately protect future residents, the precise scheme will need to be agreed by planning condition. This should be informed by an updated assessment based on the layout of the full application. It is not anticipated all dwellings will require mitigation (as suggested) as the proposed layout already includes some embedded acoustic design measures such as the orientation of dwellings and the position of gardens located away from the noise source. The layout submitted can accommodate an acoustic fence and bund provided this is integrated sensitively into a landscape design – a matter that is also subject to planning condition. For the outline element, again an updated assessment and precise scheme will need to be provided commensurate with the reserved matters. It is contended that the effects of noise can be mitigated by planning condition to make the development acceptable in planning terms.

5.5.8 Overhead Electricity Lines and Pylon

It is important to have regard to the proximity of the development to the overhead lines and pylon in relation to the effect on the amenity of future residents. Due to the layout and orientation of the proposed dwellings, there are few dwellings with a direct outlook onto the pylon itself. The overhead lines are close but as they are elevated, and the houses are off set slightly combined the visual dominance of the overhead lines is not considered significantly adverse.

5.5.9 There is limited guidance on the effects of noise from overhead lines and pylons. Noise from the powerlines will be greatest, albeit unlikely to be harmful, when it is raining. Inside the dwellings the noise is unlikely to be adverse, if at all audible. Externally, the noise would be audible but during wet conditions the external space will not be heavily used therefore unlikely to give rise to significant adverse effects. The Council's Environmental Protection Team has raised no concerns in relation to noise from this source.

5.6 **Infrastructure, Education and Health** NPPF Chapter 8 (Promoting healthy and safe communities) and Chapter 15 (Conserving and Enhancing the Natural Environment); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding).

5.6.1 Planning policy requires the provision of school places to be given great weight in order to ensure the necessary infrastructure is in place to cope with the impacts of population expansion arising from new development. The latest position from the local education authority (Lancashire County Council) confirms no education contribution is required from this development. Despite concerns to the contrary, the education authority is satisfied there are stuffiest school places to support the impacts of the development.

5.6.2 The response from the NHS sets out that the proposal will generate approximately 181 new patient registrations (for the full application), and 209 new patients (indicative for the outline application) based on average household size of 2.4 and that the needs of these new patients will have a direct impact on the delivery of general practice services, thus requiring mitigation. The site falls within the catchment area of Ash Tree Surgery. The NHS states this need, along with other new developments, can only be met through the extension and reconfiguration of the existing premises. The contribution requests equate to £45,494 (full application) and £52, 532 (outline). The response goes on to say that the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice but would trigger a requirement to support the practice to understand how the growth in the population would be accommodated and therefore premises options. Therefore, it is not clear how the contribution would be used to be considered directly related to the development. Furthermore, there remains doubt over the extent of the funding gap and whether the full patient yield from the development would have direct impacts on health provision to meet the tests of necessity under the CIL Regulations. This is an ongoing conversation the local planning authority are having with the NHS and will form discussions as part of the emerging Local Plan review as well. In the absence of a clear project and evidence there is a funding gap that must be met through developer contributions, the NHS contribution request cannot be accepted at this time and as it would not be considered CIL compliant. Consequently, the NHS would be objecting to this application.

5.6.3 In accordance with the NPPF (paragraph 194) the local planning authority has consulted with the appropriate statutory consultees in relation to nearby hazards and infrastructure, in particular the high-pressure gas pipeline that runs through the site. Cadent Gas is responsible for the gas pipeline. They initially informed us that the gas pipeline is laid in a legally negotiated easement to which certain conditions apply and it is therefore essential that access to the pipeline is not restricted, particularly in the event of an emergency. Therefore, there must be no obstructions within the pipeline's maintenance easement strip, which would limit or inhibit essential maintenance works on the pipeline. Legal easements associated with this infrastructure will involve separate agreements direct with the infrastructure provider. Nevertheless, it is a material consideration in the consideration of this application.

5.6.4 As part of the full application, the inner/middle zone of the gas pipeline has been factoring into the layout of the development. Only the access road crosses the pipeline. A small section of the internal estate road encroaches into the combined inner/middle zone and some of the garden to plot 40. Amenity greenspace and planting lies within and close to the pipeline. There are no buildings over the pipeline itself or located in the BPD based on the evidence submitted.

5.6.5 The outline application I indicative at this stage with layout and landscaping reserved for subsequent approval. The indicate plans show an internal estate road over the pipeline and within the BPD.

5.6.6 Cadent Gas has maintained a formal objection to the proposal throughout the determination of this application on the grounds the development has the potential to impact their gas apparatus. Their latest position advises the local planning authority to consult with the Health and Safety Executive before proceeding with the application. Cadent Gas indicates the Build Proximity Distance (BPD) for the pipeline is 8 metres and advises that the plans are amended to factor in the BPD.

5.6.7 HSE have been consulted on the application at various stages. HSE do not advise against the granting of the full planning permission and do advise against the granting of the outline application, unless two conditions are imposed to limit no more than two dwellings within the combined inner/middle zone and no facilities which involve outdoor use by the public also in the inner/middle zone. Outdoor facilities would include play areas or facilities whereby the public could congregate for longer periods. Use of the land in the inner/middle zone can be amenity greenspace and or landscape areas.

5.6.8 Whilst there has not been the same level of discussion with this application, it is worth highlighting that as part of the previous planning application, there had been lengthy discussions with the applicant, the HSE and the NGGD (now Cadent Gas). Concerns related to the access arrangement as well as the residential development. Before preiouvsly accepting the principle of the access over the pipeline, NGGD at the time required the applicant to evidence that the proposed traffic flows over the pipeline would not be so high that it would constitute a 'high density traffic route' (defined as a motorway or all roads carrying a volume of traffic totally in both directions, 2000 vehicles per hour and above, for periods of at least 10 hours per week). The 10 hours may be spread evenly over the week or may be concentrated into set periods. On dual carriageway roads, which carry less than this number, consideration needs to be given to future growth. The applicant had evidenced the traffic flows factoring in future growth would fall under the definition of a 'high density traffic route,' which had been accepted by NGGD subject to impact protection over the pipelines. Cadent Gas, nor the HSE, have raised the access as a concern in their statutory responses. The traffic impacts remain the same with the access design rationalized from the previous roundabout design. Furthermore, given the legal easements associated with the pipeline, the applicant will clearly need to obtain separate agreements with the operator for any works within or close to the pipeline, including the formation of the access.

5.6.9 The application is affected by Electricity Northwest Limited (ENWL) operational land and electricity distribution assets (132kV overhead power lines and pylon). This infrastructure affects the southeastern boundary of the full application site and a large area in in the centre of the phase 2 site (the outline application).

5.6.10 Like the gas infrastructure, the applicant as part of their previous planning application (16/00335/OUT) made assumptions this infrastructure could be diverted (under sperate lift and shift legal provisions on the land). Since the last application there is no certainty this is the case, and it is clear from ENWL comments to the application it is highly unlikely to be supported from their perspective. Therefore, for the purposes of planning, the scheme has been designed with the pylon and overhead lines in their existing position.

5.6.11 Like the gas infrastructure, there are sperate legal easements whereby the applicant will be responsible to consult and obtain appropriate consents from ENWL to undertake works within their operational land or affecting their operational apparatus.

5.6.12 ENWL has objected to the proposed development based on the original submission for a greater number of dwellings. Their objection raises concerns over the increase in dwellings numbers from the approved scheme (16/00335/OUT). This was considering the site constraints including their infrastructure being retained in situ along with other planning constraints and objections, such as food risk and transport matters. ENWL requested the local planning authority to reconsult them on further submissions to ensure the proposals are acceptable to ENWL.

5.6.13 The local planning authority has reconsulted ENWL formally each time there have been amendments to the scheme requiring further publicity and consultation. No further comments have been received from them. The purpose of planning is to establish land use principles and not duplicate other regulatory regimes or manage other legal processes. It remains the developer's responsibility to secure all necessary consent from ENWL to undertake any work around or under their assets. For the purposes of the full planning application, the applicant has shown proposed

dwellings located outside the easements of the overhead lines and pylon with the road and amenity space beneath. In the case of the outline application, the layout, scale, and landscaping are matters reserved for subsequent approval. It is for the applicant to demonstrate at the reserved matters stage that the development is outside the relevant easements to ensure the electricity infrastructure is protected and development is safe.

5.6.14 In the absence of further comments from ENWL, a refusal against planning permission on the grounds of ENWL's original objection and the developments potential impact on electricity infrastructure cannot be substantiated. Advise notes will be included in any decision to remind the developer of their obligations to obtain consent from relevant statutory undertakers.

5.6.15 The application site is adjacent to the canal and construction work near the canal has the potential to adversely affect the structural integrity of the canal and the canal cutting. The NPPF (§190) makes it clear that sites affected by land stability issues and securing a safe development rests with the developer and/or landowner. The Canal and Rivers Trust (CART) has indicated that to ensure the proposal does not affect the structural integrity of the canal it is essential that a condition is imposed requiring no construction to take place within 10m of the toe of the embankment until details of the foundations have been provided and agreed. The imposition of this condition is considered reasonable and necessary as any failure of the canal could have significant impacts on the development itself but also residents of Whernside Grove. The CART also recognises that landscaping can implicate the structural integrity of the embankment too and so request conditions in relation to landscaping. The full planning application does not have any direct impact on the canal therefore conditions would be imposed as part of the outline planning application and any subsequent reserved matters.

5.6.16 Network Rail have commented on the application and indicate works adjacent to the railway line must be undertaken with the supervision of Network Rail to ensure works to do impact the safe operation, stability and integrity of the railway and its boundary. Network Rail advise the development to enter into a Build Asset Protection Agreement (BAPA).

5.6.17 The proposed site is in excess of 30m from the boundary with the railway line and is separated by North Road and other intervening development. It is not considered necessary to impose a planning condition relating to the protection of the railway line as part of this development.

5.6.18 Network Rail has indicated a need to understand how the traffic will be managed with respect to the nearby limited clearance bridge including construction traffic and operational traffic. This can be captured as part of the Construction method Statement required by planning condition. Comments received in relation to acoustic mitigation and drainage are equally matters controlled by planning condition.

5.7 **Affordable housing, housing standards and mix** NPPF Chapter 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).

5.7.1 Policy DM3 sets out the requirements for affordable housing for all new residential development. For development proposals over 15 units on greenfield sites in Carnforth there is a 30% on-site affordable housing requirement. The applicant is fully committed to meeting their affordable housing obligations. The full planning application purposes 21 affordable housing units. This is just shy of the 30% requirement (at 29.5%). A 30% provision across the outline element would be secured by planning obligation.

5.7.2 Policy DM3 requires the size, type and tenure of the proposed affordable homes to accord with the most up to date Strategic Housing Market Assessment (SHMA) or an up-to-date village of parish housing needs assessment. The proposed affordable housing mix is considered broadly consistent with the SHMA. The provision of 1 and 3 bed affordable homes is slightly higher than the recommended district wide mix with a lower proportion of 2 beds. However, the mix is broadly consistent with the need identified for Carnforth and Millhead (table 5.5 of the SHMA), which suggests that there is a similar need for 1/2 bed homes as for 3 bed homes.

5.7.3 The Carnforth Neighbourhood Plan was adopted on 15th March 2023. The plan includes policy CNDP H2: Housing Mix, which supports residential development that maximises affordable homes

in line with the recommendations of the Carnforth Housing Needs Assessment (HNA) and seeks to prioritise smaller 1 and 2 bed homes. The Carnforth HNA recommends a housing mix predominantly of 1 bed homes, some 2 bed homes and a small proportion of 4 and 5 bed homes. It does not recommend any 3 bed homes. The Carnforth HNA also recommends a tenure split for affordable housing of 70/30 affordable rented/intermediate tenures. However, policy DM3 of the DMDPD sets out the required tenure split as 50/50 or 60/40, affordable or social rented/intermediate.

5.7.4 It is acknowledged that the scheme (in part) diverges from the affordable housing type and mix recommended in the Carnforth HNA and is not strictly compliant with policy CNDP H2 of the Neighbourhood Plan. However, the affordable housing proposed for phase 1 (subject to the full planning application) has been subject to lengthy negotiation with the Council's strategic housing officers, which has been informed by the applicant's direct discussions and negotiations with a registered provider and is broadly consistent with the housing mix recommended in the SHMA. Overall, the affordable housing proposals are considered acceptable. The provision of 29.5% affordable housing in phase 1 (full element) with a commitment to deliver a further 30% in phase 2 (outline element) is a significant benefit of the development, particularly given the acute undersupply of affordable housing delivery across the district. The provision of affordable housing would be controlled by planning obligation.

5.7.5 In terms of the general housing mix, policy DM1 seeks to ensure that new development promotes balanced communities and meets evidenced housing need in accordance with the Strategic Housing Market Assessment (SHMA). The SHMA identifies a need for a range of house sizes, including smaller homes, this is carried forward into table 4.1 of the DMDPD. The table below sets out the mix for the market housing against the SMHA requirements. The policy discussion recognises that the SHMA requirements presents an indictive approach and that site specific or market circumstances may influence proposals. In this case, whilst the level of two-bedroom dwellings is below the expected level of 20%, the overall mix remains well balanced and follows the general trend set out in the SHMA and conforms to the overall objective of policy DM1.

Property Type	SHMA Market (%)	Proposed Market (%)
2-bed	20	12
3-bed	35	44
4-bed	25	28
Bungalows	10	16
1-apartements	10	0

5.7.6 Policy DM2 relates to housing standards, requiring all new dwellings to meet the Nationally Described Space standards and at least 20% of new affordable housing and market housing to meet building regulations M4(2) Category (accessible and adaptable dwellings). In the case of the outline planning application, these requirements can be controlled by planning conditions. For the full planning application, all housetypes demonstrate compliance with the NDSS with more than 20% meeting the M4(2) requirements.

5.8 **Biodiversity and Trees** (NPPF: Chapter 15 (Habitats and Biodiversity); Strategic Policies and Land Allocations (SPLA) DPD Policy EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland) and CNDP EC1 (Local Biodiversity, Landscape and Character) of the Carnforth Neighbourhood Plan.

5.8.1 Strategic policies SP8 and EN7 both recognise the importance and value of biodiversity within the district and expects development proposals to protect, maintain and enhance biodiversity. This policy position is reflected in the Development Management DPD policies. Policy DM44 states development proposals should protect and enhance biodiversity and, as a principle, there should be net gain of biodiversity assets wherever possible. The policy goes on to state that where harm cannot be avoided, it should be mitigated and as a last resort compensated for, and where a

proposal leads to significant harm, planning permission should be refused. Policy DM45 identifies the importance of retaining trees, woodland and hedgerows where they positively contribute to visual amenity, landscape character and/or the environmental value of an area. This policy expects new development to positively incorporate existing trees and hedgerows and where this cannot be achieved, the losses must be justified and mitigation. Policy DM45 seeks to maximum and encourage new tree and hedgerow planting of indigenous species to mitigate against the wider impacts of climate change and to enhance the character and appearance of the district.

5.8.2 Habitat Regulations Assessment

The site is located approximately 1.4km from Morecambe Bay and Duddon Estuary Special Area of Protection (SPA), Morecambe Bay Special Area of Conservation (SAC) and Morecambe Bay Ramsar site, in addition to the Morecambe Bay Site of Special Scientific Intertest (SSSI). Given the proximity of the site to the designated areas, there is the potential for the development to have an adverse impact on their integrity both during construction and operational phases of the development. A shadow Habitats Regulations Assessment has been submitted with the application. It is considered that mitigation is required in relation to potential adverse effects and therefore an Appropriate Assessment has been undertaken. The Local Planning Authority has undertaken its own Habitat Regulations Assessment (and Appropriate Assessment) to fulfil the duty as the competent authority.

5.8.3 The Appropriate Assessment concludes that the proposal will not result in adverse effects on the integrity of any of the designated areas and Natural England have confirmed agreement to this. This is subject to appropriate mitigation being secured by condition. For potential impacts during construction, this relates to the production and implementation of a Surface Water Construction Method Statement, to include appropriate pollution prevention control measures to ensure no construction related pollutants or run-off enter the watercourses and drainage ditches as a pathway to the designated areas. For impacts during the operational phase, this requires the provision of homeowner packs, which explain the sensitives of the nearby designated sites, include a 'responsible user code' and promotes the use of alterative areas for recreation, in particular dog walking. These measures shall be controlled by planning condition on both the full and outline elements of the proposal. With the imposition of these conditions, the development would accord with eh requirements of the Habitat Regulation, strategy policy SP8, policy DM44 and CNDP EC1 of the Neighbouring Plan.

5.8.4 Ecological Impacts

The application has been accompanied by a preliminary ecological appraisal which has been considered acceptable and sufficiently robust by the councils' ecology advisors, GMEU despite its age. The site comprises of areas of hardstanding, species poor agricultural land, with some notable local habitats including hedgerows and modified watercourses. Whilst the ecological value of the site is not particularly high, the existing hedgerows and trees on site offer potential ecological corridors between other ecological assets, including the canal (a Biological Heritage Site) and adjacent woodland.

5.8.5 The mitigation recommendations set out in the submitted and agreed PEA includes:

- Tree roots on the site and its boundaries be adequately protected and as far as possible trees to be retained.
- Landscaping scheme to utilise native and wildlife friendly species.
- Hedgerows to be retained or improved on site. Hedgerow translocation to be considered.
- New roosting provision for bats either incorporated into the design of dwellings or on retained trees.
- Artificial bird nesting for Swallow to be incorporated into the development.
- Category 1 or 2 trees to be felled to be re-inspected for bats to confirm they remain absent.
- Vegetation clearance to be prohibited in nesting seasons unless inspected by a qualified ecologist and confirmed absence for nesting birds.
- If protected species (nesting birds, otter, brown hares, water vole etc) are found on site to stop and seek further ecological advice with a view to obtain a detailed method statement and programme of mitigation.

5.8.6 GMEU are satisfied that the development is unlikely to cause significant harm to any protected or notable species, except for small numbers of foraging bats and nesting birds. Given the relationship

to the canal, regard has been given to the potential presence of Otter during construction, GMEU recommend a planning condition to secure a method statement for Reasonable Avoidance Measures to protect Otter should they be present. Having regard to the recommendations of the PEA, it is recommended that a planning condition is imposed on the full and outline applications to secure a final scheme for ecological protection and mitigation. For the full this will include the measures set out above with a method statement incorporated reasonable avoidable measures for any protected species found on site during construction. In the case of the outline application, the condition will extend to require updated surveys, method statements and a programme of mitigation (if required) along with a scheme for a suitable buffer between the development and the canal and woodland to ensure the ecological value of these adjacent assets are not compromised by the development. Planning conditions will also be required for external lighting.

5.8.7 Whilst the loss of existing landscape features does not strictly accord with planning policy, overall, with the imposition of conditions suggested above, it is contended the effects of the development on protected species and the adjacent BHS would not be harmful.

5.8.8 Trees

The application has been supported by an updated Architectural Implications Assessment (June 2023). This identifies 18 trees and 6 hedgerows, and 3 groups assessed. In the case of the full application two hedgerows shall be removed with parts of the hedgerow boarding the A6070 removed to form the access. Sections of hedgerow three will potentially need to be removed as part of the phase 2 development. An updated AIA would need to be provided commensurate with any subsequent reserved matters application. The AIA identifies seven trees to be felled. Five of these trees are Category U trees and are recommended for removal on arboricultural grounds. Two are Category C trees. These tree removals are not considered a constraint to development given their condition. Save for some smaller trees, the remaining trees to the site boundaries shall be protected and retained.

5.8.9 Proposed landscaping will inevitably compensate for the loss of trees in accordance with policy DM45 of the DM DPD.

5.8.10 Notwithstanding this, there is an objection from the Council's Arboricultural Officer. The reasons for objection relate to the loss of hedgerows and design matters. In particular the lack of consideration of existing landscape features when designing the layout of the development. The relates to the position of dwellings located with retained trees overhanging rear gardens and the incorporation of new hedgerows which are fragmented.

5.8.11 Landscaping is not a consideration in relation to the outline proposals. Therefore, there remains scope to ensure existing trees and hedgerows are better incorporated into phase 2 and new landscaping creates improved ecological links to existing landscape features and the canal.

5.8.12 The landscaping proposals for the full element cannot be supported due to inconsistencies in the layout of the development between the landscaping plans and the latest site plan. Furthermore, the landscaping proposal do not account for potential acoustic bund to the eastern boundary with some concerns expressed regarding the chosen tree species for the street streets. Despite these shortcomings, it is reasonable to secure the final landscaping details by planning condition. This will also inform the final BNG scheme required by the development (see below). It is expected that the landscaping condition will provide necessary replacement tree and hedgerow planting in additional to the habitation enhancement and creation measures discussed in relation to BNG. The loss of hedgerows on this site is disappointing and will affect the landscape character and the visual amenity of the site. However, subject to suitable mitigation and new landscaping proposals being secured, it would not lead to a reason for refusal.

5.8.13 Biodiversity Net Gain (BNG)

The submitted application it not subject to mandatory BNG and is exempt because of when the application was submitted. However, the NPPF and both Local Plan and Neighbourhood Plan policies still encourages developments should make positive contributions towards BNG.

5.8.14 The application has been supported by an updated Biodiversity Net Gain assessment (February 2024) and additional Assessment of BNG for River Units (February 2024). The site comprises a mix of area habitat (mainly modified grassland), linear habitat (native hedges and rows of trees) and river habitat (watercourses). The assessment indicates there will be substantial areas of habitat loss arising from the development. However, if the habitat enhancements and habitat creation as set out in the submitted BNG report can be provided, it is possible to achieve net gains in biodiversity over 10% for area habitat (13.74%) and linear habitat (10.27%).

5.8.15 The habitat creation and enhancement measures include creation of 0.8ha of neutral grassland (better quality grassland with seed mix of grass species and wildflower species), creation of mixed scrub of moderate condition (0.2ha) and the planting of an additional 0.41km of native hedgerow. It is recognised, these gains can only be realised with robust management and maintenance to secure the expected condition of the post intervention BNG.

5.8.16 In the case of the watercourses on site, a separate assessment concludes there will be losses (approx. -4%) in this habitat type due to culverting required on the site to provide access to different parts of the site. The assessment accepts that these losses cannot realistically be provided as part for the habitat enhancement and creation proposals. Recommendations are made to reduce the losses, such as ensuring terrestrial habitat within 10 metres of the watercourses are undeveloped and enhanced in terms of their ecology or the development redesign to avoid culverting. The outline element of the development may be able to incorporate some of these recommendations to inform the final BNG scheme at a later stage. However, the full application will inevitably lead to losses in watercourse habitat. The assessment concludes off-site habitat creation or BNG credits could mitigate these losses.

5.8.17 There are some limitations to this given the hybrid nature of the application. The submitted report considered the whole site. Considering this, it is recommended that there will separate requirements to demonstrate net gains in biodiversity are provided under the full and outline elements of the proposal. This will be secured by planning obligation including the long-term management and maintenance obligations.

5.8.18 Our ecology advisor, GMEU, has raised no objections to the proposal and accept the BNG report submitted which demonstrates the proposals could result in a net gain in biodiversity on site. However, more detailed landscape plans and long-term management plans are necessary to secure the BNG proposals put forward as well as final BNG schemes to address the losses in river habitat. It is anticipated there will be some off-site gains required to mitigate the losses associated with the watercourses. Subject to the imposing of planning conditions and obligation to secure net gains in biodiversity on this site, it is contended that proposals accord with the requirements of Neighbourhood Plan policy CNDP EC1 and the requirements of policy DM44.

5.9 **Sustainable Design and Renewable Energy** NPPF paragraphs: 126 (Achieving Well-Designed Places) and 154 -155 and 157 (Planning for Climate Change); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30 (Sustainable Design) and DM53 (Renewable and Low Carbon Energy Generation); Policy CNDP EC3: Sustainable Design of the Carnforth Neighbourhood Plan.

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

5.9.2 Policy DM30 states the Council will encourage development to deliver high standards of sustainable design. This could include measures to reduce energy consumption and cardon dioxide emissions as well as opportunities for energy supply from on-site renewable or lo carbon energy systems.

5.9.3 Policy CNDP DC3 of the Neighbourhood Plan also encourages new housing development to meet high standards of sustainability and accord with BREAAM, Passivhaus or Home Quality Mark standards. It goes on to state housing proposals should show how resource efficiencies and climate

change adaptions will be incorporated into development including layout, landscaping, drainage and the utilisation of sustainable drainage systems.

5.9.4 The amended Energy Statement basically states the development will be built to comply with Part L Building Regulations. It does not propose any betterment above building regulation standards or a commitment to meet the high standards of sustainable design set out in the Neighbourhood Plan. Although it is acknowledged to achieve compliance, the Energy Statement indicates Air Source Heat Pumps will be provided to all dwellings as the main source of heating, which is a positive feature of the scheme. Currently, the adopted planning policy position only seeks to "encourage" sustainable design. Whilst this may be disappointing, under the current policy position the proposals would not conflict with the Local Plan or Neighbourhood Plan policies in relation to sustainable design. As the intention is to comply with building regulations, it is not necessary to duplicate these requirements through planning controls.

5.10 **Other Matters**

5.10.1 Socio-economic benefits

The construction of 71 dwellings as part of the full planning permission and up to 87 dwellings as part of the outline application, will make positive contributions to the local economic particularly during construction, either through jobs or the wider supply chain. The applicant is also committed to the delivery of an Employment and Skills Plan to support local trades and upskilling in the construction industry. This can be controlled by planning condition.

5.10.2 Heritage considerations (NPPF Chapter 16 Conserving and Enhancing the Historic Environment); Policy DM41 (Development Affecting Non-designated Heritage or their Setting) and policy CNDP HD2 (Locally Designated Heritage Assets) of the Carnforth Neighbourhood Plan.

The site and proposal does not directly affect any designated heritage assets, including listed building or the town's conservation area. However, Lancaster Canal is a non-designated heritage asset. Paragraph 209 of the NPPF states "*the effect of on application of the significance of a non-designated heritage assets should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".* This is reflecting in the Local and Neighbourhood Plan polices also.

5.10.3 Taking the whole site into consideration, the loss of the open undulating fields to be replaced with housing development will alter the setting to the canal in this location. However, given the character of the surrounding locality and the transport corridors that enclose the site, the change from open fields to built development is considered to result in a low level of less than substantial harm, as much of the canal's setting in the locality is characterised by existing built development. The full element of the development is some distance from the canal and the layout positively responds to the canal and the existing fields for phase 1 through by its outward facing layout. The critical considerations will relate to design and layout associated with the outline application and the reserved matters. In line with the recommendations from the Canal and River Trust, the layout of the development should provide a suitable buffer from the build development but where development is prosed, there should be a high-quality frontage onto the canal. These requirements are capable of being incorporated into the reserved matters for consideration later. Overall, the benefits arising from the development are considered to outweigh the low level of less than substantial harm to the setting of the non-designated Lancaster Canal. According, the development does not conflict with the NPPF, policy DM41 of the DM DPD and policy CNDP HD2 of the Neighboured Plan.

5.11 Planning Obligations

As set out under the various material consideration sections of this report, a planning agreement under S106 of the Town and Country Planning Act is required. The following contributions and requirements are deemed necessary to make the development acceptable and have been agreed with the applicant. There shall be different obligations relating to both the full and outline elements. These will be broken down in the recommendations below:

- Provision of 30% Affordable Housing
- Travel Plan contribution
- PROW contribution

- Provision of on-site amenity green space and equipped play area.
- Provision on site or off-site contribution towards Young Persons provision.
- Off-site contributions towards outdoor sports provision towards a new 3G pitch at Carnforth High School or alternative location within the town.
- BNG Scheme to be agreed, provided and maintained.
- Maintenance and management of all open space, landscaped areas, any un-adopted roads and SuDS.

6.0 Conclusion and Planning Balance

6.1 The development strategy for the district, set out in policy SP3 of the SPLA DPD, promotes an urban-focussed approach to development concentrated towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. The site is in the open countryside, although it does lie immediately adjacent to the existing built-up area of Carnforth and the services and facilities that it contains.

6.2 The proposed application has been subject to complicated technical constraints including the on-site infrastructure and flood risk, as well as the implications of the changes to the status of the former A601(M) to order to provide a suitable access to the site. It has equally been complicated by the nature of application submitted with phase 1 seeking full planning permission and phase 2 in outline. It is also recognised that the proposal has not been well received by the public or the Town Council and the long-standing determination has not been helpful to the community. Objections from the community relate largely to the impact of traffic and potential misuse of North Road, loss of countryside and impacts on wildlife, concerns relating to the infrastructure on site and the lack of community infrastructure to support growth, visual impacts and the effects on the amenity of existing residents. These are all valid concerns which have been carefully considered in the assessment of this proposal.

6.3 The proposed access strategy is fundamentally a consequence of the existing highway network along North Road being highly unsuitable to support additional traffic from this development. The access proposal is not a typical solution for residential development because the principal access is disconnected from the existing built environment. This is a weakness of the proposal; however, the applicant has demonstrated the access is safe and would not impact the efficient operation of the local and strategy highway network to the satisfaction of the local highway authority and National Highways. To mitigate the against the accessibility concerns, off-site highway improvements works along North Road are proposed to enhance pedestrian accessibility. This together with connections to Whernside Grove, Carnforth Brow, a contribution towards improvements to existing public rights of way and improvements to the canal towpath ensure the proposal complies with planning policy objectives in relation to active travel. These measures make the development acceptable in planning terms and provide wider public benefits. These benefits are given moderate weight in the planning balance.

6.4 The applicant has demonstrated that the development would be acceptable in terms of flood risk, ecological impacts, sustainable design and infrastructure/pollution matters and it is recognised the development will also make positive contributions towards open space provision on and off-site. The open space contributions provide wider public benefits and are afforded moderate weight. The other matters hold neutral weight as they are matters required to make the development acceptable in planning terms. There are also social and economic benefits from the provision of employment and upskilling through the construction phases and the knock-on effect to the supply chain (securing short-term economic benefits), though these benefits are relatively small overall and therefore afforded limited weight.

6.5 For the full application the development will provide 71 dwellings of which 21 dwellings shall be affordable. The outline application seeks up to 87 dwellings, though the final number is expected to be much lower, taking account of the design concerns set out earlier in the repot, of which 30% of the dwellings would be affordable. The housing benefits should be given significant weight in the planning balance.

6.6 Weighing against the proposal, is the loss of open countryside, localised moderate adverse landscape and visual effects and the design concerns. The design concerns associated with the full

application relate to the extent of parking dominating the proposed streets, lack of communal landscaping within the built development to support street trees (though street trees can still be provided), and the extent of engineering works required around and within the banks of the watercourse. In relation to the outline, there are number concerns identified with the indicative proposals, but it is contended that the design impacts could be addressed by a reduction in the number of dwellings at reserved matters stage. The conflicts with design and landscape policy in this regard should be given some weight in the planning balance. However, as set out early, it is felt these concerns would not be substantiated on appeal and in the case of the outline application could be overcome through the reserved matters.

6.7 Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The Council's most recent Housing Land Supply Statement (April 2023) identifies a housing land supply of 2.4 years, which is a significant shortfall against the required 5 year supply requirement. Paragraph 11 of the NPPF also requires that, where a local planning authority cannot demonstrate a 5 year supply of deliverable housing sites, permission should be granted unless the application of policies in the NPPF that protect areas or assets of importance (such as heritage assets and areas at risk of flooding) provide a clear reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. This means applying a tilted balance towards the delivery of residential development.

6.8 In the context of the resumption in favour of sustainable development, the assessment of this proposal against the NPPF taken as a whole, concludes there are no clear reasons for refusing the application which would effectively disengage the tilted balance. Therefore, in applying the titled balanced, the test is whether any adverse impacts arising from the development would significantly and demonstrably outweigh the benefits of the proposal.

6.9 Given the significant undersupply of housing within the district, it is considered that the benefits of the proposal, in connection with both the full and outline application, do outweigh the harm caused through the loss of open countryside, the localised moderate adverse landscape and visual effects and the design and amenity concerns set out in this report. Accordingly, Members are recommended to support both the full and outline applications based on the recommendations set out below.

Recommendation

Full Planning Application:

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

- PROW contribution (£15k figure to be split across full and outline elements)
- Travel Plan contributions (£12k figure to be split across full and outline elements)
- £71, 867.85 towards outdoor sports facilities (provision of 3G pitch at Carnforth High School or alternative location in the town)
- £31,780.00 towards young persons provision (provision towards facilities at Crag Bank POS) or provide on phase 2 land
- Details of provision of on-site equipped play area
- Provision of amenity space and ongoing management
- Biodiversity net gain that continues to demonstrate 10% net gain and a Landscape and Ecological Creation and Management Plan showing 30-year management
- Setting up of management company
- Management and Maintenance of all unadopted land, infrastructure and landscaping,
- £337, 173.90 Towpath contribution CART (figure to be apportioned across the full and outline elements with agreement from CART)
- Provision of 21 affordable housing units

And the following conditions:

Condition no.	Description	Type

1	Standard Time Limit (2 years)	Control
2	Approved Plans	Control
3	Full details of the vehicular access details and access to be provided before construction of any other part of the development	Pre-commencement
4	Full details of the pedestrian/cycle connections to Whernside Grove, Carnforth Brow based on submitted drawings including timetable for implementation and use	Pre-commencement
5	Full details of the emergency access measures to prohibit general vehicular access at Whernside Grove and Carnforth Brow and ongoing management/maintenance including timetable for implementation and use.	Pre-commencement
6	Full details of all off-site highway improvement works based on submitted drawings including timetable for implementation and use	Pre-commencement
7	Construction Method Statement including traffic management and protection of on-site infrastructure	Pre-commencement
8	Construction Environmental Management Plan including protection of landscape features and canal on phase 2 land.	Pre-commencement
9	Surface Water Construction Method Statement	Pre-commencement
10	Foul and Surface Water Drainage Scheme	Pre-commencement
11	Site Investigation and Remediation Strategy	Pre-commencement
12	Ecological Protection and Mitigation Scheme to be submitted based on the submitted PEA	Pre-commencement
13	Employment and Skills Plan	Pre-commencement
14	Precise details of noise mitigation measures based on updated assessment for approved layout.	Pre-commencement
15	In accordance with AIA except for the requirement for updated protection plans for trees and hedgerows and method statements based on phased development (full and outline stages).	Pre-commencement
16	Finished Floor Levels and Site Levels and details of all retaining features (location, heights and appearance)	Pre-commencement
17	Landscaping scheme	Pre-commencement
18	Parking plan to be submitted and agreed and thereafter retained for said purpose (including removal of garage PD rights where required)	Pre-commencement
19	Details of external lighting	Above slab level
20	Details of all external materials to the dwellings	Above slab level
21	Details of all boundary treatments	Above slab level
22	Hard Landscaping scheme	Above slab level
23	Construction details of internal estate roads	Before construction of estate roads
24	Landscape Management Plan	Pre-occupation
25	Sustainable drainage system operation and maintenance manual.	Pre-occupation
26	Verification report of constructed sustainable drainage system.	Pre-occupation
27	Travel Plan	Pre-occupation
28	Homeowner Pack (HRA mitigation)	Pre-occupation
29	Protection of visibility splays	Control
30	M4(2) compliance	Control
31	Development to accord with the mitigation set out in the FRA including no dwellings houses located in floodzone 2 and 3	Control
32	Provision and retention of road turning facilities	Control
33	Removal of PD rights (extensions, roof alterations, fencing and enclosures)	Control

34	No insertion of new windows and obscure glazing only to side facing windows to plots 1, 11, 17, 24, 28, 57 and 68-69.	Control

Outline Planning Application

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

- PROW contribution (£15k figure to be split across full and outline elements)
- Travel Plan contributions (£12k figure to be split across full and outline elements)
- Provision of 30% affordable housing
- Provision of amenity space
- POS contribution towards outdoor sports facilities to be calculated at reserved matter stage
- Provision of Young persons play space on site or off-site contribution to be agreed at reserved matters stage
- £337, 173.90 Towpath contribution CART (figure to be apportioned across the full and outline elements with agreement from CART)
- 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
- Management and Maintenance of all unadopted land, infrastructure and landscaping

And the following conditions:

Condition no.	Description	Type
1	Standard Time Limit (approval of reserved matters).	Control
2	Approved Plan (Location Plan and phase 2 plan only)	Control
3	Site plan and access drawings indicative only	Control
4	Full access details showing connection to estate roads pursuant to the full planning application and connections to the canal towpath	Pre-commencement
5	Construction Method Statement including traffic management and protection of on-site infrastructure	Pre-commencement
6	Construction Environmental Management Plan	Pre-commencement
7	Surface Water Construction Method Statement	Pre-commencement
8	Foul and Surface Water Drainage Scheme	Pre-commencement
9	Site Investigation and Remediation Strategy	Pre-commencement
10	No development within 10m of the tow of the canal embankment until a Risk Assessment and Method Statement (RAMS) outlining all works to be carried out adjacent to the canal to be submitted and agreed by the LPA	Pre-commencement
11	Ecological Protection and Mitigation Scheme to be submitted based on the submitted PEA including buffer to canal.	Pre-commencement
12	Employment and Skills Plan	Pre-commencement
13	Commensurate with reserved matters, assessment of noise impacts and mitigation to be submitted and agreed and mitigation implemented before occupation	Pre-commencement/at submission of reserved matters
14	Commensurate with reserved matters, updated AIA to be provided with a scheme for tree and hedgerow protection and method statements.	Pre-commencement/at submission of reserved matters
15	Finished Floor Levels and Site Levels	Pre-commencement
16	Housing Mix	Pre-commencement
17	Details of internal estate roads	Before construction of estate roads
18	Details of external lighting	
19	Sustainable drainage system operation and maintenance manual.	Pre-occupation
20	Verification report of constructed sustainable drainage system.	Pre-occupation

21	Travel Plan	Pre-occupation
22	Homeowner Pack (HRA mitigation)	Pre-occupation
23	NDSS and M4(2) standards	Control
24	Development to accord with the mitigation set out in the FRA including no dwellings houses located in floodzone 2 and 3	Control
25	No more than two dwellings within the IZ/IM of the pipeline	Control
26	No facilities for outdoor use to be provided in the IZ/IM of the pipeline	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	A6
Application Number	23/01140/FUL
Proposal	Partially retrospective change of use of land to 3 no Gypsy/Traveller pitches comprising 3 touring caravans and 3 mobile homes, siting of a day room, erection of a barn, installation of a septic tank and creation of an area of hardstanding
Application site	Field 3225 Arna Wood Lane Aldcliffe Lancashire
Applicant	Mr E Jenkins
Agent	Dr Simon Ruston
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Approval subject to conditions

(i) **Procedural Matters**

This application would normally be dealt with by Delegated powers but has been brought to Planning Committee at the discretion of the Planning Manager due to the public interest shown in regard to the proposal.

1.0 Application Site and Setting

1.1 The site that forms the subject of this application is a 0.27ha triangular parcel of land located approximately 2.3km to the south-west of the centre of Lancaster and approximately 600m to the south of the small settlement of Aldcliffe. The site lies between Lancaster canal to the east and the River Lune to the west. The site has an existing equine use (including a stable block and menage) through a previous planning permission granted before the field was subdivided from the adjacent field and equine structures directly to the east of the application site. The site is currently laid with hardcore and bound by a close board timber 1.8m fence along the western and southern boundaries. There are several existing private and commercial equine stables and facilities in close proximity to the application site.

1.2 The site is accessed via a narrow single-track lane (Arna Wood Land) which also serves seven dwellings and has an exit from the United Utilities Waste Water Treatment Works (WWTW). The site access increases in gradient off Arna Wood Lane into the site, which itself is relatively level.

1.3 The nearest residential properties are located at Arna Wood Farm and Low Wood, approximately 180m to the north and 420m south-west (respectively) of the site. There is also a small hamlet, Stodday, located approximately 600m to the south of the site and a Grade II Listed Building, Lunecliffe House, approximately 480m to the south- east. The Waste Water Treatment Works are located approximately 120m to south-west of the site and Arna Wood Solar Farm is located to the west of the site.

1.4 The nearest bridleway is approximately 2km by road via Aldcliffe village and the Lune Estuary Cycleway runs approximately 500m to the west of the site. The site is within the Open Countryside and within the boundary of the Aldcliffe-with-Stodday Neighbourhood Plan Area.

2.0 Proposal

2.1 The application is partially retrospective and seeks a change of use of land to 3 no Gypsy/Traveller pitches comprising 3 touring caravans and 3 mobile homes, the erection of a day room and barn, the installation of a septic tank and creation of an area of hardstanding. The proposal seeks to provide accommodation for the applicant and his extended family. This is a resubmission of a recent application (21/01581/FUL) which was refused. The refusal reasons related to the sites unsustainable location, visual harm, and lack of information relating to foul and surface water.

2.2 The mobile homes will be set out in a U-shape within the southern end of the site with the barn site at the open end of the U. Parking provision will also be provided in the form of two spaces per unit.

2.3 The current submission differs from the previously refused scheme with regard to a revised layout and the inclusion of a Landscape Design Statement, Drainage Strategy and information regarding the personal circumstances of the applicant.

3.0 Site History

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

Application Number	Proposal	Decision
21/01581/FUL	Partially retrospective change of use of land to 3 no Gypsy/Traveller pitches comprising 3 touring caravans and 3 mobile homes, siting of a day room, erection of a barn, installation of a septic tank and creation of an area of hardstanding	Refused
15/01001/FUL	Erection of a detached stable block	Permitted
09/00406/CU	Retrospective application for continued use of land as Menage and the relocation of stable block and hardstanding	Permitted

4.0 Consultation Responses

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

Consultee	Response
Planning Policy Team	There is a lack of appropriate sites within or adjacent to the urban areas and the need for gypsy and traveller sites identified in the Gypsy and Traveller Accommodation Assessment 2017 have not been met. The site is not within a sustainable settlement but is close to the southern edge of Lancaster where services and facilities are available, and this location should be given weight when assessing the locational accessibility of the site.
County Highways	Requests that further information is submitted with regard to expected trip generation to and from the site and the frequency of movements by the touring caravans. A swept path drawing of a touring caravan entering and existing the site. No objections were raised by County Highways to the previously refused scheme.
Natural England	**No objection** subject to the provision of Homeowner Packs
Environmental Health	Request condition for the provision of three electric vehicle charging points

Engineers	**No objection.** Satisfied with the drainage information provided. Requests conditions relating to submission of final drainage design and maintenance.
United Utilities	No comments received. Concerns raised to previous application in relation to the location of new sensitive receptors close to Lancaster Wastewater Treatment Works due to amenity risks from odour, flies and noise.
Aldcliffe with Stodday Parish Council	**Objection.** The Parish Council maintains its previous strong objection to the proposed development and reiterates its request that the City Council refuses the application. This application does not fit with national and local statements that any development must be sustainable. There appears to be little material change between the refused and current application other than minor amendments to layout and landscaping. The submission fails to overcome the 'in principle' conflict with the development plan, the legislative starting point for the determination of any planning application unless relevant material considerations suffice to indicate otherwise. A failure to have proper regard to this legislative requirement is a matter that could be brought to judicial review. Despite the lack of five-year supply of deliverable sites for travellers, which must be afforded significant weight in the planning balance, this does not override conflict with the development plan when taken as a whole. The site's open countryside location is unsustainable, and the proposal is in direct conflict with the development plan. Also concerns in respect of landscape harm and visual amenity. The site layout and boundary treatments fail to satisfactorily address previous concerns and the proposal would continue to erode the overall character of the landscape, resulting in an urbanising and domesticated form of development at odds with the typical low level agricultural / equestrian uses associated with neighbouring land. Concerns in respect of surface water and foul drainage, and highways safety given the narrow single-track roads leading to the application site and concerns over the transportation of mobile homes and likely trip generation owing to an intensification of the existing access in its current use (equestrian). It is noted that the ownership certificate (as contained within the application form) is incorrectly dated and suggests one of the landowners was served notice for the application on 1 November 2021. This is procedurally incorrect, contrary to Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and brings into question the validity of the application and/or any forthcoming decision which could be subject to judicial review.

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

Seven items of public comments have been received, all raising objections on the following grounds:

- The site is completely unsustainable in that it is approximately a mile away from a bus stop and even further to facilities such as shops, schools, doctors etc and would entail a journey along a single track road with no pavement, that is already overwhelmed with traffic.
- The application site is farmland, which should not be used for such a large development, when a brown field site is more suitable.
- The site can be seen from the public highway and the lights at night cause light pollution and the disruption of wildlife habitats.
- Its position sited on the top of a drumlin appears as an intrusion causing visual harm the open landscape and open countryside.
- Access to the site is down a single track with no pavements and only one passing place 300 yards away. This road is used continuously by United Utilities waste wagons traversing through lower end of Stodday through the waste treatment works and out again on to Aldcliffe Lane.
- The application fails to demonstrate that a satisfactory arrangement for disposing of foul and surface water can be achieved.
- The occupier of the land has retrospectively uprooted the boundary hedgerow.
- The proposal is contrary to National, Local and NP policies.

5.0 Analysis

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

- Principle and need for Gypsy and traveller pitch provision
- Design and landscape impact
- Highway impacts
- Impacts on residential amenity
- Tree and ecology implications
- Flood risk and drainage
- Intentional unauthorised development

5.2 **Principle and need for Gypsy and traveller pitch provision** - NPPF Section 2 (Achieving sustainable development); Planning policy for traveller sites 2015 (PPTS); Strategic Policies and Land Allocations DPD Policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy); Development Management (DM) DPD policies DM1 (New residential development and meeting housing needs), DM4 (Residential development outside main urban areas), DM5 (Rural exception sites) and DM9 (Accommodation for Gypsies and Travellers, and Travelling Showpeople); Aldcliffe-with-Stodday Neighbourhood Development Plan policy ASNP5 (Housing)

5.2.1 In evaluating the principle of this proposal, full consideration and appropriate weight must be given to whether or not the proposal would represent sustainable development in terms of satisfying the requirements of the NPPF and in particular if the site is considered to be sustainably located to support a residential use. The NPPF must be read in conjunction with the Government's Planning Policy for Traveller Sites (PPTS). Policy H of the PPTS, requires applications for gypsy sites to be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in both the Framework and the PPTS.

5.2.2 The site is located on land outside of the main urban area and is identified as Open Countryside in the adopted Strategic Policies and Land Allocations DPD. The LPA would generally look to direct development to the main urban areas of the District. Whilst not precluding development outside such locations, it would need to be demonstrated how the proposal complies with other policies within the Development Plan and ultimately the delivery of sustainable development. The site is within the Aldcliffe with Stodday Neighbourhood Plan Area and policy ASNP5 of the NDP sets out that limited small-scale housing will be supported in the Parish where the development will enhance the vitality of the local community, meets the housing needs of the Parish.

5.2.3 The Lancaster Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2017 (GTTA) uses the 2015 PPTS definition of "gypsies and travellers" as follows:

> *"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*

However, the case of Lisa Smith v SSLUHC & Ors found the 2015 definition discriminatory as it excluded those that have ceased to travel permanently, due to ill health or old age. On 19th December 2023, the PTTS was updated to revert to the 2012 definition, adding reference to gypsy and travellers who have ceased to travel permanently. The PPTS definition now reads as follows:

> "*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or* ***permanently****, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*

In terms of current provision of accommodation for Gypsies and Travellers, the Lancaster Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2017 (GTTA) found evidence of Gypsy and Traveller pitch need (2017/18 to 2021/22) equating to 11 pitches under a cultural

definition, or 4 pitches under the PPTS 2015 definition of Gypsy and Traveller. For the full Local Plan Period (2011/12 to 2030/31) the GTAA has identified a cultural need for 24 pitches 8 pitches under the PPTS 2015 definition. The "cultural need" referred to in the GTAA relates to people who identify as Gypsy and Traveller.

The Planning Policy Officer has advised that given the court case, the PPTS figure should not be used as the 'need' figure and for the purposes of considering need, the upper figures for cultural need should therefore be viewed as the most appropriate figure. As the GTTA is now over 5 years old and given the definition used, it may be that the evidence available no longer adequately addresses the need.

5.2.4 Since the GTAA was published, planning permission has been granted for 7 pitches:

Land N of Bottomdale Road, E of M6, Halton	22/00874/FUL	Two mobile homes, three touring caravans, storage or two caravans, two outbuildings	2 pitches
Blackberry Hall Works, Blackberry Hall, Crescent, Heysham	20/01094/FUL	3 caravans	3 pitches
Woodend Stables, Kirkby Lonsdale Road, Halton	21/01268/FUL (Temp permission) 24/00851/FUL (Permanent Change of Use)	1 mobile home & 1 tourer	1 pitches
Adj 26 Oxcliffe Road, Heysham	23/00201/FUL	1 caravan	1 pitches

Although the Council has committed to bring forward a Site Allocations DPD for Gypsy and Traveller Accommodation to plan for needs over the lifetime of the plan, at this time the Council cannot demonstrate an up-to-date five-year supply of suitable sites and consequently great weight must be given to the level of unmet need in the context of the current application. As part of the preparation for the Site Allocations DPD for Gypsy and Traveller Accommodation the Council made an ongoing Call for Sites in June 2018. However, only 4 sites have been put forward to date and 3 of which were heavily constrained (due to flood risk, surrounding uses, lack of accessibility).

5.2.5 The submission must be considered against the national Planning Policy for Traveller Sites (2015) (PPTS) which runs parallel to the NPPF. The PPTS states that local planning authorities should very strictly limit new traveller sites in open countryside away from existing settlements or outside areas allocated in the development plan. This document sets out that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

5.2.6 Policy DM9 sets out that the Council will support proposals for new Gypsy and Travellers and Travelling Showpeople within the District providing they are in accordance with the general principles and locational requirements set out within that policy as well as all other development management policies. Although the policy does not refer to allocated sites, general principles of DM9 are that such proposals would be supported where they:

i. Demonstrate that the intended occupants meet the of definition of Gypsy and Travellers and Travelling Showpeople;

ii. Provide no more than 15 permanent residential Gypsy and Traveller pitches; and,

iii. Are in a sustainable location. Preference will be given to new sites within the urban areas of Lancaster, Morecambe, Heysham or Carnforth. However, sites in sustainable settlements will be considered where it can be demonstrated that appropriate sites cannot be provided within the specified urban areas and that the proposal would neither dominate nor be disproportionate to the scale of the existing community.

From assessment of the submitted information it is considered that the applicant and his family meet the definition of Gypsy and Traveller under the current definition for planning purposes identified in the updated PPTS (2015) and therefore fall within a group with protected characteristics as defined by the Equality Act 2010. The scheme clearly accords with criterion (ii) as less than 15 pitches are proposed. As such the proposal accords with criteria (i) and (ii) of DM9. However, the site is not within a sustainable settlement but is close to the southern edge of Lancaster (approximately 1.7km) where services and facilities are available, and this can be given some weight when assessing the locational accessibility of the site.

5.2.7 In terms of locational requirements DM9 sets outs that proposal for new Gypsy and Travellers and Travelling Showpeople sites are expected to take the following locational requirements into account:

iv. Proposals can achieve safe access onto the highway network;
v. The site is located within reasonable proximity (preferably within walking distance) of public transport facilities and services;
vi. The site will not cause significant harm to the amenity of neighbouring properties;
vii. The site would provide satisfactory living conditions for intended occupants including appropriate consideration of flood risk, land contamination, land stability, and important nature sites; and,
viii. The site would not give rise to potential amenity of land compatibility issues (e.g. proximity to waste disposal facilities, electricity pylons and industrial areas)

5.2.8 DM9 requires sites to be located within reasonable proximity (preferably within walking distance) to public transport facilities and services in order to access GP and other health services, education, employment and training, and other essential services. The site is 1.5km (measured linearly) from the urban boundary of Lancaster (2km from nearest GP and shop) where services and facilities are available. Although the agent argues that it would not be unrealistic to walk along the surrounding lanes, it is considered that pedestrian access would be difficult due to the lack of highway pavements and unlit lanes during the hours of darkness. In terms of accessibility, Arna Wood Lane runs off Aldcliffe Road, which links the site to Lancaster. Both Arna Wood Lane and Aldcliffe Road are largely single track with no pavement with informal passing places and no street lighting. Bus services in the vicinity of the site are limited. There is a bus route approximately 1.2km away along Ashton Road (Route 89) linking Lancaster to Knott End but this appears to be a school service only. As such it is considered that access and navigation would be difficult by either walking or cycling, given the nature of the road and distances and that this would be unrealistic throughout the year, particularly in the dark winter months. As such, the opportunities to use sustainable modes of transport to and from the site are limited. In terms of this, the proposal is not considered to form a sustainable form of development in locational terms and is therefore contrary to criteria V of Policy DM9. However, the need to travel by car applies to other rural dwellers nearby (and it is not uncommon in such areas) and the distances are relatively short, involving drive times of less than 10 minutes. Furthermore, paragraph 109 of the NPPF acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that this should be taken into account in decision making.

5.2.9 Policy H of the PPTS provides national guidance on determining planning applications for Traveller sites. Paragraph 22 of this document states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 23 goes on to say that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and the Planning Policy for Traveller Sites document. Paragraph 24 of the PPTS advises that consideration should be given to the existing level of local provision and need for sites, the availability (or lack) of alternative accommodation for the applicants and other personal circumstances of the applicant as well as other relevant matters. Paragraph 24 also advises that local planning authorities should determine applications for sites from any travellers and not just those with local connections.

5.2.10 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Paragraph 25 goes on to advise that local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure. It is considered that the

scale of the proposal would not dominate the nearest settled community nor would it put undue pressure on local infrastructure.

5.2.11 In consideration of this application the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010 are acknowledged. Given the intended site occupiers are Gypsies, they have a protected characteristic for the purposes of the PSED. Article 8 of the HRA requires that decisions ensure respect for private and family life and the home. There is also a positive obligation imposed by Article 8 to facilitate the Gypsy way of life. When Article 8 rights relate to children, they must also be considered in the context of Article 3 of the United Nations Convention on the Rights of the Child. This requires a child's best interests to be a primary consideration. It is acknowledged that the refusal of the application could lead to the applicant's eviction from the site, as such affecting their private and family life. The application sets out the personal circumstances of the applicant and his family which is a material consideration in the determination of this application. The lack of a settled base would make it more difficult for residents to access the education and healthcare facilities they are currently engaging with. Therefore, the personal needs of the occupants (in terms of education and medical reasons) is a material consideration, and is afforded great weight, but this weight would not necessarily outweigh any harm which may be identified in the full consideration of the proposal.

5.2.12 As it stands there is a lack of allocated sites within or adjacent to the urban areas and the need for Gypsy and Traveller sites identified in the Gypsy and Traveller Accommodation Assessment 2017 have not been met. If it can be demonstrated that appropriate sites cannot be identified within the specified urban areas criterion (iii) of policy DM9 allows for sites in the sustainable settlements identified within policy SP2 of the SPLADPD where such sites will neither dominate nor be disproportionate to the scale of the existing community. In this case, the site is situated in the Parish of Aldcliffe-with-Stodday which does not include a sustainable settlement designated within policy SP2. The location is therefore contrary to the aims of national policy and the locational requirements of policy DM9.

5.2.13 Paragraph 26 of the PPTS advises that when considering applications, local planning authorities should attach weight to the following matters:

a) effective use of previously developed (brownfield), untidy or derelict land

b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness

c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children

d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

5.2.14 The NPPF glossary defines previously developed land as follows:

"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

5.2.15 The site has an existing equine use with stable block through a previous planning permission. As such, it is considered that the site is previously developed land within the definition of the NPPF. However, it is recognised that the former character and impact of the site was closely akin to prevailing agricultural land uses, so the policy objective to make effective use of previously developed land is considered to be of little weight in this instance. Prior to the unauthorised development taking place it is not considered that the land was untidy or derelict. As such, it is considered that limited weight should be applied to this consideration.

5.2.16 It is considered that whilst the sustainable credentials of the site are limited and this weighs against the proposal, this must be weighed against the fact that the proposal would contribute to a currently

unmet need for Gypsy and Traveller accommodation within the District and due regard must be given to the personal circumstances of the family and the Public Sector Equality Duty (PSED).

5.3 **Design and landscape impact** - NPPF section 12 (Achieving well-designed and beautiful places), Section 15 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations (SPLA) DPD policy EN3 (Open countryside); Development Management (DM) DPD policies DM4 (Residential Development Outside Main Urban Areas), DM29 (Key Design Principles) and DM46 (Development and Landscape Impact); Aldcliffe-with-Stodday Neighbourhood Development Plan policies ASNP3 (Protecting and Enhancing Local Character and Landscape) and policy ASNP4 (Promoting High Quality and Detailed Design)

5.3.1 Aldcliffe with Stodday lies within Natural England's National Character Area 31 - Morecambe Coast and Lune Estuary. More locally, A Landscape Strategy for Lancashire, Landscape Character Assessment, 2008 identifies the landscape character area as Low Coastal Drumlins. The site occupies one of the higher points within this area of rolling topography. The national guidance states that particular regard should be made to the aesthetic compatibility with the local environment and says that when considering applications, the local planning authority should attach weight to sites being well planned or soft landscaped in such a way to positively enhance the environment and increase its openness.

5.3.2 Policy DM46 seeks to protect and enhance landscape within the District. This policy offers support to development that is in scale and keeping with the landscape character and is appropriate to its surroundings in terms of siting, scale, massing, design, materials, external appearance and landscaping. Consideration must be given to both the individual and cumulative impacts of a proposal.

5.3.3 Policy DM29 states that new development should make a positive contribution to the surrounding landscape and should contribute positively to the identity and character of the area through good design. This is also reiterated by the policies contained within the Aldcliffe with Stodday Neighbourhood Development Plan (ASNP). Policy ASNP3 advises that topography should be considered in the positioning and layout of buildings and the distinctive drumlin landscape should be protected. Policy ASNP3 advises that development should demonstrate how the design codes in the Aldcliffe with Stodday Design Code 2021 as set out at Appendix 4 have been incorporated into designs. New buildings should be in harmony with their setting, proportional to each other and existing buildings, and enhance and complement the overall street character.

5.3.4 As well as setting out that preference will be given to new sites within the main urban areas and sustainable settlements, policy DM9 also sets out design principles for sites and requires the inclusion of soft landscaping. Concerns were raised in respect of the previously refused application regarding the landscape impacts of the proposal. Unlike the previous submission, this application is supported by a Landscape Design Statement which states that the site layout has been designed to minimise the landscape and visual amenity impacts of the development. The landscape proposals include the following:

- The introduction of 14 no. new native trees to provide landscape structure and improve the sites arboricultural and bio-diversity value. These trees would be planted in the southern end of the site.
- The introduction of 370 square metres of native woodland buffer planting to provide landscape structure and improve the biodiversity of the site. The native woodland buffer would comprise a 2m wide belt for an approximate height of 100m along the eastern site boundary following the removal of a 25m length of close boarded fencing. Tree planting is also proposed along a 56m length of the southern boundary which would range from 6m wide to 1.5m.
- The introduction of 70 square metres of native bulb drifts for seasonal colour and to improve the biodiversity of the site.
- A new fencing strategy to improve the ‘openness’ of the equestrian yard at the front of the site and re-introduce boundary treatments indicative of the character of the area. A length of existing 1.8m high close boarded timber fencing would be replaced with a 1.2m high post and rail fencing.

It is considered that the proposed planting would serve to soften the site and provide a biodiversity enhancement and implementation of the submitted landscape details could be conditioned in the event of an approval.

5.3.5 The landscape plan sets out that an approximately 100m length of 1.8m high close boarded timber fencing on the western edge of the site will be replaced with 1.2m high post and wire fencing. However, the plan indicates that an approximately 55m length of close boarded 1.8m high fencing will be retained along the southern site boundary and approximately 42m along the western boundary. Although this will be softened to some degree by existing and proposed planting, the fence will appear incongruous in this rural location. However, it is acknowledged that the site has planning permission for a stables and menage associated with the permitted equine use of the site in this unprotected landscape.

5.3.6 A pitch would normally be expected to comprise a mobile home, a touring caravan and parking for two vehicles and an amenity block. The scheme includes the provision a single large dayroom (rather than one per pitch) as well as a barn. The proposed dayroom would have a footprint of 13.72m by 6m and would have a maximum height of 4.7m. Externally this building would comprise timber cladding and a tiled roof. The barn would be open fronted with a footprint of 13.72m by 6.1m with a maximum height of 5.41m. Externally the barn would comprise timber panelling under a metal clad roof. The use of timber would be compatible with other structures in the vicinity of the site. Nevertheless, it is considered that the impacts of the built development will be particularly visible from Arna Wood Lane to the west which is set down from the drumlin where the development site is located. Notwithstanding this, the built development would also be viewed in the context of existing equestrian stables, including the one within the site. Furthermore, the site is also viewed in the context of the solar farm which slopes down towards the Lune Estuary and a multi-use path to the west.

5.3.7 During the last site visit it was noted that a small flat roofed building had been erected on site. This is understood to house toilet facilities required in connection with a medical condition experienced by one of the site occupants. This building is not shown on the submitted plans and it is expected that this will be removed following the erection of the day room. Clarification is being sought on the point and Councillors will be updated at the meeting.

5.3.8 The proposal will clearly alter the character of the site but the proposed planting will help to break up views of the development. Although there will undoubtedly be some moderate landscape impacts arising from the additional built development, these impacts must be weighed against the other relevant matters of consideration in relation to sustainability, need and highway impacts.

5.4 **Highway impacts** NPPF section 9; Development Management DPD (Promoting sustainable transport); policies DM61 (Walking and Cycling) and DM62 (Vehicle Parking Provision); Aldcliffe-with-Stodday Neighbourhood Development Plan policy ASNP2 (Supporting Walking and Cycling)

5.4.1 The site would utilise an established point of access off Arna Wood Lane which runs off Aldcliffe Road, which links the site to Lancaster. Aldcliffe Road is a largely single-track lane with no pavement and informal passing places. Bus services in the vicinity of the site are limited. There is a route along Ashton Road (Route 89) linking Lancaster to Knott End. It is noted that a number of public comments raise the issue of highway safety given the restricted widths of Arna Wood Lane and Aldcliffe Road. As a result of the narrow lanes, the nearby Waste Water Treatment Works (WWTW) have implemented a one way system with vehicles such as tankers and HGVs, accessing the works along Snuff Mill Lane entering the works at its southern end and exiting the works at the northern end along Arna Wood Lane. This means that vehicles exiting the WWTW will use the same road as the access to the application site. United Utilities have advised that nothing should prevent access to the Treatment Works either during construction or post completion of the development.

5.4.2 It is considered that the previous equestrian use of the site (stables and menage) would have generated a relatively low level of traffic movement. In comparison, the current proposal would generate vehicular trips associated with three households. As such it is reasonable to assume that the proposed use would result in an increase in traffic movements to and from the site.

5.4.3 Concerns have been raised by local residents with regards to the potential highway impacts as a result of the development particularly given the narrow roads in the vicinity of the site which have a lack of footways. It has also been brought to officers attention that during the summer a mobile home was brought on to site on a low-loader and during this process several sections of hedging and

branches were cut away/damaged along Arna Wood Lane and Aldcliffe Lane. It is also understood that this process temporarily impeded access along Arna Wood Lane.

5.4.4 During consideration of the previous application the County Highways consultee was of the opinion that the level of traffic generated from a development of this size and nature (3 pitches) at this location would not have an unacceptable impact on the function of the surrounding highway network. The County Highways consultee was also of the view that the size and alinement of the access and the available sightlines are acceptable for a development of this size and nature and that the site also has adequate parking and turning within. Consequently, County Highways raised no objections to the previous application and was of the view that that the proposal would not have a severe impact on highway safety and highway capacity within the immediate vicinity of the site.

5.4.5 In response to the current application (for 3 pitches) the County Highways consultee has requested an Operation Statement detailing the expected trips generated to and from the site and the frequency of movements by the touring caravans as well as a swept path drawing of a touring caravan entering and exiting the site to ensure that the internal layout is suitable for these movements. The County Highways consultee has also requested details of how the mobile homes will be transported to the site and have also questioned whether the stable will be commercialised. This request was put to the agent who questioned its reasonableness in light of the County Highways comments made in response to the previous submission.

5.4.6 It is considered that a refusal on Highways grounds could not be substantiated on the lack of the requested information as it was not a matter raised in relation to the last application. It is evident on site that visibility on exiting the access is acceptable and the turning of touring caravans within the site can be accommodated. When permission for the existing stables was granted, a condition was included to ensure that they were for private use only and not be used for any commercial/business purposes including livery use. In the event of an approval this condition could be reimposed. The agent has indicated willingness to accept a condition regarding the movement of mobile homes to and from the site but it is anticipated that this activity would be an infrequent one.

5.5 **Impacts on residential amenity** NPPF section 12 (Achieving well-designed and beautiful places); Development Management (DM) DPD policy DM29 (Key design principles)

5.5.1 The application site is located within a relatively isolated location with the closest neighbouring property, Arna Wood Farm located approximately 150m away to the north. As such, given the distances between the application site and this neighbour, it is not thought that the development would result in undue adverse impacts by way of noise or disturbance from the site.

5.5.2 In terms of residential amenity for the intended occupants, it is considered that the proposal sets out an acceptable layout and orientation of the pitches.

5.6 **Tree and ecology implications** NPPF section 15 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Environment); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland); Aldcliffe-with-Stodday Neighbourhood Development Plan policies ASNP1 (Conserving and Enhancing Local Biodiversity),

5.6.1 It is noted that public comments have raised concerns that a stretch of hedgerow and trees have been removed from the site. In reviewing Google Ariel images, it appears that there was previously a substantial hedge along the western site boundary which may have subsequently been thinned out when the timber fence was installed. The site was previously grass but has since been surfaced in hardcore and therefore is considered to have limited ecological value. However, as highlighted in paragraph 5.3.4 of this report, a condition for planting and landscaping could be imposed in the case of an approval. Whilst the application was validated prior to the mandatory legal requirement to deliver biodiversity net gain (BNG), the implementation of the proposed additional landscaping and planting will enhance the biodiversity of the site.

5.6.2 Following a Habitat Regulations Assessment (separate document) a homeowner information pack is required in order mitigate likely significant effects on European protected sites. This can be secured by condition in the event of an approval.

5.7 **Flood risk and drainage** NPPF section 14 (Planning for Climate Change), 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); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment); Aldcliffe-with-Stodday Neighbourhood Development Plan policy ASNP8 (Surface Water Drainage)

5.7.1 The site is within Flood Zone 1 which is an area of low risk of flooding. Policy DM34 requires surface water to be managed in a sustainable manner in new development through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes. This is echoed within ASNP8 of the NDP.

5.7.2 During the course of the application a Drainage Strategy (including percolation testing) has been submitted in order to address concerns regarding surface water run off meeting the highway. This indicates a soakaway to be located within the south-east corner of the site. With regard to foul drainage a package treatment plant will be sited in the southern part of the site. The submitted drainage details have been considered by the Council's Engineer and found to be acceptable subject to a condition relating to the final detailed design and management and maintenance plan.

5.8 **Intentional unauthorised development** Written Ministerial Statement 2015

5.8.1 As noted in the description the application is partially retrospective with hardcore having been laid and residential occupation commenced. The local planning authority were made aware of this in October 2021.

5.8.2 The Written Ministerial Statement of 2015 provides that intentional unauthorised development is a material consideration to be weighed in the determination of planning applications. This arose from the Government's concern about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place.

5.8.3 When a Council Officer visited the site in October 2021, they were advised by the applicant that he thought a planning application had been submitted by his agent. The Council Officer then contacted the agent who acknowledged that they had been instructed by the applicant to submit an application but that the submission had been delayed due to illness of the agent. The first application was received in December 2021 but was not valid until January 2022. In light of this it appears that the applicant was aware of the need for planning permission but continued to develop and occupy the site. As such it is considered that there is a case of intentional unauthorised development but that the applicant did not intend for the development to remain unauthorised.

5.8.4 Occupation of the site has resulted in an unauthorised use and works which included the laying of hardcore and as a result it is not possible to understand impacts relating to biodiversity. As such the harm resulting from the intentional unauthorised development should be afforded moderate weight against the proposal.

6.0 Conclusion and Planning Balance

6.1 The current submission differs to the previously refused scheme with regard to a revised layout, proposed landscaping and additional information regarding the personal needs of the applicant and his family as well as drainage details submitted during the course of the application.

6.2 The development would result in harm to the character and appearance of the Open Countryside which is afforded moderate weight as is the harm resulting from the intentional unauthorised development. The site also has poor access to services and facilities by sustainable modes of transport and will inevitably result in increased vehicular movements to and from the site, albeit for a relatively short distance to access shops and services.

6.3 Weighed against this is the fact that the Council is unable to demonstrate a 5 year supply of Gyspy and Traveller sites, with no prospect of allocations being made in the near future. As such there is currently an unmet need and the lack of any suitable alternative sites available to the applicant and

his family carry great weight. Regard must be given to the protected characteristics of the applicant and his family including medical needs and the educational needs of the children under the Public Sector Equality Duty.

6.4 While the concerns raised within the public comments and by the Parish Council are acknowledged, the great weight afforded to the personal circumstances of the applicant and lack of allocated sites outweighs the moderate landscape harm and less than ideal sustainable credentials of the sites location. As such, on balance, the application is recommended for approval.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale for implementation of built development	Control
2	Development in accordance with submitted plans	Control
3	Submission of final detailed foul and surface water drainage scheme	Within 3 months of decision
4	Details of external lighting	Within 3 months of decision
5	Details of a refuse collection point	Within 3 months of decision
6	Highways operation plan	Prior to further movements of mobile homes being brought to or from the site
7	Submission of external material details	Prior to installation
8	Implementation of Landscape Plan	Within first planting season following construction
9	Layout as per approved plan	Control
10	No more than three static mobiles and three touring caravans	Control
11	Day room not to be occupied as a separate dwelling	Control
12	Use of barn in connection with stable use	Control
13	Occupation limited to Gypsies and Travellers	Control
14	No commercial activities	Control
15	Private use of stables	Control
16	Parking provision as per plan	Control
17	Provision of Homeowner pack	Within 3 months of decision

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	A7
Application Number	24/00834/FUL
Proposal	Installation of a temporary coast sense column
Application site	Scalestones Point Marine Road East Morecambe Lancashire
Applicant	Mr Graham Lumbery
Agent	Mr Steve Chapman MRTPI
Case Officer	Ms Sophie Taylor
Departure	
Summary of Recommendation	Approval, subject to conditions

1.0 Application Site and Setting

1.1 The site which forms the subject of this application is Scalestones Point located along Marine Road East in Morecambe. Scalestones Point extends slightly into the bay, close to Morecambe Golf Club. The development would be located on the grassed area located just off the A5105.

1.2 The proposal is located within the Open Countryside and partly within a Mineral Safeguarding Area. Flood zone 2 and 3 are adjacent to the site but the site itself does not fall within them. Morecambe Bay is located in close proximity to the RAMSAR, Special Protection Area, Special Area of Conservation and SSSI designations.

2.0 Proposal

2.1 This application seeks temporary planning permission for the erection of a coastal monitoring radar mast and equipment box. The column would be based on a galvanised steel lighting column design with a height of approx. 16.5 metres including the lighting and radar equipment. The associated equipment box is to be located adjacent to the column and measures 1.6 metres high.

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
05/00633/FUL	Siting of a sculpture	**Permitted**

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No response.
Engineering Team	No response.
Environment Agency	No response.
Natural England	**No objection.** The proposal is not considered to have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
Environmental Health	No response.

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

1 objection has been received from members of the public raising the following material planning concerns:

- Insufficient information regarding the applicant, the purpose and how long it will be in situ.

This issue has been addressed in the subsequent report.

5.0 Analysis

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

- Principle of Development
- Design and Landscape
- Ecology

5.2 **Principle of Development** (NPPF Section 2. Achieving sustainable development.)

5.2.1 The development forms part of the Our Future Coasts project and is one of 14 sites across the North-West coastline. The programme facilitates the systematic collection of coastal monitoring data to inform sustainable decision making on the coast. The programme will provide information to improve understanding of coastal processes, with a particular focus on understanding channel movements and evolution. This information will be used to assist coastal management to make informed decisions on how to protect the coast from erosion and flooding. The monitoring has previously taken place in a mobile format based around a shipping container. The development is intended to be temporary for a period of 3 years. The applicant has set out that the equipment needs a good line of sight to the beach and sea and must be mounted at a sufficiently high elevation to ensure the best possible data collection. The site selected is based on the optimum location for the operation of the equipment. The principle of such development is supported. As the proposal is intended to be temporary in nature, a condition requiring the development to be removed and site restored within the specified temporary period is recommended.

5.3 **Design and Landscape** (NPPF Section. 12 Achieving well-designed and beautiful places, Section 15. Conserving and enhancing the natural environment; Strategic Policies and Land Allocations DPD Policies: EN3: The Open Countryside; Development Management DPD Policies: DM29 Key Design Principles, DM30: Sustainable Design, DM46: Development and Landscape Impact)

5.3.1 The column would be visible in wider landscape views along the jetty and promenade. Whilst there are currently no features of this height located at the site, there is several surrounding lighting infrastructures located along the footpath running adjacent to the site. It is considered that the proposal would not be unacceptably obtrusive. The proposal would result in a low level of harm to the character and appearance of the immediate location; however, this would be temporary in nature. Furthermore, the benefits entailed with the proposal regarding the coastal process management are important and sufficient to justify the development overall.

5.4 **Ecology** (NPPF Section 15. Conserving and enhancing the natural environment; Strategic Policies and Land Allocations DPD Policies SP8: Protecting the Natural Environment, EN7: Environmentally Important Areas; Development Management DPD Policies: DM29: Key Design Principles, DM44: The Protection and Enhancement of Biodiversity)

5.4.1 The development is located outside of but in close proximity to the Ramsar, Special Protection Area, Special Area of Conservation and SSSI designations. The surrounding environment is ecologically sensitive, and the development will enable improved understanding of the coastal processes which take place within them. The installation of the development would be minor in nature including the excavation of a small area of hardstanding to facilitate a foundation for the equipment. The design of the structure is akin to a lighting column of which there are many within the area, as such there are not considered to be any longer-term impacts, such as to species associated with the ecological designation, during the lifetime of the development. Natural England have raised no objection to the proposal.

5.4.2 The development is not required to provide mandatory Biodiversity Net Gain as the proposal benefits from the de Minimis exemption.

6.0 Conclusion and Planning Balance

6.1 The development will enable the collection of data to help improve understanding of coastal processes within the wider Morecambe Bay environment. The principle of the development is supported. The development will have a visual impact; however, it is not deemed to be dissimilar to existing lighting infrastructure within the area. The benefits associated with this development, combined with its temporary nature is considered to justify the development in design and landscape terms. The development is also considered to be acceptable with respect to ecological considerations.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale	**Control**
2	Approved plans	**Control**
3	Temporary 3 year consent and site reinstated following decommissioning	**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

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
22/00129/DIS	Land To The South Of Lawsons Bridge Site, Scotforth Road, Lancaster Discharge of condition 8 on approved application 22/00423/VCN for Northstone Developments Ltd. (Scotforth West Ward)	Application Permitted
23/00759/FUL	Riverside, Bentham Road, Wennington Demolition of existing attached garage to side and rear conservatory, construction of a gable roof over existing rear flat roof, erection of a single storey rear extension, replacement front porch, detached garage, installation of solar panels to the rear elevation, and replacement of existing render with lime rendered harling for Mr & Mrs Webster (Upper Lune Valley Ward)	Application Permitted
23/00992/FUL	Land And Buildings At Grid Reference E362045 N475610, Woodman Lane, Cowan Bridge Demolition of existing barn, change of use and conversion of an existing barn to one dwelling (C3), erection of three dwellings (C3), installation of sewage treatment plant, construction of boundary walls and associated parking and landscaping for Mr & Mrs Warburton (Upper Lune Valley Ward)	Application Refused
23/01116/REM	Land At OS Grid Reference E346502 N452533, Lancaster Road, Cockerham Reserved matters application for the erection of 4 dwellings for Mr P Hewitt (Ellel Ward)	Application Permitted
23/01489/FUL	12 Quernmore Road, Caton, Lancaster Erection of a two storey side and rear extension and single storey rear extension for Mr Matthew Parkinson (Lower Lune Valley Ward)	Application Permitted
24/00037/DIS	Land Off, Wyresdale Road, Lancaster Discharge of conditions 8,9,16,17 and 18 on approved application 22/00817/VCN for Mr Chris Middlebrook (John O'Gaunt Ward)	Application Permitted
24/00043/DIS	Land At Grid Reference E346580 N452460, Lancaster Road, Cockerham Discharge of conditions 9,13 and 14 on approved application 23/00750/VCN for Mr Wilson (Ellel Ward)	Application Permitted
24/00044/DIS	Land To The East Of Lancaster Road And North Of Willey Lane, Lancaster Road, Cockerham Discharge of conditions 3,4,5, and 8 on approved application 22/00144/REM for Mr Wilson (Ellel Ward)	Split Decision
24/00045/DIS	Land At Grid Reference E346580 N452460, Lancaster Road, Cockerham Discharge of conditions 3 and 5 on approved application 22/00145/FUL for Mr Wilson (Ellel Ward)	Split Decision
24/00051/DIS	Land To The South Of Lawsons Bridge Site, Scotforth Road, Lancaster Discharge of condition 8,9,13,19 on approved application 22/00423/VCN for Northstone Development Ltd. (Scotforth West Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00085/FUL	Land Alongside The Highway , From Lancaster Sub Station To Proposed Solar Farm On Grimeshaw Lane, Quernmore, Installation of an underground electricity cable for Opdenergy UK 6 Limited (Lower Lune Valley Ward)	Application Withdrawn
24/00088/DIS	13 - 15 Sun Street, Lancaster, Lancashire Discharge of conditions 6 and 7 on approved application 22/01476/LB for Mr R Braithwaite (Castle Ward)	Application Permitted
24/00089/DIS	13 - 15 Sun Street, Lancaster, Lancashire Discharge of condition 3 on approved application 22/01485/FUL for Mr R Braithwaite (Castle Ward)	Application Permitted
24/00101/DIS	Land At Grid Reference E346728 N452419, Willey Lane, Cockerham Discharge of conditions 4, 5, 6, 7, 8 and 9 on approved application 23/00855/OUT for Mr P Hewitt (Ellel Ward)	Application Permitted
24/00115/ELDC	Kendal Hill Farm, Dobs Lane, Glasson Dock Existing lawful development certificate for the siting of a static caravan for residential use for Mrs Virginia Charnley (Ellel Ward)	Lawful Development Certificate Granted
24/00132/DIS	Land At Grid Reference E346580 N452460, Lancaster Road, Cockerham Discharge of conditions 3,4,5,6,7 and 8 on approved application 22/00147/FUL for Mr Wilson (Ellel Ward)	Split Decision
24/00133/DIS	Land To The South Of Lawsons Bridge Site, Scotforth Road, Lancaster Discharge of condition 3 and 10 on approved application 23/00802/REM for Northstone Development Ltd. (Scotforth West Ward)	Application Permitted
24/00146/DIS	Lancaster Castle , Castle Park, Lancaster Discharge of condition 3 on approved application 17/00688/FUL for Mr Adam Brooks (Castle Ward)	Application Permitted
24/00147/DIS	Land At The Rear Of 105 White Lund Road, Morecambe, Lancashire Discharge of conditions 3,4,5 and 6 on approved application 23/00553/FUL for Mr John Allison (Westgate Ward)	Split Decision
24/00154/DIS	Land Off, Wyresdale Road, Lancaster Discharge of conditions 6 and 7 on approved application 22/00817/VCN for Mr Chris Middlebrook (John O'Gaunt Ward)	Application Permitted
24/00160/DIS	Management School, Gillow Avenue, Lancaster University Discharge of condition 3 on approved application 24/00245/FUL for Mr Stuart Foy (University Ward)	Application Permitted
24/00161/DIS	Lancaster Castle , Castle Park, Lancaster Discharge of conditions 3 and 4 on approved application 24/00043/LB for Mr Adam Brooks (Castle Ward)	Application Permitted
24/00165/DIS	Greywalls Bungalow, Lindeth Road, Silverdale Discharge of conditions 3 and 4 on approved application 24/00009/FUL for Mr M Roberts (Silverdale Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00173/DIS	Lancaster Castle , Castle Park, Lancaster Discharge of condition 3 on approved application 17/00689/LB for Mr Adam Brooks (Castle Ward)	Application Permitted
24/00182/DIS	Lancaster Music Co-op, 1 Lodge Street, Lancaster Discharge of conditions 3 and 4 on approved application 23/01263/FUL for Mr Jonathan Noad (Castle Ward)	Application Permitted
24/00196/FUL	Land Adjacent Ingleton House, University Of Cumbria, Coulston Road Installation of four lighting columns for Rosalynn Stewart (Bowerham Ward)	Application Permitted
24/00197/DIS	Lower Hide, RSPB Leighton Moss, Storrs Lane Discharge of condition 3 on approved application 24/00624/FUL in relation to cladding for Mrs Jenni Myers (Silverdale Ward)	Application Permitted
24/00198/FUL	Stepaside, Denny Beck Lane, Quernmore Erection of a single storey side and rear extension for Mr Adam Wilcock (Lower Lune Valley Ward)	Application Permitted
24/00199/DIS	Lower Hide, RSPB Leighton Moss, Storrs Lane Submission of Biodiversity Gain Plan on approved application 24/00624/FUL for Mrs Jenni Myers (Silverdale Ward)	Application Permitted
24/00291/FUL	5 Bazil Grove, Overton, Morecambe Erection of a single storey side extension with balcony above, single storey front porch extension, raising of part of roof to match highest part of existing roof with construction of dormer extensions to front and rear elevations to create additional storey for Mr And Mrs T Ball (Overton Ward)	Application Permitted
24/00338/FUL	Land West Of Hunting Hill Lodge, Hunting Hill Road, Carnforth Erection of detached dwelling for Ms AMJ Sharples (Carnforth And Millhead Ward)	Application Permitted
24/00619/FUL	7 Johnson Close, Carnforth, Lancashire Erection of single storey side extension for Mr Philip Benson (Carnforth And Millhead Ward)	Application Permitted
24/00655/LB	Bell Farm, Caton Green Road, Caton Green Listed building application to facilitate the conversion of barn into two dwellings including replacement and creation of windows and doors and alterations to internal layout for Mr Kenneth Drinkwater (Lower Lune Valley Ward)	Application Permitted
24/00660/FUL	Croftlands, Blea Tarn Road, Scotforth Widening of existing access and associated landscaping for Mrs Lynda Swan (Ellel Ward)	Application Permitted
24/00667/FUL	Halton Park Farm, Park Lane, Halton Retrospective application for siting of static caravan for Mr Michael Barker (Halton-with-Aughton And Kellet Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

24/00673/FUL	Park Hotel, 91 Regent Road, Morecambe Change of use and conversion of former hotel (C1) to create 17 apartments (C3) including demolition of rear extensions and erection of a part 4 storey, part single storey extension to rear and a single storey extension to the side, installation of solar panels to rear roof slope, creation of garden area and car park and erection of 6 dwellings (C3) on land to the rear for Mr A Potocki (West End Ward)	Application Refused
24/00678/FUL	Bell Farm, Caton Green Road, Caton Green Conversion of barn into two dwellings including replacement and creation of windows and doors for Mr Kenneth Drinkwater (Lower Lune Valley Ward)	Application Permitted
24/00683/FUL	Banks Lyon Jewellers & Banks Lyon Shoes, 36 - 44 Church Street, Lancaster Alterations to the existing shopfront for Mr Rodney Banks-Lyon (Castle Ward)	Application Permitted
24/00684/LB	Banks Lyon Jewellers & Banks Lyon Shoes, 36 - 44 Church Street, Lancaster Listed building application for alterations to the existing shop front and alterations to the internal layout and repair works for Mr Rodney Banks-Lyon (Castle Ward)	Application Permitted
24/00687/FUL	Land To South Eaves Wood, Back Lane, Borwick Retrospective application for the erection of agricultural buildings and associated hardstanding for Mrs V Wilson (Warton Ward)	Application Refused
24/00708/LB	Clougha Cottage, Quernmore Brow, Quernmore Listed building application for replacement of uPVC door and window with timber door and window for Mrs Flavia Rodriguez (Lower Lune Valley Ward)	Application Permitted
24/00709/FUL	9 Melling Brow, Melling, Carnforth Alterations to existing rear garden room including construction of walls, installation of bifold doors and glazed panel, installation of flue and extension of roof to incorporate canopy for Mrs Catherine Willison (Upper Lune Valley Ward)	Application Permitted
24/00710/FUL	66 Hornby Road, Caton, Lancaster Demolition of existing conservatory and erection of a single storey front/side extension and a single storey rear extension for Mr Sam Huddleston (Lower Lune Valley Ward)	Application Permitted
24/00713/PLDC	8 Hope Street, Lancaster, Lancashire Proposed Lawful Development Certificate for the conversion of a 3-bed house in multiple occupation to a 6-bed house in multiple occupation for Mr James Griffiths (John O'Gaunt Ward)	Lawful Development Certificate Granted
24/00726/FUL	22 Longmeadow Lane, Heysham, Morecambe Erection of a single storey rear extension to lower ground floor, conversion of existing conservatory to form a sunroom and installation of replacement balustrade to rear for D Hainsworth (Heysham South Ward)	Application Refused
24/00739/FUL	Glenarra, Park Road, Silverdale Erection of a porch and conversion of existing garage, alterations to roof including raising of roof, construction of a dormer extension to the side and pitched roof over existing garage for Mr & Mrs Livesey (Silverdale Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00747/FUL	26 Westmoor Grove, Heysham, Morecambe Erection of two storey side extension including a rear dormer for Mr Craig Penistone (Overton Ward)	Application Refused
24/00749/FUL	4 Harrowdale Park, Halton, Lancaster Erection of a single storey rear extension for Mr and Mrs Gibbs (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00751/FUL	20 Hornbeam Road, Lancaster, Lancashire Change of use of social club to charity meeting, event and office space (Use Class E(f)) for Mrs L Duncalf (Marsh Ward)	Application Permitted
24/00752/ADV	W H Smith, 21 Market Street, Lancaster Advertisement application for the display of a non-illuminated vinyl window sign for Mr Corrick (Castle Ward)	Application Permitted
24/00759/VCN	Land At Grid Reference E346580 N452460, Lancaster Road, Cockerham Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane (pursuant to the variation of condition 11 on planning permission 23/00750/VCN to amend the accommodation schedule) for L&W Wilson (Higham) Ltd (Ellel Ward)	Application Refused
24/00767/FUL	70 Middleton Road, Heysham, Morecambe Retrospective application for the construction of a pergola for Miss Kerry Dickson (Heysham South Ward)	Application Refused
24/00780/FUL	2 Queen Street And 5A Back Queen Street, Morecambe, Lancashire Construction of pitched roof for Mr R Ashton (Poulton Ward)	Application Permitted
24/00787/FUL	23 Coach Road, Warton, Carnforth Demolition of garage and conservatory, erection of two storey side and rear extensions and first floor extension to the front, raising of roof, construction of dormer extensions to front and rear elevations, installation of rooflight windows for Mr and Mrs Toby Turner (Warton Ward)	Application Permitted
24/00795/FUL	22 Westgate Park Road, Morecambe, Lancashire Erection of ground floor rear and side extension, construction of a rear dormer extension and hip to gable alteration for Miss Angela Wilkinson (Westgate Ward)	Application Permitted
24/00796/FUL	57 Tranmere Crescent, Heysham, Morecambe Demolition of existing garage and erection of new garage for Mr M Wainwright (Heysham Central Ward)	Application Permitted
24/00797/LB	Lancaster Quaker Meeting House , Meeting House Lane, Lancaster Listed building application for the repair of roof truss at south pitch for Jim Bennetts (Castle Ward)	Application Permitted
24/00803/FUL	12 Airedale, Galgate, Lancaster Conversion of garage into habitable room and replacement of garage door for window for Mrs Cynthia Blackhurst (Ellel Ward)	Application Permitted
24/00805/FUL	28 Stankelt Road, Silverdale, Carnforth Change of use of ancillary building from residential to holiday let (sui generis) for Mr & Mrs Blaydes (Silverdale Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00807/LB	W H Smith, 21 Market Street, Lancaster Listed building application for the display of a non-illuminated vinyl window sign for Mr Neil Corrick (Castle Ward)	Application Permitted
24/00813/FUL	25 Roosevelt Avenue, Lancaster, Lancashire Part retrospective application for the erection of boundary fences to the side for Mr Lama Ghassan Jayhousi (Marsh Ward)	Application Permitted
24/00814/FUL	2 The Paddocks, Hest Bank, Lancaster Installation of a 16.2 meter single row of ground mounted solar photo-voltaic panels for Lee Grant (Bolton And Slyne Ward)	Application Permitted
24/00816/FUL	10 The Spinney, Lancaster, Lancashire Erection of a single storey side extension for Mr Peter McHugh (Bowerham Ward)	Application Permitted
24/00819/FUL	4 Arna Wood Barn, Arna Wood Lane, Aldcliffe Replacement of front door and window frame for Mr Michael Smith (Scotforth West Ward)	Application Permitted
24/00820/FUL	18 King Street, Lancaster, Lancashire Change of use of existing vacant ground floor shop (Class E) to restaurant (Class E(b)), retention of flue to the rear and associated equipment, installation of an acoustic barrier and associated internal alterations for Mr Sutharsan Nagalingam (Castle Ward)	Application Permitted
24/00826/LB	1 Thurnham House , Thurnham Street, Lancaster Listed building application for replacement of three external doors for Mr David Pilling (Castle Ward)	Application Permitted
24/00828/FUL	Flat 4, 9 Park Street, Morecambe Construction of dormer extension to rear roof elevation for Annette Jenkinson (Bare Ward)	Application Permitted
24/00829/FUL	16 Church Park, Overton, Morecambe Erection of single storey rear extension for Sarah Maude (Overton Ward)	Application Permitted
24/00838/PAH	176 Bare Lane, Morecambe, Lancashire Erection of a 6 metre deep, single storey rear extension with a maximum eaves height of 3 metres and a maximum roof height of 3.5 metres for Mr And Mrs Hirst (Torrisholme Ward)	Prior Approval Not Required
24/00840/FUL	21 Monkswell Drive, Bolton Le Sands, Carnforth Erection of a conservatory to rear elevation for Mr & Mrs Fitzgerald (Bolton And Slyne Ward)	Application Permitted
24/00846/PAM	Field North Of, Scriffen Lane, Ellel Prior approval for the installation of 25m lattice tower with 6 antennas,1 transmission dish, 1 GPS module, 3 equipment cabinets, 1.8 m high fencing and gates with associated underground cabling and ancillary development for Britannia Towers (Ellel Ward)	Prior Approval Refused
24/00847/CU	31 Market Street, Carnforth, Lancashire Retrospective change of use of shop (Class E) to nail and beauty salon (Sui Generis) for Mr Richard Catchpole (Carnforth And Millhead Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00848/PLDC	36 Grasmere Road, Lancaster, Lancashire Proposed lawful development certificate for the construction of a dormer extension to the rear, replacement of all timber framed windows and doors with uPVC, installation of 2 rooflights to the front elevation for Mr. S. Montgomery (Bulk Ward)	Lawful Development Certificate Granted
24/00849/LB	1 Laurel Bank, Lancaster, Lancashire Listed building application for the partial removal of internal loadbearing wall and removal of internal door for Mr Charles Forsberg (Marsh Ward)	Application Permitted
24/00854/VCN	1 The Drive, Hest Bank, Lancaster Erection of a two storey side extension and single storey rear extension, including associated landscaping and installation of a soakaway (pursuant to the variation of condition 2 on planning permission 24/00094/FUL to amended the approved plans) for Mr Michael Child (Bolton And Slyne Ward)	Application Permitted
24/00855/FUL	8 Craiglands Court, Aldcliffe, Lancaster Erection of single storey rear extension, a first-floor side extension over existing garage, installation of rooflights and conversion of loft and garage to ancillary living accommodation for Mr Tayyib Dola (Scotforth West Ward)	Application Permitted
24/00858/FUL	47 Windermere Road, Lancaster, Lancashire Installation of Air Source Heat Pump to rear for Chloe Wilkinson (Bulk Ward)	Application Permitted
24/00861/NMA	Lancaster University , Bigforth Drive, Bailrigg Non material amendment to planning permission 24/00171/FUL to move position of Energy Centre building and store, alter the position of a door, include ramps, steps and paths, woodland path diversion, alterations to the parking bays and retaining wall for Lancaster University (University Ward)	Application Permitted
24/00862/FUL	43 Dutton Drive, Lancaster, Lancashire Erection of single storey rear extension for Mr A Nixon (Bulk Ward)	Application Permitted
24/00867/FUL	1 Laurel Bank, Lancaster, Lancashire Insertion of one window to the side elevation for Mr Charles Forsberg (Marsh Ward)	Application Permitted
24/00868/LB	1 Laurel Bank, Lancaster, Lancashire Listed Building application for insertion of two windows and installation of a ventilation grille to the side elevation for Mr Charles Forsberg (Marsh Ward)	Application Permitted
24/00869/FUL	Williamsland Farm, Hasty Brow Road, Slyne Installation of two air source heat pumps to the side elevation for Mr Gordon Owen (Bolton And Slyne Ward)	Application Permitted
24/00871/LB	Whittington Farm, Main Street, Whittington Listed building consent for replacement of timber windows for Mr and Mrs Mackareth (Upper Lune Valley Ward)	Application Permitted
24/00875/ADV	Land North Of Whernside Road, Watery Lane, Lancaster Advertising application for the display of a marketing sign for proposed development for Mrs Kelly Hill (Scale Hall Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00876/FUL	19 Sea View Drive, Hest Bank, Lancaster Demolition of rear conservatory and steps, erection of single storey rear extension and construction of raised terrace with staircase for Mr & Mrs D & S Campbell (Bolton And Slyne Ward)	Application Permitted
24/00878/LB	Lancaster Castle , Castle Park, Lancaster Listed building application for the installation of a WC in a former cell area, including new floor and all fixtures and fittings and remove secondary glazing from existing window for Sabine Skae (Castle Ward)	Application Permitted
24/00882/FUL	23 Mayfield Avenue, Lancaster, Lancashire Erection of a single storey rear extension for Mr D Ekpenyong (Scale Hall Ward)	Application Permitted
24/00887/NMA	Land South Of, Curwen Avenue, Heysham Non-material amendment to planning permission 20/00455/FUL to relocate wall for Mr P Brown (Heysham South Ward)	Application Refused
24/00888/PAH	11 Thornton Crescent, Morecambe, Lancashire Erection of a 6 metre deep, single storey rear extension with a maximum roof height of 3.34 metres and a maximum eaves heights of 2.9 metres for Mr G Boardman (Poulton Ward)	Prior Approval Refused
24/00890/FUL	11 Thornton Crescent, Morecambe, Lancashire Erection of single storey side extension for Mr G Boardman (Poulton Ward)	Application Permitted
24/00902/FUL	Lane End, Tarnwater Lane, Ashton With Stodday Installation of air source heat pump to side of garage for Mr GN Hall (Ellel Ward)	Application Permitted
24/00907/FUL	Rockery Cottage, Whitebeck Lane, Priest Hutton Installation of vehicular gates and associated pedestrian gate to driveway for Mr And Mrs Neil Oldfield (Warton Ward)	Application Refused
24/00908/LB	Rockery Cottage, Whitebeck Lane, Priest Hutton Listed building application for the installation of vehicular gates and associated pedestrian gate to driveway for Mr And Mrs Neil Oldfield (Warton Ward)	Application Refused
24/00910/PAD	Workshop, Princess Alexandra Way, Heysham Prior approval for the demolition of a workshop for Heysham Port Ltd (Overton Ward)	Prior Approval Granted
24/00917/FUL	339 Heysham Road, Heysham, Morecambe Erection of a single storey rear extension and erection of a detached garden room for Mr Mark Jackson (Heysham Central Ward)	Application Permitted
24/00918/PLDC	339 Heysham Road, Heysham, Morecambe Proposed lawful development certificate for construction of a hip to gable extension and construction of dormer extension to the rear elevation for Mr Mark Jackson (Heysham Central Ward)	Lawful Development Certificate Granted
24/00925/FUL	8 Shore Cottages, Shore Road, Silverdale Erection of a three storey rear extension and construction of a balcony to the rear elevation for Mr. & Mrs. Nick & Amanda Webster (Silverdale Ward)	Application Withdrawn

LIST OF DELEGATED PLANNING DECISIONS

24/00929/PAH	120 Broadway, Morecambe, Lancashire Erection of a 5.67 metre deep, single storey rear extension with a maximum roof height of 3.44 metres and a maximum eaves heights of 2.97 metres for Mr Norman (Bare Ward)	Prior Approval Not Required
24/00938/PLDC	8 Moorside Road, Brookhouse, Lancaster Proposed lawful development certificate for replacement roof tiles for Mr and Mrs Alan Sturman (Lower Lune Valley Ward)	Lawful Development Certificate Granted
24/00944/PLDC	21 Pinewood Avenue, Bolton Le Sands, Carnforth Proposed lawful development certificate for the erection of a single storey rear extension for Mr Paul McMeeking (Bolton And Slyne Ward)	Lawful Development Certificate Granted
24/00955/ELDC	14 Blades Street, Lancaster, Lancashire Existing Lawful Development Certificate for use of property as House in Multiple Occupation for up to 6 people (C4) for Mr Philip Brierley (Castle Ward)	Lawful Development Certificate Granted
24/00956/NMA	Lancaster Community Fire And Ambulance Station, 38 Cable Street, Lancaster Non-material amendment to planning permission 23/01171/FUL to replace existing sliding security gate with new bi-fold gate for Lancashire Fire And Rescue Service (Castle Ward)	Application Refused
24/00958/NMA	162 Scotforth Road, Lancaster, Lancashire Non-material amendment to planning permission 23/01178/FUL to alter external finish of rear extension to smooth sand and cement render for Mrs Violet Davis (Scotforth West Ward)	Application Permitted
24/00973/NMA	Land North Of Old Hall Farm, Kirkby Lonsdale Road, Over Kellet Non-material amendment to planning permission 20/00405/REM for amendments to Plot 17 including house type and plot location for Oakmere Homes (Northwest) Ltd (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00992/AD	New Brows Farm, Carr Lane, Middleton Agricultural determination for the surfacing of yard for Mr L Baxter (Overton Ward)	Prior Approval Not Required
24/00996/NMA	23A Bye-pass Road, Bolton Le Sands, Lancashire Non-material amendment to planning permission 24/00068/VCN to change to use of garage to living area, to install window in place of garage door and to adjust parking area for Mr & Mrs Liam Hargreaves (Bolton And Slyne Ward)	Application Permitted
24/01000/AD	Cockhall Farm, Main Road, Thurnham Agricultural determination for the construction of concrete yard for Mr Joe Clarkson (Ellel Ward)	Prior Approval Granted
24/01011/PLDC	9 Sizergh Road, Morecambe, Lancashire Proposed lawful development for the erection of a single storey rear extension for Mr And Mrs Threlfall (Bare Ward)	Lawful Development Certificate Granted
24/01012/EIR	Cotestones Farm, Sand Lane, Warton Screening request for the construction of roof over existing midden for Mr Paul Barker (Warton Ward)	ES Not Required

LIST OF DELEGATED PLANNING DECISIONS

24/01016/NMA	22 Fern Bank, Lancaster, Lancashire Non-material amendment to planning permission 23/00295/FUL to amend previously approved plan from single storey rear extension into two storey extension including revisions to the roof design and height for Mr J Udall (Scotforth West Ward)	Application Refused
24/01017/NMA	Land At Royal Albert Farm, Pathfinders Drive, Lancaster Non material amendment to planning permission 19/01568/FUL for amendments to house types on plots 1, 2,4, 14,15, and 18 including amendments to attached garages and modifications to roof to accommodate solar panels for Oakmere Homes (Northwest) Ltd (Scotforth West Ward)	Application Refused
24/01065/EIR	Halton Park Farm, Park Lane, Halton Screening opinion related to retrospective application for siting of static caravan for Mr Michael Barker (Halton-with-Aughton And Kellet Ward)	ES Not Required